



Governors' Committee: Personnel
Lead Officer: Headteacher
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PLYMSTOCK SCHOOL PATERNITY POLICY

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1 INTRODUCTION

This policy reflects paternity rights as they apply to all staff whose partner is expecting a child and includes statutory arrangements for leave and pay. It provides guidance on the legislation governing the rights and obligations, procedure and requirements

2 SCOPE

This procedure applies to all staff of Plymstock School.

3 ORDINARY PATERNITY LEAVE

To qualify for ordinary paternity leave the father/partner/husband must:

- have a contract of employment with Plymstock School and have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth
- have, or expect to have responsibility for the baby/child's upbringing
- be the biological father, the mother's husband or civil partner/partner
- formally notify their line manager of the date on which they intend to take paternity leave, and where applicable, produce evidence supporting this.
- be employed by Plymstock School up to the date of birth
- (insert)give the correct notice

Ordinary paternity leave cannot be taken prior to the birth and can only start from or after the actual onset of labour. Where an employee has chosen to start their ordinary paternity leave on the day of birth and they are at work that day, their leave will begin the next day.

A false labour does not trigger paternity leave. Partners/fathers/husbands can use their statutory right to take Time off for Dependents Care (which is unpaid) to be with the mother during labour if they wish and then commence their paternity leave immediately after birth. Only one period of leave is permitted even in the case of multiple births.

Paternity leave cannot be taken as odd days; employees can take either one week or two consecutive weeks, and the leave can start on any day of the week, as long as you have given the required notice. Leave cannot start until the birth of the baby.

However it must be completed within 8 weeks of the birth or expected birth date. If the baby is stillborn the father/husband/partner is entitled to paid paternity leave provided they meet the eligibility criteria and the mother had reached at least 24 weeks of pregnancy, or the baby is born alive at any time but subsequently dies.

4 ORDINARY STATUTORY PATERNITY PAY

4.1 Eligibility for ordinary statutory paternity pay

To be eligible for ordinary statutory paternity pay, you must:

- have a contract of employment with Plymstock School and have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth
- have or expect to have responsibility for the baby/child's upbringing
- be the biological father, the mother's husband or civil partner/partner
- be employed by Plymstock School up to the date of birth
- earn more than the Lower Earnings Limit for payment of NI contributions

4.2 Ordinary statutory paternity pay

In the first week of ordinary paternity pay, the fathers/husbands/partners' pay is equivalent to one week's pay at the normal salary rate. If a second week of Ordinary Paternity Leave is taken, it is paid at Statutory Paternity Pay (SPP) rate. The rate of SPP is the same as the standard rate of Statutory Maternity Pay.

The rate of pay is prescribed and updated on an annual basis, and it is paid at the same time as your salary. Tax and National Insurance payments are deducted. A father/husband/partner with more than one employer may be eligible for statutory paternity pay from both.

Fathers/husbands/partners who earn less than the Lower Earnings Limit for payment of NI contribution this may still take leave; however there is no statutory entitlement to be paid.

5 NOTICE REQUIREMENTS

You must give written notice to the Headteacher of your intention to take ordinary paternity leave by the 'notification week'. The notification week falls 15 weeks prior to the week the baby is due.

The notice letter should set out:

- The week baby due or date of birth if leave has already occurred
- The length of paternity leave the teacher wishes to take
- The date the leave is to commence.

The actual date of childbirth can be difficult to predict, therefore the teacher can choose to specify that the leave will commence:

- When the baby's birth triggers leave
- On a set date.

How to give notice for ordinary paternity pay

If you are eligible to receive ordinary paternity pay must give 15 weeks notice before the expected date of the birth of the date on which they want their ordinary paternity leave to begin. The line manager will then complete the paternity leave form and send to the Business Manager or HR Manager.

A teacher may lose their entitlement to leave and/or pay if they do not give the correct notice. If it is not possible to give notice by the required date (e.g. because the baby arrived early), the employee should inform their line manager as soon as is reasonably possible.

Changing the date of ordinary paternity leave

Provided that the initial notification criteria were met, the teacher may amend the date to start ordinary paternity leave by providing his/her manager with 28 days' notice of change.

6 CONTRACT OF EMPLOYMENT

The contract of employment continues throughout the period of paternity leave, except there is no right to be paid normal salary. During paternity leave annual leave continues to accrue and other benefits such as use of lease cars and pension scheme continue.

During the period of ordinary paternity leave you are entitled to return to the same job as before, on no less favourable terms.

Ante-natal appointments

Fathers and partners of pregnant women are entitled to paid time off to attend two appointments. Any further appointments would be unpaid.