KALEIDOSCOPE
Multi Academy Trust

GUIDANCE ON PATERNITY LEAVE AND PAY

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GUIDANCE ON PATERNITY LEAVE AND PAY

Introduction

Paternity leave may be available to you if you are taking time off to look after the child, you are responsible for the child's upbringing and:

- you are the father of the child or
- you are the partner of the mother/primary carer or the primary adopter or
- your partner is having a baby through a surrogacy arrangement.

You cannot take paternity leave or receive paternity pay if you:

- are taking adoption leave or
- have taken paid time off to attend adoption appointments.

Eligibility

In addition to the requirements set out in the introduction, to be eligible for statutory paternity leave you must:

- be an employee
- have at least 26 weeks' continuous employment[1] by the end of the 15th week before the expected week of childbirth or by the end of the week you are matched with the child[2] ('the qualifying week') and
- give the required notice.

You will be treated as having the necessary length of service if:

- the baby is born earlier than the 14th week before the expected week of childbirth and
- the birth had not occurred early, you would have been employed continuously for the 26 weeks.

You remain entitled to statutory paternity leave and pay if your baby:

- is still born after the start of your partner's 24th week of pregnancy or
- dies after being born.

If you are a step-parent you are not entitled to Paternity Leave as an adopter.

If you are not eligible for statutory paternity leave you may be entitled to occupational paternity leave. In the event you are not eligible for statutory paternity leave please check with your School whether occupational paternity leave is available under their Family Leave Policy or Leave of Absence Policy.

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[1] With regard to statutory paternity leave and pay, if you are a teacher or a member of support staff in a LA maintained school, continuous employment means continuous employment with North Somerset Council or a Local Authority school in North Somerset and if you are a teacher or a member of support staff in an Academy it means continuous employment with the individual Academy.

[2] In the case of overseas adoptions you must had continuous service for at least 26 weeks by the date the child enters the UK or by when you want your pay to start.

Entitlement

If you are eligible, you are entitled to two weeks' statutory paternity leave. You must take paternity leave either as a two week block or as a one week block (you cannot take it in periods of less than a week or as two non-consecutive blocks of one week each). You remain entitled to no more than two weeks' paternity leave regardless of the number of children resulting from a single pregnancy or the number being adopted.

If you are the partner of the mother/primary carer your period of paternity leave can start:

- on the date of birth or
- an agreed number of days after the date of birth.

In cases of adoption your period of paternity leave can start:

- on the date of placement or
- an agreed number of days after the date of adoption or
- on the date the child arrives in the UK or an agreed number of days after this (*overseas adoptions only*).

You must take your paternity leave during a period of 56 days from the date of the child's birth or placement or arrival in the UK. If the child is born prematurely, you are able to take the leave within 56 days of either the child's actual date of birth or the child's expected date of birth.

Notification

You must notify your line manager and the School's Payroll provider of your intention and eligibility to take paternity leave. The application form is available from the School or the School's Payroll provider. You need to sign and return the form to the School's Payroll provider and copy it to the School.

You should provide notification of your intention to take paternity leave by the 15th week before the baby is expected (in cases of maternity including surrogacy) or no more than 7 days after the date you or your partner are notified of being matched with the child (in the case of adoption)[3] unless this is not reasonably practicable. You should provide the following information:

- the week the child is due / the expected date of the child's placement
- whether you want one or two weeks' leave and
- when you want your leave to start.

If you are unable to specify a date at the time you originally give notice, you must give further notice of the actual date as soon as reasonably practical. (If you are unable to specify an actual date you should specify that your leave will start on the date of birth or placement or a fixed number of days after the date of birth or placement.)

If you wish to change the date of your paternity leave you need to let your line manager and the School's Payroll provider know as soon as possible. Provided you give at least 28 days' notice you will be able to change the date if practicable.

[3] For overseas adoptions the form and notice period are different. Please see form SC5 which is available on the www.gov.uk website.

You should provide evidence of the birth or adoption if you are requested to do so by the School. The evidence requested may be the birth certificate, the letter from the adoption agency or the matching certificate.

If your partner is having a baby through a surrogacy arrangement, you may be asked for a written statement, signed in the presence of a legal professional, to confirm that you and your partner have applied or will apply for a parental order.

Statutory Paternity Pay

You are entitled to receive Statutory Paternity Pay (SPP) if you:

- are an employee
- have at least 26 weeks' continuous employment by the end of the 15th week before the expected week of childbirth or by the end of the week you are matched with the child[4] ('the qualifying week')
- remain continuously employed from the qualifying week up to the date of birth / placement
- earn at or above the lower earnings limit[5] for NI contributions and
- give the required notice.

Statutory Paternity Pay (SPP) is, from April 2022, £156.66 per week or 90% of your average weekly earnings whichever is lower. SPP rates are normally increased in April each year and further information is available from the GOV.UK website: https://www.gov.uk/business-tax/paye

You must give a minimum of 28 days' notice to receive SPP. If you are eligible, you will receive SPP for the full period of your leave, whether you elect to take one or two weeks.

Paternity Pay will be paid to you in the normal way on the last working day of the month. Tax and national insurance will be deducted.

Occupational Paternity Pay

You may be entitled to Occupational Paternity Pay. If you are a member of support staff you will be entitled to a week's leave with pay under the 'maternity support leave' provision in the Green Book. If you are a teacher, please check with your School whether Occupational Paternity Pay is available under their Family Leave Policy or Leave of Absence Policy. If you are entitled to Occupational Paternity Pay for the first week, you will only receive Statutory Paternity Pay for the second week of your paternity leave.

Ante-natal and adoption appointments

You have the right to unpaid time off work to attend up to two ante-natal appointments if you are:

- the baby's father

[4] In the case of overseas adoptions you must had continuous service for at least 26 weeks by the date the child enters the UK or by when you want your pay to start.
[5] The Lower Earnings Limit is the amount of gross weekly earnings that allow you to qualify for certain state benefits. This usually changes each April and is, from April 2022, £123. For further information, go to www.gov.uk

- the expectant employee's spouse or civil partner
- in a long-term relationship with the expectant employee or
- the intended parent/carer (*if you are having a baby through a surrogacy arrangement*).

If you are the 'secondary adopter' you are entitled to take unpaid time off for up to two appointments.

You must produce evidence of appointments if requested to do so.

Pensions Information

Pensionable pay is the element of your pay from which your pension contribution is calculated.

Assumed pensionable pay is the amount of pensionable pay you would have received had you not taken paternity leave.

Support Staff

If you are a member of support staff, during your period of paternity leave, you will accrue 1/49th of assumed pensionable pay (or 1/98th if you have opted for the 50/50 scheme).

Any additional pension contributions (AVCs) you have previously elected to make remain payable for the period of paternity leave.

Teachers

If you are a teacher, paternity leave is treated as pensionable employment as long as you are receiving at least half pay or are being paid statutory paternity pay.

Unpaid paternity leave will not count as pensionable employment and buy-back is not possible under the Teachers' Pensions scheme.

All our policies and guidance can be found at www.supportservicesforeducation.co.uk

Trustee Board Chair 3/5/2023