



Paternity Leave Policy and Procedure With Appendices

**Authority Guidelines on
Staffing Procedures for Community, Voluntary Controlled,
Community Special Schools and Early Years Centres
(and those adopted by Governing Bodies of other maintained/non
maintained schools)**

Updated April 2024

CONTENTS

Paternity Leave Policy.....	3
1. Background.....	3
2. Legal framework.....	3
Paternal Leave Procedure.....	4
1. Eligibility for Paternity Leave.....	4
2. Paternity Leave Entitlement.....	4
3. Taking Paternity Leave.....	4
4 Antenatal Appointments.....	5
Appendix A - Other employee friendly documents available for school staff.....	6
Appendix B - Letter accepting paternity leave request.....	7
Appendix C - Letter refusing paternity leave request.....	8

Paternity Leave Policy

1. Background

- 1.1 For several years Community, Voluntary Controlled, Community Special Schools and Early Years Centres (and those adopted by Governing Bodies of other maintained/non maintained schools) have had a paid Paternity Scheme for both teachers and support staff.
- 1.2 For teachers, this was incorporated into the Local Conditions of Service for School Teachers in England and Wales (Burgundy Book). For non-teaching staff, the Parental Leave scheme has mirrored that of WMBC.
- 1.3 The Schemes allow up to 2 weeks leave of absence with pay in any leave year to fathers/partners and adoptive fathers/partners on receipt of a written application.

2. Legal framework

- 2.1 Under the Paternity Leave (Amendment) Regulations 2024, an employee will be entitled to take paternity leave if they are taking time off to look after the child and are one of the following:
 - the father
 - the husband or partner of the mother (or adopter) - this includes same-sex partners
 - the child's adopter
 - the intended parent (if you're having a baby through a surrogacy arrangement)
- 2.2 Leave can be taken **any time in the first year after the birth or adoption.**
- 2.3 Your employment rights are protected while on paternity leave. This includes your right to:
 - Any pay increases
 - Entitlement to sick pay
 - Accrual of holiday leave
 - Return to work into the same role and same working pattern/hours
- 2.5 An employer must not cause an employee 'detriment' for taking, or planning to take, paternity leave. Examples of detriment could be:
 - Reduction in working hours
 - Bullying and/or Harassment
 - Being turned down for training requests without good reason
 - Being overlooked for promotions or development opportunities

Paternal Leave Procedure

1. Eligibility for Paternity Leave

- 1.1 In order to qualify for Paternity Leave, the applicant must:
- be an employee
 - give the minimum notice (as outlined in para 2.3)
 - have been continuously employed by the school for at least 26 weeks up to any day in the 'qualifying week'. The 'qualifying week' is the 15th week before the baby is due.

*NB. In order to qualify for Paternity Pay, an employee must meet the above criteria, **and** earn an average of at least £123 a week (before tax).*

- 1.2 In order to be entitled to Paternity Leave, the employee must provide a copy of the MATB1 form that will be issued to the partner or spouse.
- 1.3 In the case of an adoption from overseas an employee qualifies if he /she *has 26 weeks' continuous employment by the end of the week in which the child's adopter received official notification from the relevant domestic authority.*
- 1.4 Stillbirths – If an employee's wife or partner gives birth to a stillborn baby, they are entitled to paternity leave if the birth happens after 24 weeks of pregnancy. If the baby is born alive, but later dies, the employee is still entitled to paternity leave.

NB Only one leave entitlement is provided per pregnancy. Therefore, if the employee's partner has a multiple birth (e.g. twins), the entitlement will still only be two weeks' leave.

2. Paternity Leave Entitlement

- 2.1 The **maximum entitlement for Paternity Leave is 2 working weeks** (i.e. if an employee normally works 18 hours a week, they are entitled to 18 hours leave per week).
- 2.2 The leave must be taken to care for the child or to support the child's mother/ adopter and can be taken as follows:
- One week of leave
 - Two consecutive weeks of leave or
 - Two non-consecutive single weeks of leave

3. Taking Paternity Leave

- 3.1 You must give **two notices to take paternity leave**:
- a) A Notice of Entitlement to be given in or before the 15th week before the expected week of birth **OR** within seven days of notification of having been matched with a child for adoption.

- b) The second is a Notice of Leave to be given at least 28 days before you want to take a period of leave. In the case of adoption, leave must be given within 7 days of the date of having been matched with a child for adoption.
- c) The employee may change their mind on the dates requested provided 28 days' notice is given

- 3.2 The employee can choose to start leave on any day of the week;
- on or after the child is born, and
 - within 52 weeks after the child is born or placed for UK adoption, or for overseas adoption, the date of entry into the UK

If the child is born earlier than expected before the Expected Week of Childbirth, paternity leave must be taken within a period of 52 weeks of the first day of the expected week of childbirth.

*NB An employee is **not entitled to take paternity leave if they have already taken any shared parental leave in respect of a child, or in the case of adoption leave, they have taken statutory paid time off to attend adoption appointments or already taken paternity leave in relation to the same child.***

4 Antenatal Appointments

All employees (and agency workers who have been in the same role with the same organisation for more than 12 weeks) have a day-one right to take **unpaid** leave to accompany a pregnant woman to 2 antenatal appointments if they are:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long-term relationship with the expectant mother
- the intended parent (if you're having a baby through a surrogacy arrangement)

The maximum time off permitted for each appointment is 6 and a half hours. At the discretion of the school, an employee may be given longer.

Appendix A - Other employee friendly documents available for school staff

- Parental Leave
- Time Off for Dependents
- Leave of Absence Policy
- Adoption Leave
- Maternity Scheme
- Career Break Scheme
- Flexible Working Policy

Appendix B - Letter accepting paternity leave request

[Insert name]

[Insert address]

[Insert date]

Dear [insert name],

Paternity Leave request

Thanks for submitting a Notice of Leave to take paternity leave from [insert date] to [insert date].

I am pleased to confirm that your application has been accepted. I have now allocated those dates as paternity leave for you. If you decide you want to change the dates, you can do this by notifying me [or [insert name]] as soon as possible.

[For employees who have requested only one week's leave which is not their second single week of paternity leave, insert the following:]

I note from the Notice of Leave form that you are taking one week of paternity leave. You have an entitlement to two weeks of leave which can be taken together or separately.

When you decide on the date of your second week of paternity leave, please complete a further Notice of Leave form no later than 28 days before you want to take it. You can't take any paternity leave later than 52 weeks after the *[delete as appropriate — birth of your baby/date of adoption placement of your child]*.

Alternatively, it may suit you to take only one week of your full entitlement to paternity leave. There is no requirement for you to take both weeks.

You are entitled to Statutory Paternity Pay at the rate of either £[insert current rate] or 90% of your normal weekly salary, whichever is lower. You will receive this amount instead of your normal pay. Aside from pay, all the other terms of your contract of employment are unaffected during your period of leave.

[Include where applicable:]

Taking this period of leave means you have now exhausted your full entitlement to paternity leave.

In the meantime, if you have any queries about your paternity entitlements, please don't hesitate to contact me.

Many congratulations on the imminent *[insert as applicable: birth/adoption]*.

Yours sincerely,

[Insert name]

[Insert job title]

Appendix C - Letter refusing paternity leave request

[Insert name]

[Insert address]

[Insert date]

Dear [insert name],

I refer to your recent application to take paternity leave which I received on [insert date]. I am writing to confirm the position of your request, which I must, unfortunately, decline.

The reasons for the refusal are as follows:

[Select from the paragraphs below and delete as appropriate]

Paternity leave is only open to employees of the School. **As an agency worker/casual worker, you are not entitled to this type of leave.**

[OR]

Employees are required to have at least 26 weeks' service with the School which is counted back from the 15th week before the expected week of childbirth. Alternatively, in the case of paternity leave related to adoption, within seven days of you having been notified of being matched for adoption. Your start date with the Organisation is [insert date] and therefore you do not meet the length of service criteria.

[OR]

One of the requirements for eligibility to take paternity leave **is that you must be responsible for the upbringing of the child. As this is not the case, you are not entitled to take paternity leave.**

[OR]

One of the requirements for eligibility to take paternity leave is that you **must be taking the time off to help care for the child.** I have reason to believe that this is not your reason for asking for leave but rather to *[explain what it is expected that the employee will do during the leave]*. Therefore, this does not meet the requirements.

[OR]

Paternity leave is not available to employees who have already taken a period of shared parental leave. As you have already taken a period of shared parental leave in respect of the child, you are no longer entitled to take paternity leave.

I understand that this may not be good news to you, and I am sorry to have to refuse the request. There may be other ways in which you are able to take leave after the *[delete as appropriate: birth/placement]*, eg annual leave or parental leave, and we will be happy to discuss these with you. Please contact me on [insert contact details] if you wish to discuss your options.

Please do not hesitate to contact me on [insert contact details] if you have any questions about the contents of this letter.

Yours sincerely,

[Insert name]

[Insert job title]