



Paternity Leave Policy

Venn Wide Policy



1	Summary	Paternity Leave Policy			
2	Responsible person	Lynsey Cook (COO)			
3	Accountable SLT member	Simon Witham (CEO)			
4	Applies to	<input checked="" type="checkbox"/> All staff <input type="checkbox"/> Support staff <input type="checkbox"/> Teaching staff			
5	Who has overseen development of this policy	Lynsey Cook – COO			
6	Who has been consulted and recommended policy for approval	All relevant stakeholders			
7	Approved by and date	The Board 18.10.22			
8	Version number	1.3			
9	Available on	Every	<input type="checkbox"/> Y <input type="checkbox"/> N	Trust website <input type="checkbox"/> Y <input type="checkbox"/> N Academy website <input type="checkbox"/> Y <input type="checkbox"/> N SharePoint <input type="checkbox"/> Y <input type="checkbox"/> N	
10	Related documents (if applicable)	Shared Parental Leave Policy, Career Break, Flexible Working Policy			
11	Disseminated to	<input type="checkbox"/> Trustees/governors <input checked="" type="checkbox"/> All staff <input type="checkbox"/> Support staff <input type="checkbox"/> Teaching staff			
12	Date of implementation (when shared)	Autumn 2022			
13	Consulted with recognised trade unions	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N			



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1. INTRODUCTION

- 1.1 The Employment Act 2002 provides two weeks' paid leave for qualifying employees for the purposes of caring for a child or supporting the child's mother following the birth or adoption of a child. The Additional Paternity Leave Regulations 2010 has been replaced by the Shared Parental Leave Regulations 2014, and more information can be found within the Shared Parental Leave scheme.
- 1.2 This policy and procedure sets out the entitlements paternity leave and pay for eligible employees and the procedure to be followed.
- 1.3 This policy applies to any employee who is the biological father of a child or the husband or partner of the mother or, in the case of adoption, the spouse or



partner of the person who is adopting a child, as long as they have, or expect to have, responsibility for the upbringing of the child. For the purposes of this policy a partner is defined as a person (whether of a different sex or the same sex) who lives with the mother or adopter and the child in an enduring family relationship, but is not a blood relative of the mother i.e. a parent, grandparent, sister, brother, aunt or uncle. This means that a woman in a same sex relationship would be able to take paternity leave. Where this policy refers to employees as 'father', 'he' or 'him' this should be taken to include those female same sex partners who qualify.

- 1.4 Employees who qualify for paternity leave are also eligible to apply for up to thirteen weeks' unpaid Parental Leave (see Venn's Parental Leave Policy for details and an application form).
- 1.5 Venn provides a range of options to assist employees in balancing their parental and work commitments. Employees may wish to consider applying for a Career Break (see the Career Break Scheme for details). They may also make a request for flexible working arrangements.

2. ELIGIBILITY FOR PATERNITY LEAVE

- 2.1 An employee can only take paternity leave in order to care for his new baby/newly adopted child or to support the mother of the baby/child's adopter - not for any other purpose.
- 2.2 To qualify for the paternity leave the employee must:
 - a) Be the biological father of the child, or be married to or the partner of the child's mother/child's adopter.
 - b) Have or expect to have responsibility for the upbringing of the child.
 - c) Not be taking adoption leave in respect of the child.
- 2.3 There is entitlement to only one period of paternity leave regardless of the number of children born as a result of the pregnancy or whether more than one child is placed together for adoption.

3. LENGTH OF PATERNITY LEAVE

- 3.1 An eligible employee can choose to take either 1 or 2 weeks leave. This can be split into one-week blocks, but cannot be taken as odd days.



4. PATERNITY PAY

4.1 To qualify for paid paternity leave employees must meet the eligibility criteria stated above. An employee may not elect to receive Statutory Paternity Pay if he has elected to receive Statutory Adoption Pay. The amount of leave paid depends on the length of service of the employee.

4.2 **Less than 26 weeks' service**

Employees with less than 26 weeks' continuous service by the end of the 15th week before the week in which the baby is due or, in the case of adoption, by the end of the week in which the child's adopter is notified of being matched with the child, are not entitled to Statutory Paternity Pay (SPP) but will receive the following:

Week 1

Full contractual pay.

Week 2

Unpaid.

4.3 **More than 26 weeks' service**

Those employees who make regular National Insurance contributions and have at least 26 weeks continuous service by the end of the 15th week before the week in which the baby is due or, in the case of adoption, by the end of the week in which the child's adopter is notified of being matched with the child, are entitled to the following:

Week 1:

Statutory Paternity Pay (SPP) at the current rate (or 9/10th of pay if this is less). In addition the academy will pay employees a sum which will ensure that they receive their full contractual pay for this week.

Week 2:

Statutory Paternity Pay (SPP) at the current rate (or 9/10th of pay if this is less)

- 4.4 SPP weeks can start on any day of the week e.g. if an employee starts his leave on a Tuesday then a week's SPP runs from Tuesday to the next Monday.
- 4.5 If an employee meets all the eligibility requirements (including the service requirements) he is still entitled to SPP even if his contract ends after the baby is born. However, if he starts work for a new employer he cannot be paid SPP for any week he works for them.
- 4.6 If an employee changes jobs before his baby is born he will not qualify for leave or SPP (unless he moves to another local authority).



- 4.7 The employee does not have to pay SPP back even if he does not return to work.
- 4.8 No extra SPP is paid for multiple births or where more than one child is placed together for adoption.
- 4.9 If the employee is not entitled to SPP then they will be notified why SPP cannot be paid. Employees who do not qualify for SPP may be able to get Income Support whilst on paternity leave.

5 COMMENCEMENT OF PATERNITY LEAVE

- 5.1 The employee may choose to begin the period of leave on:
 - a) The date the child is born/placed with the adopter (whether this is earlier or later than expected).
 - b) A certain number of days after the child is born/placed.
 - c) On a chosen date which is later than the expected week of the child's birth/the expected date of placement.
- 5.2 Leave cannot start until the baby is born. Leave can start on any day of the week on or following the child's birth but must be completed:
 - a) Within one year of the child being born/placed.
 - b) Where a child is born prematurely i.e. before the first day of the Expected Week of Childbirth (EWC), the leave must be taken within one year of the EWC. This is to allow fathers of babies who are very premature to take leave when the child is brought home from hospital.
- 5.3 In the case of adoption, leave can start on any day of the week on or following the child's placement but must be completed within one year of the child being placed.
- 5.4 If an employee specifies the date of birth/date of placement as the day he wishes to start his leave and he is at work on that day, his leave will begin on the following day.

6. NOTICE AND ACKNOWLEDGEMENT REQUIREMENTS

- 6.1 To help academies plan, employees wishing to take paternity leave should let their Head of School know well in advance when they wish to take this leave. However, as a minimum, employees must give notification at least 28 days before they intend to take the leave. The employee should complete Part One of the Paternity Leave (Birth) Notification Form to notify paternity leave in respect of the birth of a child or, in the case of adoption, the Paternity Leave (Adoption)



Notification Form and sign the declaration. The signed declaration on the Paternity Leave Notification form is sufficient evidence. Medical evidence of a partner's pregnancy or an adoption agency certificate is not required.

- 6.2 The Head of School should sign Part Two of the Paternity Leave Notification Form and return a copy of the form to the employee to confirm approval of his paternity leave. A copy should also be sent to payroll to ensure that the payroll implications are actioned.
- 6.3 An employee may change his mind about the date on which he wants to commence his leave providing he gives 28 days' notice of the new date.
- 6.4 Where it is not possible to give 28 days' notice then notice must be given as soon as is reasonably practicable.
- 6.5 Where an employee has given notice to take leave on a chosen date and the child has not been born/placed by that date, he must choose another date and give notice of the change as soon as practicable.

7. DEATH/STILL- BIRTH

- 7.1 An employee who qualifies for SPP will still be entitled to paid leave if his baby is stillborn after 24 weeks or if the baby is born alive at any point in the pregnancy but dies later.

8. ADOPTION - SPECIAL LEAVE

- 8.1 An employee who is eligible for paternity leave for adoption purposes is entitled to up to three days paid leave, to be taken as and when necessary, to attend to the legal and technical formalities in connection with the adoption.

9. ADOPTION - DISRUPTION OF PLACEMENT

- 9.1 Where the placement has broken down the employee who is taking paternity leave is entitled to paid leave to attend a follow up meeting.

10. KEEPING THE JOB OPEN

- 10.1 At the end of his paternity leave the employee has the right to return to his existing job on the same terms and conditions as if he had not been absent, unless a redundancy situation has arisen. In such a case the employee must, where possible, be offered suitable alternative employment. Employees on additional paternity leave, adoption or maternity leave have additional legal protection to be offered a suitable alternative vacancy in preference to other staff who do not share that protection.

11. PATERNITY LEAVE AND SICKNESS

- 11.1 An employee cannot be paid Statutory Sick Pay and SPP at the same time. Therefore, if an employee is sick before starting his period of paternity leave, he should postpone it. The one year period within which he should take his paternity leave is not extended under these circumstances.
- 11.2 If an employee cannot return to his job at the end of his paternity leave because he is ill he should follow the usual procedures for reporting sickness absence.

12. CONTRACTUAL TERMS AND CONDITIONS

- 12.1 Whilst on paternity leave the employee is entitled to benefit from all terms and conditions of employment (except for payment of salary for the second week of the paternity leave. Equally the employee continues to be bound by the obligations arising under his contract of employment. This means that the whole of the paternity leave period counts for entitlements such as annual leave, bank holidays, length of service, essential user car allowance, provision of childcare vouchers etc.

13. PENSION

- 13.1 The employee must pay pension contributions based on the amount of contractual paternity pay or SPP actually received during his paternity pay.
- 13.2 He will be credited with paying contributions as if he had been on full pay during the second week of the paternity leave.

14. RIGHT NOT TO BE DISMISSED

- 14.1 It is automatically unfair to dismiss an employee because he took, or sought to take paternity leave.

15. ANNUAL LEAVE ENTITLEMENT – ACADEMY SUPPORT STAFF.

- 15. During paternity leave, the employee will accrue annual leave and bank holidays that occur as if they had been at work. Before their additional paternity leave starts you should discuss with the employee when they will take the leave and bank holidays that will accrue during this period.
 - 1
- 15. If the employee's additional paternity leave spans the end of the leave year and they have not taken their full entitlement, they will lose any leave accrued before 31st March. However they are entitled to carry over 10 days of their leave inclusive of any bank holidays (pro-rata for part-time employees) into the next leave year.
 - 2



15. If the employee resigns whilst on additional paternity leave, their annual leave will
3 be calculated up to their resignation date.

15. If the employee does not return to work, and they have taken more leave (in good
4 faith) than they were entitled to at the date of their resignation, they will not be asked to repay money in respect of any excess leave taken.

16. TERM TIME ONLY WORKING ARRANGEMENTS AND ANNUAL LEAVE

16. Due to the way term time employees are paid it is necessary to determine whether
1 the employee has had the appropriate amount of holiday and holiday pay or whether they are owed any for both leave years that fall either side of the paternity leave period.

16. An assessment will be made of how much leave (i.e. school holidays), the
2 employee has had before additional paternity leave commences. A further assessment will be made to determine whether any additional leave is owed due to the accrual of annual leave through the rest of the leave year when on paternity leave. If the employee will not have had enough leave they could be allowed to take it before they start paternity leave or carry it over for when they return.

16. It is also necessary to check that the employee has had sufficient pay for the time
3 they have worked and the period of holiday they are entitled to. An assessment will be made of how much holiday pay the employee will have received up to the start of additional paternity leave and whether they are owed any additional pay for leave they have already had and/or leave they are entitled to for the rest of the leave year. The same assessments should be made for the leave year in which the employee returns to work.

16. If the employee has received too much pay for the time they have worked and the
4 holiday they are entitled to, they must be informed of the amount of the overpayment and arrangements made for the employee to reimburse the amount.

17. PROTECTION AGAINST DETRIMENT

17. An employee is protected against being subjected to detriment because he took or
1 sought to take paternity leave. Detriment covers a wide range of unfair treatment, such as denial of promotion, training opportunities etc.



Appendix A – Birth Notification Form

Please read the Venn’s Paternity Leave Policy so that you understand your entitlements to paternity leave and Statutory Paternity Pay (SPP) if applicable.

Please give as much notice as possible but as a minimum you must give **at least 28 days** notice before the proposed start date of your paternity leave.

Please complete Part One of this form and pass it to your Head of School for approval. Your Head of School will return a copy of the form to you.

PART ONE

Surname	Other name(s)		
Academy	Post Title		
Date you commenced with Venn:	Continuous Service Date if different		
Home Address			
The baby is due on:			
Or if the baby has been born the actual date of birth:			
I want to be away from work for: one week / two weeks (please delete as applicable)			
I would like my paternity leave and SPP (if applicable) to start on:			
Week One		Week Two	

DECLARATION (You must be able to tick all three boxes below to be eligible for paid paternity leave)

I declare that:

I am

- the baby’s biological father or
- married to the mother or
- living with the mother in an enduring family relationship, but I am not an immediate relative

I have responsibility for the child’s upbringing

I will take time off work to support the mother or care for the child

Signature:	Date:
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**PART TWO**

To be completed by the Head of School and a copy of the form returned to the applicant.

The following paternity leave has been approved in respect of this application:

Duration:

Effective from:

Signature:	Date:
Name (print):	Designation

Data Protection: Please note that this form, when completed, will be used for payroll purposes and may be used for statistical and monitoring purposes. It will be stored securely in line with GDPR and confidentially on your personal file for a period of up to two years.



Appendix B – Adoption Notification Form

Please read the Venn’s Paternity Leave Policy so that you understand your entitlements to paternity leave and Statutory Paternity Pay (OSPP) if applicable.

Please give as much notice as possible but as a minimum you must give **at least 28 days** notice before the proposed start date of your paternity leave.

Please complete Part One of this form and pass it to your Head of School for approval. Your Head of School will return a copy of the form to you.

PART ONE

Surname		Other name(s)	
Academy Name		Post Title	
Date you commenced with Venn:		Continuous Service Date (if different):	
Home Address			
The adoption agency told the person adopting the child that they had been matched with the child on:			
The child is expected to be placed on:			
Or if the child has been placed please enter the date they were placed:			
I want to be away from work for: one week /two weeks (please delete as applicable)			
I would like my paternity leave and SPP (if applicable) to start on:			
Week One		Week Two	

DECLARATION (You must be able to tick all three boxes below to be eligible for paid paternity leave)

I declare that I have not applied for Adoption Leave or Statutory Adoption Pay and:
I am

- married to the person adopting the child or
- living with the person adopting the child in an enduring family relationship, but I am not an immediate relative

I will have responsibility for the child’s upbringing

I will take time off work to support the person adopting the child or care for the child

Signature:	Date:
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To be completed by the Head of School and a copy of the form returned to the applicant.

The following paternity leave has been approved in respect of this application:

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