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|  | **PATERNITY LEAVE AND PAY POLICY**  **MATERNITY SUPPORT LEAVE**  **ADDITIONAL PATERNITY LEAVE** |
| **1.** | **Introduction** |
| **1.1**  **1.2** | **Support Employees**  The Paternity, Maternity Support, and Additional Paternity Leave and Pay Schemes reflect statute and/or and the provisions of the National Joint Council for Local Government Services (The Green Book)  **Teachers**  The Parental Leave, Paternity and Additional Paternity Leave Schemes reflect statutory provision. There is no national occupational paternity scheme in the Burgundy Book.  There are no national pay and conditions covering the provision of Maternity Support Leave for teachers. It is subject to the discretion of individual governing bodies. |
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| **1.3** | There are two types of leave granted to those employees who wish to care for the expectant or new mother and baby:   * Paternity Leave (PL) **(support employees and teachers)** or Maternity Support Leave (MSL) **(support employees only unless afforded to teachers by local discretion)** which can be taken at or around the time of the birth, and * Additional Paternity Leave (APL) and Additional Statutory Paternity Pay (ASPP) which can be taken at a later stage **(support employees and teachers)**. |
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| **2.** | **PATERNITY LEAVE AND PAY POLICY (SUPPORT EMPLOYEES AND TEACHERS)** |
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| **2.1** | **To whom this policy applies**  This policy applies to any employee who is the biological father of a child or the spouse or partner of the child's mother (including same-sex partners), who expects to have responsibility for the upbringing of the child, adoptive parent or intended parent through a surrogacy arrangement. |
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| **2.2**  2.2.1  2.2.2  2.2.3 | **Eligibility**  Paternity Leave is granted to care for a child or support the child’s mother or primary adopter. To qualify for the leave, the employee must:   * Have 26 weeks’ continuous service with Nottingham City Council by the end of the 15th week before the Expected Week of Childbirth (EWC) or ’matching week’ for adoption * Have earnings at least equal to the National Insurance Lower Earnings Limit   You will need to meet the eligibility criteria for paternity leave, before you are eligible to receive paternity pay.  If you are not eligible for paternity leave, you may be able to take maternity support leave. |
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| **2.3**  2.3.1  2.3.2  **2.4**  2.4.1 | **Taking Paternity Leave**  You are able to take one or two weeks’ ordinary paternity leave at any time in the first year of the child being born or date of placement for adoption, either as a single period of leave of one or two weeks, or two non-consecutive periods of a week each. If a child is born prematurely, the leave must be taken within 52 weeks of the Expected Week of Childbirth (EWC).  You can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first.  You can choose to start your leave on:   * The date the child is born or date of placement; * A certain number of days after the child is born or date of placement; or, * On a predetermined date after the first day of the EWC, or date of placement.   **Paternity Pay Entitlement**  Your first week’s Paternity Leave will be paid at the statutory weekly rate of Paternity Pay and made up to a normal week’s pay. |
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| 2.4.2 | Your second week of Paternity Leave will be paid at the statutory weekly rate of paternity pay (as set by central government each year – see <https://www.gov.uk/paternity-pay-leave/pay>) or 90% of your average weekly earnings (whichever is lower). |
| **2.5**  2.5.1  2.5.2  2.5.3 | **Notification of Paternity Leave**  For each period of leave, you must provide your headteacher (copy to school business manager) with 28 days’ notice, before the EWC or date of placement for adoption (or as soon as reasonably practicable), detailing the following:   * The expected date of childbirth; * The length of leave you wish to take (one or two weeks); and, * The expected date on which you want your leave to begin   You may change the start date provided that you give 28 days’ notice (or as much notice as is reasonably practicable) of the new start date.  You must inform your headteacher (copy to school business manager) of the date your child is born as soon as reasonably practicable. |
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| **3.** | **MATERNITY SUPPORT LEAVE (SUPPORT EMPLOYEE ONLY, UNLESS BY LOCAL DISCRETION)** |
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| 3.1 | Employees not eligible for Paternity Pay / Leave are entitled to one week’s paid leave at or around the time of the birth if they are the child’s father or nominated carer of the expectant mother[[1]](#footnote-1). |
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| 3.2 | The employee can choose to start his/her leave on:   * The date the child is born * A certain number of days after the child is born, or * On a predetermined date after the first day of the EWC |
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| 3.3 | An employee must give notice in writing of the following before the end of the 15th week before the EWC or as soon as is reasonably practicable;   * The EWC * The expected date on which they want their leave to begin |
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| 3.4 | If the employee needs assistance with writing they should approach their trade union representative, their manager or the HR Administration Service. |
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| 3.5 | The employee may change the commencement date provided they give 28 days’ notice (or as much notice as is reasonably practicable) of the new start date. |
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| 3.6 | All leave taken as MSL will be pensionable, reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service |
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| 3.7 | In special circumstances, for example, illness of the mother or baby, the employee may also apply for Unpaid Leave (as detailed in the ‘Other Leave’ section of the People Management Handbook for Schools). |
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| 3.8 | Maternity Support leave is available to give paid time off for:   * the husband or civil partner of the pregnant woman; * The partner, including same sex partners, who live with the woman; * The parent of the expected child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (HEFA) including same sex partners * A potential applicant for a parental order under section 54 of HEFA in respect of an expected surrogate child   Inorderto attend antenatal appointments with the mother, subject to as much prior notice of appointments being given as possible. Written evidence of appointments can be requested. |
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| **4.** | **ADDITIONAL PATERNITY LEAVE (APL) (SUPPORT EMPLOYEES AND TEACHERS)** |
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|  | *Qualifying conditions* |
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| 4.1 | Additional Paternity leave is not limited to the ‘father’. It will also apply to;  * Employees married to or the partner and civil partner of the mother  Employees married to or the partner or civil partner of a person adopting a child, including those adopting from overseas where the child enters Great Britain on or after 3rd April 2011 |
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| 4.2 | The right to take two - 26 weeks’ Additional Paternity Leave and Pay applies to the employee who is not taking maternity leave. |
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| 4.3 | APL is granted for the purpose of caring for a child. To qualify for the leave, the employee must:   * Have at least 26 weeks’ continuous service with Nottingham City Council by the 15th week before the baby is due OR be employed for 26 weeks by the week the adopter is matched with the child for adoption * Have remained in employment with the employer until the week before the APL starts * Be the father of the child or married to or the civil partner of the child’s mother * Have or expect to have the main responsibility (apart from the child’s mother) for the upbringing of the child |
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| 4.4 | The employee must also provide a signed declaration that he/she meets the above requirements before he/she is granted APL to care for the child. |
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| 4.5 | In addition to the above and to qualify for Additional Statutory Paternity Pay (ASPP), the mother must:   * Be entitled to maternity/adoption leave, * Statutory Maternity Pay (SMP)/Statutory Adoption Pay (SAP) **or** maternity allowance, and * Have signed the declaration (as detailed in 4.7) and * Returned to work or be treated as having returned to work (e.g. on annual leave) for at least two weeks before her SMP or maternity allowance ends |
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|  | ***Notifications and evidence of entitlement*** |
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| 4.6 | The father/partner must provide the employer with a **leave notice** eight weeks before he/she intends to start APL in order to care for the child. The leave notice must include:   * EWC (or the date the adopter matched with the child) * The actual date of the child’s birth or date what the child was placed with the adopter (a copy of the birth certificate can be asked for by Nottingham City Council within 28 days of the notice being given) * The date he/she intends to start and end their leave |
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| 4.7 | In addition, the father/partner must provide a written declaration signed by the mother (again, within 28 days of the notice being given) stating:   * Her name and address * Her National Insurance number and the address of her employer * She has been entitled to receive maternity allowance or SMP * The start date of her maternity pay period * She has given notice to her employer of the date that she intends to return to work * That the father is the father of the child or is her partner or married to her and has the main responsibility for the upbringing of the child * That the father is the only person to her knowledge taking APL and ASPP in respect of that child * That she consents to Nottingham City Council processing the information contained in the declaration. |
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| 4.8 | In the case of adoption, a document from the adoption agency will be required which details:   * The same and address of the agency * The date the adopter was notified of the matching * The expected date of the placement |
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| 4.9 | It should be noted that the above information needs to be provided in order for the employee to be granted ASPP. |
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| 4.10 | Once the father has provided his leave notice, the school’s HR admin/payroll provider must confirm within 28 days the agreed start and end days of his/her leave and ASPP. |
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|  | ***Amount and timing of leave*** |
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| 4.11 | The employee can take between two and 26 weeks leave at any time in the period which begins **20 weeks** and ends 12 months after the child was born. |
| 4.12 | The leave must be taken in complete weeks and one continuous block. |
|  | Leave cannot start until 8 weeks **after** the father/partner has given notice that he/she intends to take leave. |
| 4.13 | Only one period of APL can be taken even though more than one child is born at the same time. |
| 4.14 | Any leave taken after this period has ended would be unpaid. |
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|  | ***Other*** |
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| 4.15 | The father/partner can carry out 10 days work for the school during the additional paternity leave period, which are known as Keeping In Touch (KIT) days. |
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| 4.16 | The employee is entitled to the benefit of his terms and conditions during APL that would have applied had he/she not been absent apart from remuneration (wages/salary). |
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| 4.17 | An employee on his/her return to work will be eligible to return to the job he/she did before he commenced his/her APL. Where this is not possible due to reasons of reorganisation or redundancy, employees will be treated in accordance with the appropriate procedures for  redeployment and redundancy. |
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| 4.18 | The period of APL will count for the purposes of accruing rights based on continuous service. The employee’s terms and conditions on his/her return must be no less favourable that they would have been had he/she not have taken leave. |
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|  | **Additional Statutory Paternity Pay** |
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| 4.19 | The employee will be entitled to between two and 19 weeks at whichever is the lesser of:   * The standard rate ASPP **or** * 90% of average weekly earnings |
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| 4.20 | To qualify for ASPP, the employee’s average earnings in the eight weeks ending with the 15th week before the EWC/the week the child is matched for adoption must be no less than the lower earnings in force at the end of the week. |
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| 4.21 | ASPP starts either when the father/partner gave notice for it to start or on the mother’s return to work if this is later. |
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| 4.22 | ASPP is not payable where an employer works for a new employer. |
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| 4.23 | ASPP continues to be paid during the 10 KIT days but is not payable in any week in which work is carried out in excess of those 10 days. |
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| 4.24 | ASPP is only paid during the mother’s maternity or adoption pay period i.e. the remainder of the 39 weeks following the date she commenced SMP or SAP. |

1. 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. [↑](#footnote-ref-1)