St John and St Nicolas Schools Federation

Paternity Leave Policy SJN087

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Change History

Version	Date	Change
1.0	Dec 2024	
1.1	March 2026	Updated to reflect legislative changes

Introduction

At St John and St Nicolas Schools Federation, our vision is 'For the good of all – through curiosity, creativity and love.' This vision inspires everything that the federation does.

It applies equally to all the federation's policies with the intention that our policies impact as fairly and positively as possible to meet the needs of all members of our schools' community.

Purpose

We recognise and value our diverse workforce. In seeking to recruit, motivate and retain employees, we actively support policies which support:

- Maternity
- Adoption
- Paternity
- Parental leave

This procedure sets out employees' rights concerning:

- Pay
- Time off
- Their return to work

This procedure also applies to employees who are having a child, foster placement, adoption or a surrogacy arrangement.

Scope

This procedure applies to all employees of West Berkshire schools where we provide HR support or are a maintained school.
This procedure is non-contractual and may be updated at any point to reflect changes in areas such as legislation, best practice and Council requirements.

Paternity Leave Entitlement

Employees seeking paternity leave and pay have statutory rights and responsibilities are entitled to take up to two weeks paid paternity leave. The leave can be taken as a consecutive period or as two separate one-week blocks and can be taken at any time in the 52 weeks after birth or adoption.

Employees cannot take paternity leave in odd days. It is pro-rata for part-time employees.

Eligibility

To qualify for statutory leave, an employee must:

- be the child's biological father and has, or expects to have, responsibility for the child's upbringing
- be the civil partner or partner (but is not the biological father). They must expect to have primary responsibility, apart from that of the person that gave birth, for the child's upbringing

- have formally notified the Council of the date on which they intend to take paternity leave
- where applicable, have produced evidence supporting the claim for paternity leave

Statutory paternity leave will be unpaid, unless employees have 26 weeks continuous service.

For these purposes, "partner" in relation to the person that gave birth, means a person who lives with the person that gave birth and the child in an enduring family relationship, but is not a relative.

Adoption
An employee can take paternity leave when caring for the child or supporting the child's adopter. To qualify, an employee must:

- be the spouse, civil partner or partner of the child's adopter. They must expect to have the primary responsibility, apart from any responsibility of the adopter, for the child's upbringing
- have formally notified their employer of the date on which they intend to take paternity leave
- where applicable, have produced evidence supporting the claim for paternity leave

For these purposes, in relation to a child's adopter:

- partner - means a person who lives with the adopter and the child in an enduring family relationship but is not a relative of the adopter
- relative - means the adopter's parents, grandparents, siblings, aunt or uncle

Surrogacy
An employee can take paternity leave if having a child through a surrogacy arrangement. To qualify, an employee must:

- qualify as the 'legal parent' of the child and eligible for a parental order
- have formally notified their employer of the date on which they intend to take paternity leave
- where applicable, have produced evidence supporting the claim for paternity leave

Notification Requirements
Employees intending to take paternity leave must complete the Paternity Leave Form in Appendix 1.

- Providing 28 days' notice or
- as soon as is reasonably practicable

Employees must specify:

- the EWC or, if the birth has already occurred, the date of the child's birth
- whether the employee wishes to take one or two weeks' leave and whether it will be in consecutive or split periods.
- when the period of leave will start

Employees should give notice to their manager if they intend to take shared parental leave (SPL) immediately after paternity leave. They should provide notice:

- at the same time they provide notice for paternity leave, or
- at least eight weeks before they intend their SPL to start

If they wish to take paternity leave and SPL concerning the same child, they should confirm which order leave will be taken in.

Pay Entitlements

Statutory Paternity Pay is:

- a rate set by the Government for the relevant tax year, or
- 90 per cent of the employee's average weekly earnings, if this figure is lower than the Government's fixed weekly rate

Employees may be entitled to receive Statutory Paternity Pay if they:

- have been continuously employed by us for at least 26 weeks by the end of the 15th week before the child is due. In the case of adoption, it is at least 26 weeks by the relevant or matching week
- have average weekly earnings of over the lower limit for National Insurance contributions
- are still employed at the time of taking paternity leave

SPP is treated earnings and subject to PAYE and National Insurance deductions.
Statutory Paternity Pay can start from any day of the week from the date the employee begins their paternity leave, providing the employee has the qualifying length of service.

Maternity or Adoption Support Leave

Employees may be entitled apply for maternity support leave or adoption support leave to the partner or nominated carer of the primary adopter at or around the time of placement or birth.

The entitlement to maternity or adoption support leave is five days or one week in any 12-month period. All arrangements for maternity or adoption support leave will need to be agreed between the employee and their line manager, via completion of the paternity leave and maternity/adoption support leave application form.
The form will need to be countersigned by the pregnant woman or adoptive parent nominating the employee requesting leave as the prime provider of care. Managers may request evidence of the birth or adoption, for example, a copy of the MATB1 (maternity certificate).

Employees taking maternity or adoption support leave who also qualify for paternity leave, will be entitled to:

- one week’s maternity or adoption support leave at full pay, and
- two week’s ordinary paternity leave at SPP rates

Maternity or adoption support leave is separate from parental leave. It is pro rata for part time staff.

Time Off for Antenatal Appointments

Partners can take unpaid time off for up to two antenatal appointments. They must have a qualifying relationship with a pregnant woman or an expected child. The right to time off is capped at six-and-a-half hours on each occasion.

An employee has a qualifying relationship with a pregnant woman or their expected child if they:

- are the husband or civil partner of the pregnant woman
- live with the pregnant woman in an enduring family relationship. This excludes her parent, grandparent, siblings, aunt, or uncle
- are the father of the expected child
- are an intended parent in a surrogacy situation. They need to meet certain conditions (for example, a potential applicant for a parental order in respect of the expected child)

The employee must notify their manager if they require leave to accompany their partner to an appointment. The employee must give as much notice as possible. They may request annual leave or flexi-time for the time off work.

Time off to attend Adoption Appointment

Employees who are adopting a child are entitled to take time off to attend adoption appointments.

Where an employee is part of a couple adopting a child, one of them may attend up to five adoption appointments. We will pay for this time off. The other can elect to take unpaid time off to attend up to two adoption appointments.

The appointments must have been arranged by or at the request of the adoption agency. Employees must take this time off before the date of the child's placement for adoption. Managers may ask employees to prove the date and time of appointments (for example, a letter or email from the adoption agency).

Appendix 1 – Paternity Leave Notice of Entitlement Form

Paternity leave: Notice of entitlement (birth child)			
Name of employee:			
School:			
Expected week of child's birth (the Sunday at the beginning of the week in which the child is expected to be born):			
I declare that (Please tick as appropriate):			
I have the qualifying length of service and am eligible to statutory paternity pay			
I am the child's biological father **OR**			
I am married to the child's mother **OR**			
I am the civil partner of the child's mother **OR**			
I am the partner of the child's mother			
AND			
I will have responsibility for the child's upbringing			
Signed:		**Date:**	

Appendix 2 – Paternity Leave Notice of Entitlement Form (Adoption)

Paternity leave: Notice of entitlement (adoption within the UK)			
Name of employee:			
School:			
Date on which adopter was notified that they have been matched for adoption:			
Date on which child is expected to be placed for adoption with adopter (or, if they have already been placed for adoption, the date of placement):			
I declare that:			**Please tick as appropriate:**
I have the qualifying length of service and am eligible for statutory paternity pay			
I am married to the child's adopter **OR**			
I am the civil partner of the child's adopter **OR**			
I am the partner of the child's adopter			
AND			
I will have responsibility for the child's upbringing			
Signed:		**Date:**	

Appendix 3 – Maternity/Adoption Support Leave Application Form

Where the employee is entitled to both MSL and OPL, the first week of leave will be at full pay, and the subsequent weeks will be at Statutory Paternity Pay. Otherwise, all leave will be paid at SPP.

Employee name	
Service	
I wish to apply to take leave as follows (please tick one);	
One week of Maternity Support Leave (full pay)	
One week of Maternity Support Leave (full pay) **followed by two weeks of Ordinary Paternity Leave** (SPP)	
One week of Ordinary Paternity Leave (SPP)	
Two weeks of Ordinary Paternity Leave (SPP)	
I expect my leave to commence on (date)	
Expected date of birth or adoption placement	
I confirm that I am taking this time off to support the mother and/or care for the child; and (If applying for Maternity Support Leave and I am not the father/partner) I confirm that the mother is not being supported by a partner taking paternity leave.	
Signed	
Dated	