

# The Auriga Academy Trust

## **Paternity/Partner Leave and Pay Policy**

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## 1. Scope

This policy applies to all Trust staff who have parental responsibility and who intend to take time off work to provide care for their child and/or support to their partner following the birth or (in cases of adoption), placement of a child.

The recognised trade unions have been consulted.

## 2. Purpose

Paternity/Partner leave is designed to enable employees who have parental responsibility to take paid time off work to provide care for their child and/or support to their partner at the time of birth or, in cases of adoption, at the time of placement of a child.

This policy sets out the Paternity/Partner Leave and Pay entitlements and the relevant procedure for employees who wish to take Paternity/Partner Leave with Pay.

## 3. Statutory Paternity / Partner Leave

### 3.1 Eligibility

Employees will be entitled to take paid paternity/partner leave if they:

- Have at least 26 weeks' continuous service with their employer by the end of the 15<sup>th</sup> week before the expected week of childbirth, or (in cases of adoption) by the end of the week in which they are notified by an Adoption Agency that they have been matched with a child for the purposes of adoption.
- Are employed up to the date of birth of the child or (in cases of adoption) by the date of placement of a child.
- Have the relevant relationship with the partner and child i.e. they are:
  - The biological father of the child or
  - The spouse or civil partner of the child's mother (includes same sex partners)
  - The child's adopter or
  - The spouse or civil partner of the primary carer in an adoption arrangement or
  - The partner of the child's mother/primary carer in an adoption arrangement and live with them and the child in an enduring family relationship (excludes close relatives) or
  - The intended parent (if they are having a baby through a surrogacy arrangement and have applied or intend to apply for a Parental Order in the 6 months after the baby's birth).
- Have caring responsibilities for the child and will be responsible for the child's upbringing.
- Are taking time off work to provide care for their child and/or support to their partner at the time of birth or (in cases of adoption) placement of a child.
- Give the required notice.

### 3.2 Entitlement

Employees will be entitled to take up to 2 weeks' paternity/partner leave. They can choose to take 1 week or 2 weeks. The leave can be taken together in one consecutive block or as two separate 1 week blocks.

In cases of multiple births, employees are only entitled to one period of paternity/partner leave.

### 3.3 Taking Paternity / Parental Leave

Paternity/Partner leave can start on any day of the week (but not before the baby is born or before the placement). In cases of adoption, the leave can start on the date of placement or an agreed number of days after the date of placement.

Paternity/Partner leave can be taken at any time during the 52 weeks after:

- i. The baby's birth or
- ii. Placement in cases of adoption.

### **3.4 Notice of intention to take Paternity/Partner Leave**

Employees must provide written notice to Trust HR and their manager of their intention to take leave:

- i. Birth - Employees will have to give 4 weeks' notice for when they choose to take leave
- ii. Adoption - Employees will have to give a weeks' notice from being told by the Adoption Agency that they have been matched with a child.

Where it is not reasonably practicable for the employee to give the required notice, it must be given as soon as is reasonably practicable.

Notice should be provided in writing and set out how much paternity/partner leave the employee intends to take and when they intend to take it and whether they intend to claim paternity pay. **Appendix 1** should be completed and submitted to Trust HR (HR@aurigaacademytrust.org.uk).

Where the employee is claiming Statutory Paternity Pay, the notice details can be provided at the same time by completing the relevant HMRC forms:

- SC3 (births) available on [GOV.UK](https://www.gov.uk)
- SC4 (adoptions) available on [GOV.UK](https://www.gov.uk).

Failure to give the required period of notice may lead to the forfeiture of the right to paternity/partner leave and pay.

### **3.5 Changing the Start Date of Paternity / Partner Leave**

Where an employee has already given a start date for their paternity/partner leave and later wish to change it, they are required to give 4 weeks' notice prior to the date of the leave commencing or where this is not reasonably practicable, they must give notice as soon as is reasonably practicable.

## **4. Statutory Paternity Pay**

### **4.1 Eligibility**

Employees are eligible for Statutory Paternity Pay if they meet the following additional criteria:

- Have earnings that are not less than the lower limit for National Insurance Contributions – refer to [GOV.UK](https://www.gov.uk) for the prevailing Lower Earnings Limit (LEL).

### **4.2 Entitlement**

Statutory Paternity Pay will be paid at:

- 90% of employee's average weekly earnings or
- [Prevailing Statutory Paternity Pay rate](#) (whichever is lower).

### **4.3 Non eligibility**

Employees who are assessed by the Trust as not qualifying for Statutory Paternity Pay, will be informed of this decision within 28 days by Trust HR. Trust HR will complete form SPP1 available on [GOV.UK](https://www.gov.uk).

### **4.4 Proof of Birth or Adoption**

Employees must provide a copy of the birth certificate as soon as possible following the birth of the baby or in the case of adoption, proof of adoption (letter from the Adoption Agency and/or the matching certificate).

## 5. Stillbirth or Early Birth

Provided the criteria as set out above is met, employees can still receive paternity/partner leave or pay if:

- Their baby is stillborn from 24 weeks of pregnancy or does not survive after birth\*
- Their baby is born alive at any point during the pregnancy (early birth)
- In the case of an adoption, the placement does not work out or the child ceases to live with the adopter during the statutory paternity/partner leave period. However, where the employee has not started paternity/partner leave when they find out that a child is not going to be placed with them or their partner, then they cannot take paternity /partner leave or pay.

*\*In the case of a stillbirth, employees may be able to apply for leave under the **Parental Bereavement Leave & Pay Policy** or the **Special Leave Policy (Bereavement)**.*

## 6. Right to Take Time Off to Attend Antenatal and Adoption Appointments

### 6.1 Antenatal appointments

Expectant fathers and partners of the expectant mother are entitled to take **unpaid** time off during working hours to accompany her to 2 antenatal appointments. They are entitled to take a maximum of 6.5 hours per appointment including travelling and waiting time.

The right to 2 unpaid antenatal appointments also includes employees who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for, and intend to apply for, a Parental Order.

Employees wishing to take time off to attend antenatal appointments must submit their absence request through Every HR. (My Portal > My Leave > + Request for General Absence). The Reason for Absence chosen from the drop-down menu should be *Time off for Dependent*. The details should state that the purpose of the time off is to attend an antenatal appointment and whether it is the 1<sup>st</sup> or 2<sup>nd</sup> antenatal appointment absence request.

### 6.2 Adoption appointments

The primary adopter is entitled to take paid time off for up to 5 adoption appointments.

The secondary adopter (primary adopter's partner who will be taking Paternity/Partner Leave) is entitled to take unpaid time off for up to 2 adoption appointments after they have been matched with a child.

There is no qualifying period of service required before an employee can apply to take unpaid time off for these appointments.

Employees wishing to take time off to attend these appointments must:

- Give reasonable notice of the appointment
- Submit their absence request through Every HR. (My Portal > My Leave > + Request for General Absence ) The Reason for Absence chosen from the drop-down menu should be *Time off for Dependent*. The details should state that the purpose of the time off is to attend an adoption appointment and whether it is the 1<sup>st</sup> or 2<sup>nd</sup> adoption appointment absence request.

## 7. Right to Take Time Off to Attend Antenatal and Adoption Appointments

Paternity/Partner leave is regarded as continuous service and does not constitute a break in service. All contractual terms and conditions (except for normal remuneration) should continue throughout a period of paternity/partner leave. During this period, the employee will continue to be bound by the terms of

their contract of employment including the implied term of trust and confidence and any terms as to notice of termination by them.

### **8. Returning from Paternity / Partner Leave**

Employees returning from paternity/partner leave are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

If the employee wishes to change their work pattern upon their return to work from paternity/partner leave, they should refer to the school's **Flexible Working Policy**.

### **9. Other Leave Options**

An employee may not qualify for paternity/partner leave or they may want to take additional time off (over and above 2 weeks) when the baby is born or adopted. In these circumstances, employees could consider taking:

- Ordinary Parental Leave or Shared Parental Leave
- Unpaid Time off.

### **10. Protection from Detriment or Dismissal**

An employee has the right not to be subjected to detrimental treatment or be dismissed because they are exercising their rights under this policy in taking or seeking to take paternity/partner leave.

**Appendix 1: Notice to take Paternity/Partner Leave Form**

**EMPLOYEE DETAILS:**

<b>Name:</b>	<b>NI Number:</b>
<b>School and Job Title:</b>	<b>Phone Number:</b>
<b>Start date:</b>	
<b>26 weeks continuous service?</b> <span style="color: red;">Y/N</span>	

**NOTICE PERIODS:**

I am giving the required notice for Paternity/Partner Leave which I understand is:

*For births:* 4 weeks prior to commencing the leave or

*For adoptions:* Within 1 week of being told by the Adoption Agency that you have been matched with the child.

I confirm that I intend to claim Statutory Paternity Pay for the leave period: Y/N

**BIRTH DETAILS:**

What is the due date? ...../...../..... (dd/mm/yyyy)

I would like to start Paternity/Partner Leave on: ...../...../..... (dd/mm/yyyy)

I intend to return to work on: ...../...../..... (dd/mm/yyyy)

**If a second block is required:**

I would like a second block to start on: ...../...../..... (dd/mm/yyyy)

I intend to return to work on: ...../...../..... (dd/mm/yyyy)

**ADOPTION DETAILS:**

Date Matched with a Child: ...../...../..... (dd/mm/yyyy)

Expected Date of Placement: ...../...../..... (dd/mm/yyyy)

I would like to start Paternity/Partner Leave on: ...../...../..... (dd/mm/yyyy)

I intend to return to work on: ...../...../..... (dd/mm/yyyy)

**If a second block is required:**

I would like a second block to start on: ...../...../..... (dd/mm/yyyy)

I intend to return to work on: ...../...../..... (dd/mm/yyyy)

**EMPLOYEE DECLARATION:**

I confirm I am the: *(insert relevant category of relationship as set out in section 3.1 of this policy)*

.....  
I confirm I will have caring responsibilities for the child and will be responsible for their upbringing.  
I confirm I will take time off work to provide care for the child and/or support to the mother.

**Employee's Signature** ..... **Date** .....

**Manager's Signature** ..... **Date** .....

**For births:** Employees must send this form to Trust HR no later than 4 weeks prior to the requested leave.

**For adoptions:** Employees must send this form to Trust HR within 1 week of the partner (primary adopter) receiving formal notification from the Adoption Agency that they have been matched with a child.