



NORTH FERRIBY C E PRIMARY SCHOOL

PATERNITY LEAVE POLICY

Date of New Policy:	Summer 2017
Review Date:	Summer 2020
Policy Type:	Corporate (F3a)
Co-ordinator:	Russ Orr
Link Governor:	Matthew Brailsford
Committee:	Personnel

North Ferriby CE Primary School Mission Statement:

A Christian School with children at its heart.

Christian Values Statement:

At North Ferriby CE Primary School, we keep Christian values at the heart of our school community where we live, love and learn together.

Ethos Statement for North Ferriby CE VC Primary:

Recognising its historic foundation, the school will preserve its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.

The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice.

It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers to all its pupils.

YORK DIOCESAN BOARD OF EDUCATION

PATERNITY LEAVE POLICY AND PROCEDURE (SCHOOLS)
(In relation to children born or adopted on or after 5 April 2015)

Lead Directorate and service:	Corporate Resources - Human Resources
Effective Date:	April 2015
Contact Officer/Number:	HR Advice Centre/ 391221
Approved By:	Personnel Sub Committee: 19.9.06: Min 437, DR :2003, Cabinet 24.4.07, CMT 8.3.10, Min: 12330, CMT: 23.1.12, Min 13828, DR: 12930, CMT 2.4.12, Min: 14010, DR 13193, 18.4.12, CMT: 27.4.15, Min:16342, DR: 17018

1. PATERNITY LEAVE POLICY

1.1 Background and Scope

1.1.1 This policy is in line with statutory legislation and national joint council terms and conditions. It applies to all school-based employees where it is adopted by the respective school governing bodies.

1.2 Definitions for the Purposes of this Policy

1.2.2 Partner - A person (whether of the same or opposite sex) who lives with the mother or adopter in an enduring family relationship, but is not a relative of the adopter.

1.3 Policy Statement

1.3.1 The East Riding of Yorkshire Council and the School's Governing Body recognises and supports the right of all eligible employees to take paternity leave and be paid in accordance with statutory legislation.

1.4 Policy Implementation

1.4.1 The policy will be implemented by the School Governing Body in consultation with the Headteacher and, where applicable, Human Resources.

1.5 References

Children and Families Act 2014

Employment Rights Act 1996:

Maternity and Parental Leave Regulations 1999

Paternity and Adoption Leave Regulations 2002

Maternity and Parental Leave and adoption Leave (Amendment) Regulations 2006
Maternity and Parental Leave and Paternity and Adoption Leave (Amendment) Regulations 2008
Additional Paternity Leave Regulations 2010, Additional Statutory Paternity Pay (General) Regulations 2010
Shared Parental Leave Policy
Maternity Pay and Leave Policy and Procedure
Adoption Pay and Leave Policy and Procedure
This Policy and Procedure supersedes the 'Paternity Leave: Teaching Staff' provisions contained in the former Humberside County Council Schools' Circular 21/92

2. ORDINARY PATERNITY LEAVE PROCEDURE (SCHOOLS)

2.1 Eligibility for Ordinary Paternity Leave

2.1.1 An employee will be eligible for ordinary paternity leave if:

- (a)
 - (i) They have or expect to have responsibility for their child's upbringing and are either the biological father or the mother's husband/partner/civil partner or,
 - (ii) They are the spouse/partner/civil partner of an individual who adopts, or the member of a couple adopting jointly who does not take adoption leave and has or expects (in the case of adoption) to have responsibility for the child's upbringing. This also applies to an employee who is the intended parent of a child in a surrogacy arrangement who expects to be entitled to and intends to apply for a parental order in respect of the child.
 - (iii) They wish to take the time off either to care for the child or to support the mother/adoptive parent.
- (b) They are another nominated carer other than the definitions above who wishes to take time off either to care for the new baby/adopted child or to support the mother/adoptive parent, where the biological father or the mother's husband/partner/civil partner is absent or the adoptive parent's spouse, partner or civil partner is absent.
- (c) For these purposes the definition of 'partner' in relation to the child's mother or adopter means a person (whether of the same or opposite sex) who lives with the mother or adopter in an enduring family relationship, but is not a relative of the adopter.

2.1.2 Employees claiming ordinary paternity leave must have 26 weeks continuous service with East Riding of Yorkshire Council at the fifteenth week before the expected week of childbirth (EWC) and continues in employment up to the date of birth, or for adoption an employee must have 26 weeks continuous service by the end of the week that the adoptive parent is formally notified they are matched with a child. For adoption from overseas this is by the end of the week that official notification of eligibility is received.

2.2 Initial Obligations on the Employee

- 2.2.1 An employee who wishes to take leave must complete Form A as shown in Appendix 1, attaching a copy of the mother's MATB1 or adoption matching certificate and return it to their Headteacher at least fifteen weeks before the EWC or as soon as reasonably practicable.
- 2.2.2 In relation to adoption an employee wishing to take leave must complete Form A as shown in Appendix 1 and return it to their Headteacher no more than 7 days after the adoptive parent is notified of being matched with a child or as soon as reasonably practicable, notifying them of the date the adopted child is likely to be placed with them, date wishing to commence ordinary paternity leave and length of the leave.
- 2.2.3 For adoption from overseas the form must be returned to their Headteacher within 28 days of the adopters receipt of official notification of eligibility or as soon as reasonably practicable, notifying them of the date the notification was received, the date on which adopted child is likely to enter the UK, date wishing to commence ordinary paternity leave and length of the leave. The employee must follow this up with notification of when the child has actually entered the UK.
- 2.2.4 Employees may change the commencement date provided they give their Headteacher at least 28 days' notice of the new start date or as much as is reasonably practicable.
- 2.2.5 The employee must inform their Headteacher in writing of the date of the child's birth as soon as practicable after the birth or the date the child is placed with the adoptive parent.
- 2.2.6 Where the employee has chosen to take their leave on a predetermined date and the child has not been born or placed by that date, the employee must choose another date and give their Headteacher notice of the change as soon as reasonably practicable.

2.3 Ordinary Paternity Leave Entitlement and Pay

2.3.1 Entitlement will be:-

- (a) Biological Father/Husband/Spouse/Partner/Civil Partner:

One week at full pay* followed by One week at statutory paternity pay**

* Employees with less than one year's local government service at the beginning of the 11th week before the expected week of childbirth or for adoption at the date the child is placed with the adoptive parent will be entitled to two weeks leave at the statutory paternity pay rate only (if eligible).

** To be eligible for statutory paternity pay, in addition to the criteria for leave an employees' average earnings for the period of eight weeks ending with the relevant week must not be lower than the lower earnings limit for NI contributions.

- (b) Other nominated carer: One week at full pay

- 2.3.2 In normal circumstances a week's leave is a period of absence from work which is equal in duration to the period for which the employee is contractually required to work. Where the number of hours in a week varies from week to week (or a longer period), a week's leave is calculated by dividing the total of the periods for which he/she is normally required to work in a year by 52.
- 2.3.3 Ordinary Paternity Leave must be taken in a single block of one or two weeks (maximum of two weeks) within 56 days (eight weeks) of the birth or adoption or from when the child enters the UK if adopting from overseas. If the child is born prematurely leave must be taken within 56 days (8 weeks) from the first day of the EWC.
- 2.3.4 Where a week's ordinary paternity leave includes a bank holiday(s), the bank holiday(s) will be in addition to the week's paternity leave and paid at full pay.
- 2.3.5 The employee can choose to start their leave on:
- (a) The date the child is born or adopted or for overseas adoption, enters into the UK; or
 - (b) A certain number of days/weeks after the child is born or adopted; or
 - (c) On a predetermined date after the first day of the EWC or adoption or after the child enters into the UK.
- 2.3.6 Ordinary paternity leave will actually start on the date the employee has specified in their application subject to appropriate notice. Where the employee has chosen to start their leave on the date the child is born or adopted, and they are at work on this day, the leave will begin on the following day. Ordinary paternity leave will cease at the end of the one or two week period, and unless the employee has booked annual leave (52-week school support staff only), they will be expected to return to work at the end of this period. Should an employee be unable to return to work due to illness, they must report their illness in accordance with the Attendance at Work Policy and Procedure (Schools).
- 2.3.7 There is an entitlement to only one period of leave regardless of the number of children born as a result of the same pregnancy or placed for adoption under the same arrangement.
- 2.3.8 All terms and conditions of an employee's contract, except normal pay will be continued during ordinary paternity leave.

3. **Time Off to Accompany a Pregnant Woman to Ante-Natal Appointments**

- 3.1 An employee who is the child's father or the husband, civil partner or partner of a pregnant woman is entitled to take unpaid time off work to accompany the pregnant woman to up to two of her ante-natal appointments. It also extends to an employee who is the intended parent of a child in a surrogacy arrangement who expects to be entitled to and intends to apply for a parental order in respect of the child. The time off is capped at six and a half hours for each appointment.
- 3.2 The employee should advise their Headteacher of the date and time of the appointments, giving as much notice as possible, and may be asked to sign a declaration confirming this and that the time off is to accompany the pregnant woman to an ante-natal appointment that has been made on the advice of a medical practitioner, midwife or nurse, and that they are in a qualifying relationship with the pregnant woman.

3.3 There is no qualifying period for the employee. The right applies from day one of employment.

4. Time Off to Attend Adoption Appointments

4.1 An employee who is the partner of the primary adopter is entitled to unpaid time off work to attend up to two adoption appointments up to the date of the placement of the child. For example, to have contact with the child, meet the child's social worker or current carer. The time off is capped at six and a half hours for each appointment.

4.2 The employee should advise their Headteacher of the date and time of the appointments, giving as much notice as possible, and may be asked to sign a declaration confirming this and that the appointments are at the request of the adoption agency.

5. Shared Parental Leave

5.1 Shared parental leave is available in relation to babies due on or after 5 April 2015, or in the case of adoption, a child who has been matched or placed for adoption on or after April 2015. Shared parental leave enables mothers/primary adopter to commit to ending their maternity/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner.

5.2 Shared parental leave must be taken in blocks of at least one week. Employee's can request to take shared parental leave in one continuous block (in which case the school is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the school's agreement).

5.3 To be able to take shared parental leave, the employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirement. This includes the mother/primary adopter curtailing their maternity/adoption leave.

5.4 Employees should refer to the Council's Shared Parental Leave Policy, where they will find full details of the eligibility requirement as well as instructions as to how the employee's maternity/adoption leave can be curtailed. The Shared Parental Leave Policy sets out the notice periods with which employees must comply and what evidence they must provide to the Council as well as entitlements to statutory shared parental pay.

5.5 The mother/primary adopter and her partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

NB. Shared Parental Leave is an option for employees in relation to children born or adopted on or after 5 April 2015. For children born or adopted prior to this date employees have the option of taking Additional Paternity Leave. Please refer to the correct Paternity Leave Policy.

APPLICATION FOR ORDINARY PATERNITY LEAVE AND PAY

(SCHOOLS)

How to complete this form:

1. Read the information contained in the School's Ordinary Paternity Leave Procedure so that you understand your entitlement.
2. Complete this form and give it to your Headteacher, who will then send it to Human Resources in the Corporate Resources Directorate (you must do this at least 15 weeks before the EWC, or 7 days after notification of being matched with a child for adoption, or for overseas adoption within 28 days of receipt of official notification of eligibility for adoption: or as soon as reasonably practicable)
3. A copy of the mother's MATB1 form or Adoption Matching Certificate must be attached to this form.

SECTION 1: Please complete the following:

Name	
Personal Email Address	
Post title	
Directorate	Children, Family and Adult Services
Name of School	
Employee Ref No (on payslip)	
Date you commenced in local Government	
Normal Weekly Hours	
Temporary/Permanent	
Date you wish to commence leave	
Do you expect to take one or two weeks leave (other nominated carer entitled to one week)	
Expected date of childbirth	

OR for Adoption:

Expected week of placement	
The date you were notified as being matched with the child	

OR for Adoption from Overseas:

Date on which official notification of eligibility of adoption received	
Date on which the child is expected to enter the UK (this must be followed up with the actual date):	
SECTION 2: Please complete the following:	
(A) DECLARATION OF BIOLOGICAL FATHER/HUSBAND/SPOUSE/PARTNER /CIVIL PARTNER	
I confirm that I am taking leave to care for the child or support the child's mother/adoptive parent, that I am the father or married to, or the partner or civil partner of the child's mother/adoptive parent and that I expect to have responsibility for the upbringing of the child. I attach a copy of the mother's MATB1 form or the adoption matching certificate.	
Signature:	
Date:	
(B) DECLARATION OF OTHER NOMINATED CARER	
Relationship to mother/adoptive parent (please specify):	
I confirm that I am taking leave to care for the child or to support the child's mother/adoptive parent in the absence of the biological father/husband/spouse/partner/civil partner. I attach a copy of the mother's MATB1 form or the adoption matching certificate.	
Signature:	
Date:	
(C) AUTHORISATION OF HEADTEACHER	
Name	
Job Title	Headteacher
Signature	
Date	
FOR HUMAN RESOURCES USE ONLY	
All dates confirmed:	Normal weekly hours confirmed:
Copy of form to Payroll Section:	Copy of form to Pensions Section
Signed:	Date:
Print Name:	Extn: