



PATERNITY POLICY - SCHOOLS

Contents

1. Introduction

This policy is designed to ensure a fair, supportive and consistent approach in managing paternity leave requests whilst balancing the needs of the authority to provide services to the community.

It is also committed to ensuring equality and diversity across Blackburn with Darwen Borough Schools. The purpose of this policy is to provide an opportunity for our employees to integrate the development of a career with family responsibilities.

2. Scope

This policy applies to all employees in Community and Controlled schools where the Local Authority (LA) is the employer. It is also commended to all other schools in the borough.

3. Roles and Responsibilities

Employee – to submit their application using the standard form provided and provide notice in line with the requirements set out in section 9.

Manager/Headteacher –to send the application for leave and pay to your payroll provider for processing. Please be aware that you are responsible for ensuring that your payroll provider is aware of any changes in circumstances that have been notified to you by the employee.

4. Eligibility

4.1 Entitlement to unpaid leave to attend antenatal appointments for Fathers to be, Husbands, Partners and Civil partners.

Regardless of your length of service, from 1st October 2014 if your wife, partner or civil partner is expecting a child you will be entitled to unpaid time off to attend two ante-natal appointments with them during their pregnancy. As with Mothers-to-be attending ante-natal appointments, you must be prepared to show evidence of appointments if requested. Time off will be granted on the basis of actual time required to attend the appointment. If practicable, you must attend work prior to their appointment and return afterwards.

4.2 Entitlement to Paternity Leave (Birth)

In a birth situation, you are eligible to take either one week's leave or two consecutive weeks' leave for the purpose of caring for the child or supporting the child's mother if you:

- have been continuously employed for 26 weeks or more by the end of the 15th week before the mother's expected week of childbirth (or would have satisfied that condition but for the fact that the child was born before the end of that 15th week, was stillborn after 24 weeks of pregnancy or has died);
- are the child's biological father and have (or expects to have) responsibility for the child's upbringing, or you are the mother's husband, civil *partner or *partner (but not the child's biological father) and have or expect to have the main responsibility (apart from any responsibility of the mother) for the child's upbringing; and have formally notified the Council of the date on which you intend to take the paternity leave and, where applicable, have produced evidence supporting your claim for this leave.

4.3 Entitlement to Paternity Leave (adoption within the UK)

In an adoption situation, you are also entitled to one week's or two consecutive weeks' leave for the purpose of caring for the adopted child or supporting the child's adopter if you:

- have been continuously employed for a period of 26 weeks by the end of the week in which the child's adopter is formally notified by an approved adoption agency that he or she has been matched with a child for adoption;
- are married to, the civil *partner of, or the *partner of the child's adopter, and have or expect to have the main responsibility (apart from any responsibility of the adopter) for the child's upbringing; and
- have formally notified the Council of the date on which you intend to take paternity leave and, where applicable, have produced evidence supporting the claim for this leave.

4.4 Entitlement to Paternity Leave (adoption from overseas)

Under the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003 (SI 2003/921), you are also entitled to one week's or two consecutive weeks' leave for the purpose of caring for a child adopted from overseas or supporting the child's adopter if you:

- have been continuously employed for a period of 26 weeks ending with the week in which the child's adopter received "official notification" from the relevant domestic authority, or commencing with the week in which your employment with the employer began (to accommodate the possibility that the *official notification may have been

received a year or more before the child enters the UK and the employee may have changed employer in this time);

- are the spouse, civil **partner or partner of the child's adopter, and have or expect to have the main responsibility (apart from any responsibility of the adopter) for the child's upbringing; and
- have formally notified the Council of the date on which you intend to take paternity leave and, where applicable, has produced evidence supporting the claim for this leave.

5. Nominated Carer Support Leave

If you are not eligible for the above, you may be eligible for Nominated Carer Support Leave. You are eligible to take one week's leave if you have been nominated by the mother (or father if the child is being adopted) as their primary provider of support when the baby is born or the child is placed for adoption.

6. Timing of Paternity Leave

The timing of a period of leave must be such as to enable you to take your full entitlement to leave (one week's leave or two consecutive weeks' leave, as the case may be) either:

- within 56 days of the child's date of birth or, if the child was born prematurely, within the period from the actual date of birth up to 56 days after the first day of the mother's expected week of childbirth;
- in the case of a child adopted within the UK, within 56 days of the date on which the child was placed for adoption with you and/or your partner (whether that date occurs sooner or later than expected);
- in the case of a child adopted from overseas, within 56 days of the child's entry into Great Britain.

There is no provision in the Regulations for you to take less than one week's leave or less than two consecutive weeks' leave at any one time or to interrupt or foreshorten either period of leave, i.e split the leave over a number of weeks.

In a birth situation, you may choose to begin the leave from the date of the child's birth (whether this is earlier or later than expected), or from a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected) or from a predetermined date. A period of leave may start on any day of the week but must be completed within 56 days of the actual date of birth or, if the child is born prematurely, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

In the case of a child adopted within the UK, you may choose to begin your period of leave from the date of the child's placement with the adopter (whether this is earlier or later than expected), or from a chosen number of days or weeks after the date of the child's placement (whether this is earlier or later than expected) or from a predetermined date. A period of support leave may start on any day of the week on or following the child's placement with the adopter, but must be completed within 56 days of the date on which the placement occurred.

In the case of a child adopted from overseas, you may choose to begin your period of leave from the date of the child's entry into Great Britain or from a chosen date after the child's date of entry, so long as the leave is taken in full within 56 days of the child's entry into Great Britain.

Please be aware that you are only allowed to apply for one period of leave irrespective of whether more than one child is born as a result of the same pregnancy or placed for adoption at the same time. The leave must be used to support the mother/father or to care for the new baby/adoptee. The same right to leave exists for still births if your baby is born after 24 weeks of pregnancy.

7. Paternity Leave Pay and Entitlement

If you have at least 26 weeks' service with the Council by the end of the 15th week, before the week the baby is due (or the week in which a match is made with a child for adoption) and you continue to work for the Council (or School) until the baby's birth or child's placement, you are entitled to:

<u>Type of Leave</u>	<u>Leave Entitlement</u>	<u>Pay Entitlement</u>
Paternity Leave	2 weeks	1 week full pay (offset against SPP) and 1 week SPP.
Nominated Carer Support Leave	1 week	1 week full pay – no entitlement to SPP

If you have less than 26 weeks' service with the Council by the end of the 15th week, before the week the baby is due (or the week in which a match is made with a child for adoption) and you continue to work for the Council (or School) until the baby's birth or child's placement, you are entitled to:

<u>Type of Leave</u>	<u>Leave Entitlement</u>	<u>Pay Entitlement</u>
Paternity Leave	1 week	1 week full pay – no entitlement to SPP

If you have at least 26 weeks' continuous local government service but less than 26 weeks' service with the Council by the end of the 15th week, before the week the baby is due (or the week in which a match is made with a child for adoption) and you continue to work for the Council (or School) until the baby's birth or child's placement, you are entitled to:

<u>Type of Leave</u>	<u>Leave Entitlement</u>	<u>Pay Entitlement</u>
Paternity Leave	2 weeks	1 week full pay and 1 week unpaid

Nominated Carer Support Leave	1 week	1 week full pay
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8. Shared Parental Leave (Transfer of Maternity/Adoption Leave and Pay)

You and your partner may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if you are having a baby or adopting a child. You can share up to 50 weeks of leave and up to 37 weeks of pay between you.

You need to share the pay and leave in the first year of the birth of the child or the child being placed with your family. You can use SPL to take leave in blocks separated by periods of work, or take it all at once. You can also choose to be off work together or to stagger the leave and pay.

For further information please see the Shared Parental Leave Policy.

9. Notice of intention to take Paternity Leave (adoption within the UK)

You will need to inform your manager of your intention to take leave no more than seven days after the date on which the adopter is notified by an approved adoption agency that you have been matched with a child for adoption (or if it is not reasonably practicable to give notice within that seven-day period, as soon as is reasonably practicable). In doing so, employees must specify:

- when the child is expected to be placed with the adopter (or, if placement has already occurred, the date of the placement);
- whether they wish to take one or two weeks' leave; and
- when they want that leave to start

You will need to give notice of your intention to take leave by completing the relevant application form.

You may change your mind about the date on which you intend to start the leave, so long as you inform your manager of the amended start date at least 28 days before the date in question (or as soon as is reasonably practicable, if you are not in a position to give the prescribed 28 days' notice).

9.1 Notice of intention to take Paternity Leave (adoption from overseas)

You will need to; within 28 days of you (the adopter) receiving the official notification (or within 28 days of the date on which -you complete 26 weeks' continuous service with the Council, whichever is later) notify your manager of:

- the date on which you (the child's adopter) received the "official notification"; and
- the date on which the child is expected to enter Great Britain.

You will then need to give your manager at least 28 days advance notice of:

- when you want your leave to start; and
- whether you wish to take one or two weeks' leave

No later than 28 days after the date the child entered Great Britain, you must inform the Council of this date. You will need to give notice of your intention to take leave by completing the relevant application form.

HR and Payroll will write to you to acknowledge your application. We recognise that the exact timing of your leave may be difficult to predict, but you should agree the dates in principle with your manager. You will be able to amend the dates if necessary by further agreement with your manager.

10. Terms and Conditions

10.1 Annual Leave

Annual leave entitlement will continue to accrue during your period of leave.

10.2 Pension

If you are a member of the **Local Government Pension Scheme**, the Council (or your school) will pay pension contributions based on the pay you would have received had you been at work. The contributions you pay will be based on the pay you actually receive during this time. If you have any queries or require further information with regard to your pension, you should seek advice from the LCC Pensions Service regarding your payments and membership whilst on leave. If you are a member of the **Teachers Pension Scheme**, you should seek advice from the Teachers Pension Service with regard to effects on your pension whilst on leave.

11. Definitions

- **EWC** – The week, during which the employee is expected to give birth.
- **SPP** - is an abbreviation for Statutory Paternity Pay.
- **1 week** is a rolling period of 7 days, this includes days when you are not scheduled to work.
- **2 weeks** is a rolling period of 14 days, this includes days when you are not scheduled to work.
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- **Adoption from overseas** - the adoption of a child who enters Great Britain from outside the UK in connection with or for the purposes of adoption that does not involve the placement of the child for adoption under the law of any part of the UK.
- *** Official notification** - written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. The "relevant domestic authority" in the case of an adopter to whom the Intercountry Adoption (Hague Convention)

Regulations 2003 (SI 2003/118) apply and who is habitually resident in England is the Secretary of State for Health.

- **** partner** - in relation to a child's mother, means a person (whether of the same or the opposite sex) who lives with the mother and the child in an enduring family relationship, but is not the mother's father, mother, grandfather, grandmother, sister, brother, aunt or uncle.

12. Further Guidance

If managers require any general advice regarding the application of policy and guidance, please contact your HR provider. If schools require specific guidance or a LA view on any aspect of policy and guidance they may contact the LA who will be happy to provide advice.

13. Approving Body and Date

LJNCC (Schools) – March 2021

Review Date – March 2024

Paternity Pay and Leave entitlement

If you have at least 26 weeks' service with your current employer by the end of the 15th week, before the week the baby is due (or the week in which a match is made with a child for adoption) and you continue to work for the School until the baby's birth or child's placement, you are entitled to:

Type of Leave	Leave Entitlement	Pay Entitlement
Paternity Leave	2 week's	1 week full pay (offset against SPP) and 1 week SPP.
Nominated Carer Support Leave	1 week	1 week's full pay – no entitlement to SPP

If you have less than 26 weeks' service with your current employer by the end of the 15th week, before the week the baby is due (or the week in which a match is made with a child for adoption) and you continue to work for the or School until the baby's birth or child's placement, you are entitled to:

Type of Leave	Leave Entitlement	Pay Entitlement
Paternity & Nominated Carers Support Leave	1 week	1 week full pay no entitlement to SPP

If you have at least 26 weeks' continuous local government service but less than 26 weeks' service with your current employer by the end of the 15th week, before the week the baby is due (or the week in which a match is made with a child for adoption) and you continue to work for the School until the baby's birth or child's placement, you are entitled to:

Type of Leave	Leave Entitlement	Pay Entitlement
Paternity Leave	2 week's	1 week full pay and 1 week unpaid.
Nominated Carer Support Leave	1 week	1 week's full pay

You will not qualify for SPP if your average weekly earnings fall below the lower earnings limit for National Insurance purposes.

You will not qualify for SPP if you are a nominated carer.

March 2021



Paternity Leave

Please read the paternity leave policy before you complete this form

Once you have completed this form;

- **Team Member** - Please take a copy for your own records and pass the completed form to your **Manager**
- **Manager** - Please send this form to **Payroll**

Name:			
School		Payroll No:	

Your Dates for Pay and Leave	Please write your details in this column
Date baby is due/placement of adopted child	
If the baby has been born/placed for adoption, please enter the actual date of birth/date of adoption	
I would like my SPP and/or paternity leave to start on	
I want to be away from work for:	One Week <input type="checkbox"/> Two Weeks <input type="checkbox"/>
LGPS Pension Members Only If you have a leave of absence or additional paternity period without pay your pension benefits are not protected and you may wish to consider making additional payments to cover this. If you wish to do so please tick the box opposite and we will contact you upon your return with the amount involved.	I wish to purchase additional pension Please tick <input type="checkbox"/>

Your Declaration	
Surname	
First Name(s)	
National Insurance (NI) Number	
You must be able to tick ALL THREE boxes to get Statutory Paternity Pay and paternity leave	I am: -The baby's biological father, or - Married to the mother, or - Living with the mother in an enduring family relationship but am not an immediate relative <input type="checkbox"/> I have a responsibility for the child's Upbringing <input type="checkbox"/> I will take time off work to support the Mother or care for the child <input type="checkbox"/>
Signature:	Date:
Manager's Name:	Date:
Manager's Signature:	