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Owner	CfBT Schools Trust	Consultation outcome	Agreed with all recognised trade unions
Consultation period	February to March 2019	Next review due	April 2021
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This policy applies to the whole of CfBT Schools Trust (CST), including all schools.

Policy: Family Friendly & Leave of Absence Policy 3: Paternity Leave and Pay

Introduction and purpose

Employees may be entitled to Paternity Leave and Pay if their partner is having a baby, adopting a child or having a baby through surrogacy arrangements.

Scope

This policy applies to all staff employed by CST, including directly employed central team staff, the Education Executive team (EET) (this term includes the CEO and Education Directors), Headteachers, teachers, NQTs and school support staff.

For the purposes of this policy the term ‘Headteachers’ includes Headteachers and Principals. In this policy, the term ‘teacher’ refers to classroom teachers, middle and senior leaders.

Accessibility

A copy of this policy and a copy of all relevant documents will be made available for all staff. The policy is also available in hard-copy on request and can be made available in large print or other accessible formats if required.

The Right to Ordinary Statutory Paternity Leave (OSPL)

The Qualifying Week is:

- the 15th week before the baby is due; or
- the end of the week in which the child’s adopter is matched with a child for adoption (UK adoption)
- the date the child enters the UK (overseas adoption)

OSPL is available if you have, or expect to have, responsibility for the child’s upbringing and are one of the following:

- the biological father of the child; OR
- the mother’s spouse, civil partner or partner (including same-sex); OR
- the spouse, civil partner or partner of the person who elected to be the child’s Adopter for statutory adoption leave and pay purposes; OR
- the spouse, civil partner or partner of someone who is having a baby through surrogacy arrangements.

You must also:

- have worked continuously for us for 26 weeks ending with the Qualifying Week; AND
- be taking time off to support the mother/Adopter or care for the child.

Only one period of OSPL is available irrespective of whether more than one child is born as the result of the same pregnancy or more than one child is placed under one adoption arrangement.

OSPL is not available if you have taken any shared parental leave in respect of the child.

Notification of OSPL

Notification must be in writing, using a Paternity Leave form FFPLB or FFPLA. In all cases, you must notify us no later than the Qualifying Week:

- the expected date of the child's birth (birth & surrogacy)
- the date of placement (UK adoption)
- the date you intend to start your OSPL
- If you intend to take one or two continuous week's leave

You will be required to provide the following evidence to accompany the Paternity Leave form:

- Copy of the MATB1 certificate (births)
- Matching certificate (adoption)
- Written statement that you intend to apply for a parental order, witnessed by a legal professional (surrogacy)

Provided you are eligible and give the required notice, you are entitled to take the leave. We cannot refuse or defer your leave.

Antenatal and adoption appointments

If you are:

- The baby's father
- The expectant mother's spouse, civil partner or partner (including same sex)
- The intended parent (surrogacy)

You may accompany the expectant mother to two antenatal appointments (max 6.5 hours per appointment). This will be with pay.

If you are adopting a child with another person and are identified as the secondary adopter, you are entitled to paid time off to attend up to two adoption appointments. Please refer to the Adoption Policy for full information.

Requests for partners and secondary adopters to attend additional antenatal appointments are welcomed and will be agreed at the discretion of the Headteacher or EET.

Contract

All terms and conditions of employment will be maintained throughout OSPL, with the exception of pay. You have the right not to be dismissed or subjected to any detriment by reason of taking the leave.

Pay progression

You will not be denied pay progression as a result of absence due to leave granted under this policy.

The start of OSPL

You can take one or two consecutive weeks' paid paternity leave. This cannot be taken as odd days.

Birth/surrogacy: OSPL

- can't start before the birth. If you require leave before the baby is born, you may apply for annual leave in the usual way.
- must end within 56 days of the birth of the child.

Adoption: OSPL can start:

- On the placement date (UK adoption)
- An agreed number of days after the placement date (UK adoption)
- On the date the child arrives in the UK (overseas adoption)
- An agreed number of days after the child arrives in the UK (overseas adoption)
- The day the child is born or the day after the birth (surrogacy)

If you wish to change the start date of your OSPL, you must give at least 28 days' notice in writing. If this is not possible, for example because the baby is born early, you must inform us as soon as is reasonably practical.

Ordinary Statutory Paternity Pay (OSPP)

Statutory paternity pay (SPP)

Statutory Paternity Pay is a scheme to get a basic amount of paternity pay from your employer. It is paid with Contractual Paternity Pay (CPP) if you are entitled to SPP. SPP is 'pay' and is subject to normal deductions e.g. tax and NI. SPP is paid for one or two weeks.

Eligibility for SPP

You are eligible for SPP if you:

- have been continuously employed* by us for at least 26 weeks by the end of the Qualifying Week); AND
- are employed by us up to the date of birth/placement; AND
- have average weekly earnings in the 8 weeks up to and including the Qualifying Week at or above the lower earnings limit for National Insurance contributions; AND
- give the correct notice

*continuously employed means that you must have worked for all or part of each of the 26 weeks.

If you are entitled to SPP, you will receive:

- for the first week – SPP
- for the second week – SPP

If you do not qualify for SPP, you will be sent form OSPP1 by our payroll provider explaining why you are not eligible. You may be able to claim income support during OSPL.

Contractual paternity pay (CPP)

To qualify for Contractual Paternity Pay you must have at least 1 years' continuous local government service by the Qualifying Week.

CPP is pay and is subject to normal deductions e.g. tax, NI.

If eligible for CPP, you will receive:

- for the first week – full pay, offset against SPP
- for the second week – full pay, offset against SPP

Maternity Support Leave (Non-teaching staff only)

In accordance with the Green Book, Maternity Support Leave of 5 days with pay shall be granted to the child's father, or the partner or the nominated carer of an expectant mother at or around the time of the birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

You must complete form FFMSL. The mother will need to countersign your application for leave, nominating you as the nominated carer. You may be asked to provide a copy of the MATB1 certificate.

Maternity Support Leave cannot be taken in addition to OSPL.

Death of a baby/stillbirth

You can still get paternity leave or pay if your baby is

- stillborn from 24 weeks of pregnancy
- born alive at any point during the pregnancy but did not survive.