



## **PATERNITY SCHEME FOR STAFF AT RUSH COMMON SCHOOL**

In this policy as in all documents of Rush Common Academy Trust (“RCAT”) any reference to Governors of Rush Common School or Trustees of RCAT is a reference to the Board of Directors of RCAT and any reference to the Headteacher of Rush Common School is a reference to the Chief Executive Officer of RCAT.

### **Introduction**

This policy applies to all employees working at Rush Common School. It should be read in conjunction with the relevant terms and conditions and with other relevant policies of Rush Common School. Advice and support on the application of this policy is available from the Head of Business and Finance at Rush Common School.

### **Who does this scheme apply to?**

1. Under this scheme, employees whose partner is having a baby or adopting a child may be eligible for paternity leave.
2. Employees must be taking time off to look after the child and be one of the following:
  - the father
  - the spouse or partner of the mother or adopter
  - the child’s adopter

### **Time off for partners to attend ante-natal and adoption appointments**

3. Expectant fathers or partners are entitled to unpaid time off to attend up to two ante-natal appointments with the mother.
4. By law, time off is given to employees applying to adopt, to attend up to five adoption appointments. The time off will be paid where the employee is adopting the child on their own. If the employee is adopting jointly then one of the parents may elect to receive the time off as paid and the other will be entitled to take the time off as unpaid.
5. The Headteacher may ask to see an appointment card or other evidence of appointments.

### **Paternity Leave**

6. There are three types of Paternity Leave:

- (i) Ordinary Paternity Leave - one or two weeks paid leave.
- (ii) Additional Paternity Leave - up to 26 weeks paid leave may be available for employees whose child is due to be born or placed for adoption before 5 April 2015 but only if the mother or co-adopter returns to work.
- (iii) Unpaid Paternity Leave - up to 45 weeks unpaid leave.

\*Important change: For children born or placed for adoption after 5 April 2015 Shared Parental Leave will replace Additional Paternity Leave and will allow eligible parents to share the care of their child during the first year, taking time off together or separately. See the School's Shared Parental Leave Policy.

- 7. There are different qualifying conditions for Ordinary, Additional and Unpaid Paternity Leave and for Shared Parental Leave and Pay.

### **Qualifying continuous service**

- 8. The paternity leave and pay an employee is eligible for depends on their length of continuous service. This is the amount of time the employee has worked for Rush Common School without a break.

### **Ordinary Paternity Leave**

- 9. To qualify for Ordinary Paternity Leave employees must first meet the criteria set out in paragraph two of this document.
- 10. The amount of Ordinary Paternity Leave an employee is entitled to depends on their length of service as follows:
  - An employee who has worked for the School for less than 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week') or if adopting by the 'matching week' is entitled to one weeks' paid leave, paid at their normal salary.
  - An employee who has worked for the School continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth or if adopting by the 'matching week' is entitled to one or two weeks paid leave, paid at their normal salary.
- 11. For adoption the 'matching week' is either:
  - the end of the week they are matched with the child (UK adoptions)
  - the date the child enters the UK or when the employee wants their pay to start (overseas adoptions).
- 12. Normal salary is paid during Ordinary Paternity Leave and includes Statutory Ordinary Paternity Pay which is a flat rate amount set by the government, or 90% of the employee's average weekly earnings (whichever is lower). Employees cannot be paid more than their normal salary. Tax and National Insurance will be deducted.
- 13. A week is the same amount of days that the employee normally works in a week.

14. The same amount of leave applies if the employee's partner has a multiple birth (e.g. twins).

### **Taking Ordinary Paternity Leave**

15. Ordinary Paternity Leave, either one or two weeks, must be taken in one go.
16. Ordinary Paternity Leave cannot start before the birth and must end within eight weeks of the birth.
17. For adopters, Ordinary 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 an agreed number of days after this (overseas adoptions only).
18. Leave must be taken within eight weeks of the date of placement or the child's arrival in the UK (overseas adoptions).

### **Giving notice to take Ordinary Paternity Leave**

19. At least 15 weeks before the baby is expected to be born, employees must fill in a Paternity Leave Application Form (Annex 1) and send it to the Headteacher. Employees may be asked to provide a copy of the MAT B1 Certificate confirming the expected date of child birth.
20. Employees who are co-adopting or whose partner is adopting must fill in the Paternity Leave Application Form within seven days of being matched with a child and send it to the Headteacher. Employees may be asked to provide a copy of the 'matching certificate' issued by the adoption agency.
21. Employees who are adopting a child from abroad and who want to apply for Ordinary Statutory Paternity Pay and Leave must also fill in form SC5.
22. Employees don't have to give a precise date when they want to take leave but instead can give the general time such as the day of the birth or one week after the birth.
23. Employees must give the Headteacher 28 days' notice if they want to change the date of their paternity leave. If this is not reasonably practicable, as much notice of the new start or end date as possible must be given.

### **Early and late births**

24. The eight week period in which Ordinary Paternity Leave must be taken runs from the actual date of the birth.

## **Additional Paternity Leave and Pay**

25. Additional Paternity Leave and Pay may be available to eligible fathers/partners whose child is due to be born or placed for adoption on or before 4 April 2015.

\*Important: For employees whose child is due to be born, or newly adopted, on or after 5th April 2015 Additional Paternity Leave and Pay will be replaced by Shared Parental Leave. See the School's Shared Parental Leave Policy.

## **Qualifying for Additional Paternity Leave and Pay**

26. To qualify for Additional Paternity Leave and Pay employees must meet the conditions in paragraph two and the mother or co-adopter must return to work before using their full entitlement to Statutory Maternity/Adoption Leave.
27. Employees will qualify for Additional Statutory Paternity Pay if the mother or co-adopter returned to work before exhausting their entitlement to Statutory Maternity/Adoption Pay.
28. To qualify employees must also:
- have worked for the School for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week') or if adopting by the 'matching week' (see paragraph 11)
  - be employed by the School the week before their leave or pay starts (Sunday to Saturday)
  - earn at least £111 a week (gross) in an 8-week period
  - confirm their partner has at least 2 weeks left of their statutory entitlement to maternity or adoption pay
  - provide the correct notice.
29. Leave or pay can only start 20 weeks after the birth, adoption or child's arrival in the UK (for overseas adoptions). Leave must be taken and end no later than the child's first birthday or 52 weeks after the child starts living with the adopter.
30. Additional Paternity Leave must be taken in a one continuous block of complete weeks of between 2 and 26 weeks depending on entitlement.
31. Employees can take unpaid Additional Paternity Leave if they are eligible for leave but not pay. Any Additional Paternity Leave taken after entitlement to Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay is exhausted will be unpaid.

## **Amount Payable - Additional Statutory Paternity Pay (ASPP)**

32. Employees will receive the set weekly rate of Additional Statutory Paternity Pay or 90% of their average weekly earnings, whichever is less.
33. Additional Statutory Paternity Pay is only payable during the period of the employee's partner's 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period. All Additional Paternity Leave taken after the

end of the Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period is unpaid.

### **Giving notice to take Additional Paternity Leave**

34. At least eight weeks before the employee wishes to take Additional Paternity Leave they must fill in a Paternity Leave Application Form and send it to the Headteacher.
35. The mother/partner also needs to put in writing to the Headteacher:
  - their name and full address
  - the date they intend to return to work
  - that they were entitled to either Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay (or Statutory Maternity or Adoption Leave if the employee is applying for unpaid leave only) and the start date for it
  - their National Insurance number
  - confirmation that the person requesting Additional Paternity Leave is either the father of the child, the spouse, civil partner or partner or if jointly adopting a child or the spouse, civil partner or partner of the adopter
  - that this person is, to the mother's/adopters knowledge, the only person exercising the entitlement to additional paternity leave in respect of the child
  - that the person consents to the processing of their information.
36. The Headteacher will pass this information on to the School's payroll service provider.
37. The Headteacher may also request:
  - a copy of the baby's birth certificate/matching certificate
  - the name and address of the mother's/partner's employer
38. Employees can change the dates they want to take Additional Paternity Leave but must give the Headteacher six weeks' notice.

### **Unpaid Paternity Leave**

39. Up to 45 weeks unpaid leave may be available for employees who meet the qualifying conditions in paragraph two and who have been employed by the School for at least 26 weeks at the end of the 15th week before the start of the week when the baby is due or where adopting, by the end of the week they are notified of being matched with a child.
40. Unpaid paternity leave must begin within six weeks of the week in which the baby is born or the date of adoption placement.
41. At least 15 weeks before the employee wishes to take Unpaid Paternity Leave they must fill in a Paternity Leave Application Form and send it to the Headteacher.
42. School employees, unless otherwise agreed, must give at least one term's notice of their intention to take additional unpaid paternity leave and give one

term's notice of the date of their return to work which must be at the start of a school term. In this instance, a term is defined by the national Conditions of Service for School Teachers in England and Wales, not the local six term arrangement.

### **Employment rights when on paternity leave**

43. Employee's employment rights are protected while on paternity leave.

### **Annual leave**

44. Annual leave entitlement continues to accrue during paternity leave. For staff working term time only, any accrued entitlement is included in normal school closure periods.
45. No pay in lieu of days owed is payable.

### **Pension**

46. Pension contributions continue during paid periods of Paternity Leave.
47. For members of the Local Government Pension Scheme who take a period of unpaid Paternity Leave, pension contributions to maintain their own pension are then optional. Members will find information and interactive tools to show costs on [www.lgps2014.org](http://www.lgps2014.org) (Use the section 'How do I buy extra or lost pension'). Once members have obtained a quote they should contact the School's payroll service provider.
48. The Teachers' Pension Scheme does not allow service during periods of unpaid leave to be purchased but there is provision for Additional Pension to be purchased when returning to paid teaching service. Full details are on the Teachers' Pensions website.

### **Keeping in touch days**

49. During additional paternity leave employees may, by agreement, work for up to ten days (either separately or in a block) without losing entitlement to additional statutory paternity pay or triggering the end to the period of additional paternity leave.

### **Requests for flexible working**

50. All employees have the right to request flexible working and the Headteacher will give careful consideration to all requests, ensuring that the needs and priorities of the school can be met before agreeing to any new arrangements. See the school's Flexible Working Policy.





## **Annex 1**

### **Application for Paternity Leave**

Please complete this form and return to the Head of Business and Finance to be forwarded to the School's payroll service provider, no later than the fifteenth week before the expected week of the baby's birth or within 7 days of being matched with a child for adoption.

Please refer to the school's Paternity Scheme for Staff at Rush Common School.

Surname:

Forename:

Job Title:

Payroll reference number:

Home Address:

Date recognised for continuous service:

Please state either: Expected date of birth/date of baby's birth/date of adoption matching (please delete as appropriate):

(You may be asked for a copy of the MAT B1 form or baby's birth certificate or the adoption confirmation by the Headteacher)

Application for paternity leave [Paid leave must be taken within 56 days of the birth]:

Week 1      Date from:                      Date to:  
(At normal pay)

Week 2      Date from:                      Date to:  
(At normal pay providing you have more than 26 weeks' continuous service)

Additional Paternity Leave: Date from:                      Date to:

Extended unpaid leave: Date from:                      Date to:



Declaration [You must be able to tick all three boxes below to qualify] I declare that:  
(please tick appropriate boxes)

- I am: the baby's biological father, or married to the baby's mother, or living with the mother in an enduring family relationship, but am not an immediate relative
- I have/will have responsibility for the child's upbringing
- I will take time off work to support the mother or care for the child

Signed:

Date:

To be completed by the Headteacher

Leave approved (please tick):

Week 1

Week 2

Add leave

Ext leave

Signed:

Name:

Job Title:

Date: