

Paternity and Maternity Support Leave Policy

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Paternity and Maternity Support Leave Policy

1. Policy Statement

The purpose of this policy is to provide information and guidance on the support the Trust will offer to parents who have children by birth, adoption or surrogacy. The Policy outlines what leave and other entitlements the parents may be able to access, subject to eligibility.

2. Definitions

The following definitions are used in this policy:

"Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

"Qualifying week" means the 15th week before the expected week of childbirth, or in the case of adoptive parents the matching week, which is:

- The end of the week the adoptive parents are matched with the child (UK adoptions, or
- The date the child enters the UK or when the employee wants their leave/pay to start (overseas adoptions).

"Childbirth" means the living birth of a child or a still birth after a pregnancy lasting at least 24 weeks.

The term "A Week's Pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Trust to the employee under the current contract of employment for working their normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

It is the Trust's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to talk to their line manager at the earliest opportunity to clarify the relevant procedures and ensure that they are followed correctly.

Paternity leave should not be confused with Shared Parental leave. Shared parental leave allows parents to take up to 52 weeks leave in total on the birth/adoption of a child. They may be able to take this leave at the same or at different times. The Trust has a separate policy on Shared Parental Leave.

3. Legislation/Conditions of service

This policy complies with relevant legislation and terms and conditions of service.

4. Supporting and related documents

Further information and guidance on paternity leave and pay may be obtained from the organisations listed in Appendix 4. Related forms of leave are dealt with in the following policies:

- Shared Parental Leave Policy
- Adoption Leave Policy
- Maternity Leave Policy
- Unpaid Parental Leave Policy

Paternity and Maternity Support Leave Entitlement and Procedure

1. Introduction

The purpose of this document is to provide standard guidance on the statutory rights and responsibilities of employees who wish to take paternity leave. It also provides guidance on the Trust's maternity support leave scheme.

The entitlement and procedure also apply to adoptive parents where a child is matched or newly placed with them for adoption.

Employees are encouraged to talk to their manager about their plans from an early stage to help both the manager and employee manage their work during paternity and maternity support leave.

2. Eligibility

2.1 Eligibility for Paternity leave

An employee may be eligible where they are taking time off to look after the child and they are either:

- The father
- The husband or partner of the mother
- The child's adopter, or
- The intended parent if they are having a baby through a surrogacy arrangement

The employee is entitled to take one or two weeks' ordinary paid paternity leave provided that they have 26 weeks' continuous service by the end of the qualifying week (as defined in section 2 of the policy above).

Either the adoptive father or the adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave. The Trust has a separate policy in respect of adoption leave.

Paternity leave is granted to an employee who is making the request to look after the child, and who is either:

- The father;
- The husband or partner of the mother (or adopter)
- The child's adopter, or
- The intended parent, if the employee is having a baby through surrogacy arrangements.

An employee will not be able to take paternity leave if they have already taken **paid** time off to attend adoption appointments.

2.2 Eligibility for paternity pay

To be eligible for paternity pay the employee must satisfy the above requirements, must give the correct notice, (see section 3), and must earn at least the weekly lower earnings limit before tax. (The weekly lower earnings limit is an amount set by government and the current rate can be found on the gov.uk website).

3. Paternity Leave

Paternity leave is granted in addition to an employee's normal annual holiday entitlement. Paternity leave must be taken in a single block of one or two weeks and must be taken in one go. The leave cannot commence before the birth in the case of a partner of an expectant mother. For an adoptive parent the paternity leave can start:

- On the date of placement
- An agreed number of days after the date of placement
- On the date the child arrives in the UK or on an agreed number of days after this (overseas adoptions only)
- The day the child is born or the day following (surrogate parents).

An employee does not have to give a precise date of when they want to take leave but can give a general time, e.g. the day of birth or 1 week after the birth.

The paternity leave must end within 56 calendar days, (eight weeks) of the birth of the child, or in the case of adoptive parents the date of placement or the child's arrival in the UK (overseas adoption).

Employees who also wish to take shared parental leave (see Shared Parental Leave Policy)) must take their period of paternity leave first. An employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.

Where the employee is entitled to both paternity leave and maternity support leave (see section 5) they will be entitled to one week paternity leave and one week maternity support leave.

4. Notification of paternity leave and pay

Where an employee wishes to request paternity leave in respect of a birth child, they must give their manager 15 weeks' written notice of the date on which their partner's baby is due, the length of paternity leave they wish to take and when they wish the leave to commence.

In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which their partner or co-adopter was matched. The notice must specify the date the child is expected to be placed for adoption, when the employee intends to start

paternity leave, the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.

The request form in Appendix 1 should be completed and forwarded to the payroll provider via the manager and CEO/Headteacher. The employee should also complete and sign a self-certificate shown in Appendix 2 declaring that they are entitled to paternity leave and statutory paternity pay. This will enable payroll to assess entitlement to paternity pay.

If an employee subsequently wishes to change the timing of the paternity leave, they must give 28 days' written notice of the new dates. The form shown in Appendix 3 should be completed and forwarded to the payroll provider via the manager.

4.1 Statutory paternity pay

Where the employee also wants to claim paternity pay they must give notice 28 days before they want their pay to start.

Pay during paternity leave will be at a rate set by the Government for the relevant tax year, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than the standard rate. Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

4.2 Rights on and after return to work

On resuming work after paternity leave, the employee is entitled to return to the same job as they occupied before commencing paternity leave on the same terms and conditions of employment as if they had not been absent.

5. Maternity Support Leave

The purpose of maternity support leave is to allow an employee leave where they are the main support for the mother and/or carer of the child at or around the time of birth.

If the child's father or the partner of the expectant mother intends to take their entitlement to maternity support leave then there will be no further entitlement for a 'nominated carer' (e.g. grandmother who is an employee of the Trust).

5.1 Entitlement to maternity support leave

The following will be entitled to maternity support leave:

- The child's father or the partner of an expectant mother at or around the time of birth, or

- A nominated carer who is the person nominated by the mother to assist in the care of the child and to provide support at or around the time of birth, or
- An adoptive parent, where the other adoptive parent has elected to take adoption leave.

5.2 Duration of maternity support leave

Eligible employees will be entitled to 5 days leave with pay at or around the time of birth.

5.3 Maternity support pay

Eligible employees will receive full pay for maternity support leave. Where a second week is taken as paternity leave this will be paid at the statutory rate referred to in the previous section of this procedure.

5.4 Notification of maternity support leave

Employees must give 28 days' notice that they intend to take maternity support leave. The request form in Appendix 1 should be completed and forwarded to the payroll provider via the manager.

The employee can change their mind about the intended start date for the leave but must give 28 days' notice before the new intended start date or as soon as reasonably practicable. However, if the employee has indicated that they want to start their leave immediately following the child's birth, and provided they have given the necessary notice, their leave will start on the day the child is born, regardless of whether the child's birth is early, on time or late.

5.5 Maternity support leave and paternity leave

Where an employee takes maternity support leave and paternity leave, the maternity support leave will replace one week of paternity leave i.e. they will not be eligible for one-week maternity support leave and two weeks paternity leave.

6. Other employment information

6.1 Continuous Service

Maternity Support leave and Paternity leave will be regarded as continuous service for the purpose of the Trust's sickness and paternity schemes and annual leave.

6.2 Training and development

If an employee is undertaking training and development, they may need to discuss how this will be affected by their paternity leave with their Headteacher/CEO. In some circumstances it may be possible to continue with a college course or an employee may need to arrange to have time out until they return to work.

6.3 Annual leave

Annual leave entitlement will accrue, in accordance with the contract of employment, while the employee is on paternity leave.

Annual leave entitlement is a matter that should form part of planning for an employee's paternity leave. The CEO/Headteacher should arrange a meeting with the employee prior to their paternity leave to discuss how this aspect will be treated. The employee's annual leave entitlement should be confirmed in the meeting.

Trust employees are generally not able to take leave during term time and therefore may be unable to take leave immediately before or after paternity leave unless it coincides with Trust's or School's closure periods. However, their entitlement to leave is met during the first weeks of the school closure periods - in the case of teachers this will be the 5.6 weeks statutory entitlement. Support staff will be entitled to their pro rata leave.

6.4 Public holidays

If public holidays fall during paternity leave the employee will be entitled to any time in lieu that they would have been due had they not been on paternity leave. Any entitlement to days in lieu of public holidays should be added to the annual leave entitlement and arrangements to take the leave should be made as for annual leave.

Teachers do not have a contractual entitlement to paid leave on public or bank holidays. The May Day bank holiday is the only bank holiday that falls during term time. For the purposes of annual leave, the May Day bank holiday will be classed as a school closure which counts against the statutory annual leave entitlement.

6.5 Salary sacrifice schemes

Employees are advised to contact their scheme provider for further information regarding suspending or leaving the scheme before or during the paternity leave period.

6.6 Annual leave during maternity support leave

Annual leave entitlement will accrue, in accordance with the contract of employment, while the employee is on maternity support leave.

6.7 Public holidays

If public holidays fall during leave the employee will be entitled to any time in lieu that they would have been due had they not been on leave. Any entitlement to days in lieu of public holidays should be added to the annual leave entitlement and arrangements to take the leave should be made as for annual leave.

The Trust has the right to postpone, due to operational requirements, any unpaid parental leave requested for a maximum of 6 months. Further details may be found in the Unpaid Parental Leave Policy.

7. Dismissal Protection

7.1 Unfair Dismissal

An employee is entitled not to be subjected to a detriment for reasons relating to taking, or seeking to take, maternity support or paternity leave and it is automatically unfair to dismiss an employee for such a reason.

7.2 Fair Dismissal

An employee may be fairly dismissed for reasons unconnected to maternity support or paternity leave where the dismissal would have occurred regardless of the fact that the employee is on maternity support or paternity leave.

7.3 Redundancy

An employee who is made redundant during their maternity support or paternity leave has the right, where there is a suitable alternative vacancy, to be offered suitable alternative employment under a new contract that begins on the day immediately following, or no later than four weeks after the day on which the employee's previous contract came to an end. The work to be done under the new contract must be both suitable for the employee and appropriate for them to do in the circumstances.

Scope

- This policy applies to all employees of the Trust.
- The term 'employee' refers to any member of staff whether teaching or support staff employed to work by Trust either within a School or Trust
- Changes in Employment Law or Educational Legislation may form part of the policy.

Delegation

- The term 'Headteacher' refers to Headteacher/Executive Head/Principal or CEO

Paternity/Maternity Support Leave Notification

Name of school:

Employee Name:

Expected delivery date:

Paternity Leave

Eligible employees can choose to take either one week or two consecutive weeks' paternity leave (not odd days).

Leave can start on any day of the week on or following the child's birth but must be completed:

- Within 56 days of the actual birth of the child, or
- If the child is born early, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

Maternity Support Leave

All eligible employees are entitled to 5 days maternity support leave with full pay.

Where the employee qualifies for two weeks' paid statutory paternity leave, this will be made up of 5 days maternity support leave with full pay and 5 days statutory paternity leave (no more than 2 consecutive weeks).

I intend to take 2 weeks Paternity Leave

I intend to take Maternity Support Leave

.....

I intend to start Paternity/Maternity Support Leave: (please tick one)

a) From the date of the child's birth
(Whether this earlier or later than expected)

b) From a chosen number of days or weeks after the date
of the child's birth (Whether this is earlier or later than expected)
..... Days / Weeks

c) From a chosen date later than the first day of the week in
which the baby is expected to be born.

Date:

I have notified my Headteacher/Line Manager of my intention to take Paternity Leave / Maternity Support Leave. (*delete as applicable)

Signature: Date:

Paternity Leave Self-Certification Form

Name of employee:		
Team/Section/ Department:		
Start date with the Trust/School:		
Start date with Local Government, (maintained schools only:		
National Insurance number:		
I declare that:		Please tick as appropriate:
I am the child's biological father		
I am married to the child's mother		
I am the civil partner of the child's mother		
I am the cohabiting partner of the child's mother		
OR:		
I am married to the person adopting the child		
I am the civil partner of the person adopting the child		
I am the cohabiting partner of the person adopting the child		
AND:		
I am adopting jointly and have elected to receive statutory paternity pay and leave and not statutory adoption pay and leave		
I will have responsibility for the child's upbringing		
I will be absent from work for the purpose of caring for the child or supporting the child's mother		
Please state the date on which the child is due to be born/placed for adoption or, where the child has already been born/placed for adoption, the date when this occurred		
Signed:	Date:	

Request to vary the dates of paternity/maternity support leave

To: HR Services
Floor 11, Civic Centre
Southend-on-Sea Borough Council
Victoria Avenue
Southend-on-Sea
Essex SS2 6ZB
Tel: 01702 215662
Email: payrollenquiriesblue@southend.gov.uk

Name: _____ Today's Date: _____

Job title: _____

Department & Team: _____

Line manager: _____

Commencement of Continuous Service in [Trust/School]

(date): _____

Commencement of Continuous Service in Local Government (maintained school only):

(date): _____

I previously notified you that I wished to take a period of [one week's/two weeks'] paid paternity leave from [date] to [date] [and/or one weeks' maternity support leave from [date] to [date]]. I now wish to vary these arrangements. Instead of the above, I would like to take [one week's/two weeks'] paternity leave from [date] to [date] [and/or one weeks' maternity support leave from [date] to [date]]. The leave requested relates to the [birth of my baby which is due on [date] / adoption of a child on [date]].*

I have notified my manager of my intention to vary the dates of my paternity/maternity support leave.

****delete as applicable***

Signature: _____

Useful sources of help and information

TIGER website

For tailored information on paternity rights visit the website www.direct.gov.uk/employment .

Department for Work and Pensions

For further information on Statutory Paternity Pay and details of other benefits that may be available visit their website www.dwp.gov.uk .

Working families

This organisation provides advice and information on work-life balance. Visit their website www.workingfamilies.org.uk for further information.

Local Government Pension Scheme

If you require any information about your pension or have any concerns about your membership or benefits you should contact your local pension fund administrator.

Essex County Council
Human Resources
PO Box 11
County Hall
Chelmsford
Essex CM11 1LX

Or contact the Member Service Team on 01245 431912

You may also visit their website www.essexcc.gov.uk/pensions

Further information can be found on the Local Government Pensions website www.lgps.org.uk .

HM Revenue & Customs

HM Revenue & Customs have responsibility for the administration of income tax and national insurance contributions.

For further information visit their website www.hmrc.gov.uk where you will also find details of your nearest local office.