

Paternity Leave and Paternity Pay Policy

Date	Review Date	Endorsed by	Approved by	Link Governor
Dec 2015	Dec 2016	Resources Committee	Governing Body	Cordelia Shakleton

This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, the School reserves the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

PATERNITY LEAVE

Eligible employees are entitled to take either one week or two consecutive weeks' paid Paternity Leave following the birth of their child in order to care for the child or support its mother. During Paternity Leave, most employees will be entitled to Statutory Paternity Pay (SPP) which will be the same as the standard rate of Statutory Maternity Pay (SMP).

Eligibility for Paternity Leave and Paternity Pay

In order to qualify for Paternity Leave and Statutory Paternity Pay the employee must:

- Have or expect to have responsibility for the child's upbringing;
- Be the biological father of the child or the mother's husband or partner (male or female);
- Have or expect to have responsibility for the child's upbringing;
- Have worked continuously for the School for 26 weeks by the end of the 15th week before the child is due; and
- Have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight week period leading up to and including the Notification Week.

The School may ask an employee to provide a self certificate as evidence that he or she meets these conditions. The self certificate must provide the information required above and include a declaration that the employee meets the necessary conditions.

Taking Paternity Leave

An employee is permitted to take Paternity Leave in units of either one whole week or two consecutive whole weeks. Leave may start on any day of the week on or following the child's birth but must be completed:

- Within 56 calendar days of the actual date of the birth of the child; or
- If the child is born early, within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

An employee may change his or her mind about the starting date for Paternity Leave providing he or she tells the School at least 28 calendar days in advance of the changed start date where reasonably practicable.

Notification Procedures for Paternity Leave

An employee who wishes to take Paternity leave must notify the School by the 15th week before the expected week of child birth stating:

- The week the child is due;
- Whether the employee wishes to take one week or two consecutive weeks' leave; and
- When the employee wants the leave to start

Contractual benefits during Paternity Leave

An employee on Paternity Leave is entitled to enjoy his or her normal terms and conditions of employment with the exception of pay. The employee is entitled to return to the same job following Paternity Leave

If an employee has an enhanced contractual right to Paternity Leave or Paternity Pay he or she may take advantage of whichever is the more favourable right. Employees should clearly understand however that when payment of contractual paternity pay is made this is inclusive of any SSP entitlement i.e. employees are not entitled to both.

Paternity Leave and Adoption

The partner of an individual who adopts or other member of a couple who is adopting jointly may be entitled to Paternity Leave and Paternity Pay.

When a couple adopts, the couple can choose who will take Adoption Leave and who will take Paternity Leave. Only one period of Adoption Leave and one period of Paternity Leave may be taken between the couple even if each individual works for different employers.

Further details of this entitlement are set out in the School's Adoption Policy.

ANTE-NATAL APPOINTMENTS

Who has the right?

This entitles an employee who has a "qualifying relationship" with a pregnant woman or her expected child will be entitled to take time off during their working hours to accompany the woman to antenatal appointments.

A 'qualifying relationship' includes the expected child's father, the mother's husband, partner or civil partner. They should usually live with the woman in an enduring family relationship and are not a relative of the woman.

There is no qualifying period of employment for this right so it will be available to relevant employees from the start of their employment.

The amount of time off that an employee may take off during working hours to accompany a pregnant woman to antenatal appointments is limited to no more than two occasions lasting no more than six and a half hours each.

Making the request

The law provides that the employee must comply with certain formalities for applying for time off to accompany a woman to an antenatal appointment, but only if they are requested to by the school. In that case, the employee will not be entitled to take the time off unless they give the school a document (which may be in electronic form, such as e-mail) showing:

- That the employee has a qualifying relationship with the pregnant woman or expected child.
- That the purpose of taking the time off is to accompany a pregnant woman to an antenatal appointment.
- That the appointment has been made on the advice of a registered doctor, registered midwife or registered nurse.
- The date and time of the appointment.

Time off can be refused

The school may refuse an employee time off to accompany a woman at an antenatal appointment where it is reasonable for it to do so.

Maternity Support Leave

Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

Maternity Support Leave is only applicable to staff subject to Green Book terms and conditions.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement. (See Policy Evaluation).

This policy was reviewed and endorsed by the Full Governing Body of The Devonshire Hill Nursery and Primary School on Wednesday 9th December 2015.