

Family Leave - Paternity

(Policy and Procedure)

Approval Arrangements

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will

1. set a full Trust wide policy,
2. set a 'policy principles' document (a framework within which Headteachers develop a full and appropriately customised policy),
3. or delegate to Headteachers or LGBs the power to develop their own policy.

This is a **level 1 policy** which was approved by Board of Trustees, for implementation in Tenax Schools Trust on the date below and supersedes any previous scheme.

Review Body:	CEO
Date Approved:	10 May 2024
Author:	Human Resources Director
Next review due:	May 2027
Review period:	3 years

This policy has been adopted following consultation with recognized trade unions

1 Introduction

Tenax Schools Trust recognises the vital contribution made by its employees to providing the best possible education to the children and young people in each of our schools. Individuals working in the education sector, in general, do so as a result of their commitment to giving children and young people the best start in life. The Trust understands that to do this, at some stages during their working lives, employees may wish or need to take periods of family related leave. This policy sets out the statutory rights and responsibilities of employees who wish to take a period of paternity leave. The Trust recognises that paternity provisions can be complex and it is the Trust's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

We are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, family leave policies can support staff morale, reduce absenteeism, and improve staff retention.

Employees who take a period of paternity leave will not be treated less favourably than other colleagues, regardless of the outcome of the request. Employees in all roles across the Trust should have access to career progression and development opportunities appropriate to their role and the needs of the Trust, regardless of working arrangements.

2 Ethos

Our Trust is a place where everyone should be able to flourish in a caring and hospitable community; underpinned by our core Christian principles and values. Everyone is equal and we treat each other with dignity and respect. Each employee, in all their unique difference should be able to thrive, irrespective of physical appearance, age, gender, race, religion, ethnicity, socio-economic background, academic ability, disability, sexual orientation, marital status or gender identity. The individual identity of each school is valued equally, whether of faith designation or none.

3 Scope

This policy and procedure applies to all employees of Tenax Schools Trust, and should be read in conjunction with an employee's statement of terms and conditions of employment.

Paternity rights apply equally to full and part-time employees no matter how many hours worked, provided qualifying conditions are satisfied.

4 Responsibilities of the Trust

- To provide information to employees regarding their rights and responsibilities.
- To discharge the Trust's obligations under the contemporary legislation, including obligations under the Paternity and Adoption Leave Regulations 2002, the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003, the Paternity Leave Amendment Regulations 2024, and the Equality Act 2010
- To maintain appropriate contact with all employees during periods of paternity and family leave

5 Responsibilities of the employee

- To fulfil the notification requirements
- To provide evidence of appointments etc. as required
- To maintain reasonable contact with the school/Trust during family leave

6 Information processing and sharing

When managing an employee's paternity leave and pay, the organisation processes personal data collected in accordance with its Data Protection Policy available on the Tenax Schools Trust website.

Data collected from the point at which an employee informs the organisation that they plan to take paternity leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their paternity leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

7 Eligibility

Employees are eligible to take Paternity Leave if:

They are taking time off to look after the child or support the child's mother and are one of the following:

- The biological father of the baby
- The partner of the mother (or adopter) – this includes same sex partners
- The child's adopter
- The intended parent (if having a baby through a surrogacy arrangement)

and

- Have 26 weeks continuous service by the end of the 15th week before the week in which the child is expected or is matched with the child for adoption.

8 Paternity Leave

Up to two weeks paternity leave can be taken, either as a single block of two weeks, or as two separate weeks. Paternity leave can be taken at any point in the first year following the birth or adoption of the child. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

Employees who wish to take both paternity leave and shared parental leave must take their period of paternity leave first. An employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.

Paternity leave is not available to foster parents who go on to adopt a child, neither is it available to those adopting the children of their partner (i.e. not newly matched).

9 Notification of paternity leave

Where an employee wishes to request paternity leave in respect of a birth child, they must notify their headteacher of their entitlement to take paternity leave 15 weeks before their partner's baby

is due. Notification of the exact dates of leave requested must be made not less than 28 days in advance of the intended leave date/s. It can help the planning of cover or other arrangements if employees give more notice than this, but it is not a requirement. The notification must be in writing and include the length of paternity leave they wish to take and the date on which they wish the leave to commence. If the employee wishes to take paternity leave from the date the child is born or placed for adoption, or a set period after, this should be stated. For example, an employee may wish to start their paternity leave one week after the child is born, in which case this should be stated in the notification.

In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start paternity leave, the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.

If an employee subsequently wishes to change the timing of the paternity leave, they must give 28 days' written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that they are entitled to paternity leave and statutory paternity pay.

10 Statutory Paternity Pay (SPP)

Statutory Paternity Pay is a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for SPP.

Statutory Paternity Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions in the normal way.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

11 Tenax Paternity Pay

The Trust recognises the importance for parents in spending time together as a family following the birth of a baby and does not want pay to be a barrier for families in taking this time. As such, the Trust will pay an enhancement to SPP for those eligible for Statutory Paternity Leave and Statutory Paternity Pay. Pay will be enhanced to the employee's contractual weekly earnings for the paternity leave period.

12 Employees who do not qualify for Statutory Paternity Leave

Where an employee does not have the necessary continuous service to qualify for Statutory Paternity Leave and Pay, i.e. where they do not have 26 weeks service at the 15th week before the baby is due, that employee may take up to two weeks unpaid leave following the birth of their baby, or the date of placement for adoption.

13 Time off for antenatal care

Employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments. This time off will be paid.

To be eligible to take this form of time off, the employee could be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman in an enduring family relationship. In addition, the employee will be eligible for the time off if they are the biological father of the

expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The organisation expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment, and can be for a maximum of six-and-a-half hours on each occasion.

Requests for planned time off must be made to the headteacher in line with the school's staff attendance procedures.

The employee should endeavour to give their headteacher or line manager as much notice as possible of when they need the time off for the antenatal appointment and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

14 Time off to attend adoption appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).

The purpose of the appointment is to enable the employee to have contact with the child (for example, to bond with them before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The organisation will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

The organisation will ask the individual to sign a declaration confirming that they have elected to exercise their right under either s.57ZJ or s.57ZL of the Employment Rights Act 1996 to take time off to attend an adoption appointment. The organisation will ask for the declaration on the first occasion on which the individual asks for time off to attend an adoption appointment.

15 Time off to attend the birth

Paternity Leave cannot commence before the birth of the baby. Regardless of length of service with the Trust, an employee wishing to take time to attend the birth of their/their partner's baby will be granted paid personal leave in accordance with the Staff Attendance Policy. This will normally be the period from the time labour starts, or their partner is induced, up to and including the day the child is born.

16 Pregnancy loss and stillbirth

In the sad event of pregnancy loss before or during the 24th week of pregnancy, paternity leave and pay provisions do not apply. Employees are able to take Personal/Carer's leave for their own wellbeing, or to support their partner following the loss of a pregnancy.

Where a baby is born alive before or during the 24th week of pregnancy but subsequently dies, or where stillbirth occurs from the beginning of the 25th week of pregnancy, paternity leave and pay

provisions will still apply. Provisions for Parental Bereavement Leave will also apply. Please see the Staff Attendance Policy for full details.

Whilst time off following a stillbirth or neonatal death is legally termed “maternity” or “paternity” leave, some employees may be upset by or uncomfortable with those terms. The Trust will treat such periods of leave sensitively, and be led by the employee’s preference on the language used.

Emotional support following bereavement is available from the school chaplaincy, or for further support employees should speak to their headteacher or Human Resources.

17 Shared parental leave

Shared parental leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.

An employee can choose to take both paternity leave and shared parental leave, but the period of paternity leave must come first. An employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.

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

Employees should refer to the Trust’s Shared Parental Leave policy where they will find full details of the eligibility and notification requirements, as well as instructions as to how the mother’s maternity leave can be curtailed.

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

18 Adoptions from overseas

If an employee has adopted a child from overseas, they may still be entitled to paternity leave and shared parental leave. Special rules apply in these circumstances. For further information, please contact Human Resources.