



IRONSTONE ACADEMY TRUST

Paternity Leave Policy - Academies

January 2019

Adopted By: IAT

Date: July 2016

Review Date	Type of Review	Comments
01.08.2015	Change in Legislation	Policy update regarding Additional Paternity Leave and Pay – see 1.3 & 5.1
01.01.19		Reviewed and Updated

1.0 OVERVIEW

- 1.1 Paternity Leave is intended to assist employees in providing support to the mother in the first few weeks after the birth. Additional Paternity Leave (APL) enables mothers and fathers to have more choice in child care responsibilities and the option of sharing some elements of the leave entitlements.
- 1.2 Employees who meet the eligibility criteria are entitled to two weeks Ordinary Statutory Paternity Pay and Leave. In addition employees who meet the required eligibility criteria can request to take between a minimum of 2 weeks and a maximum of 26 weeks Additional Paternity Leave (APL), transferred from the mother's unexpired maternity leave. Employees may also be entitled to Additional Statutory Paternity Pay (ASPP).
- 1.3 **PLEASE NOTE: Additional Paternity Leave and Pay will no longer be available for babies due (or placed for adoption) on or after 5th April 2015. This will be replaced by Shared Parental Leave.**
- 1.4 This policy applies to all employees and also covers adoption arrangements (including dual approved adopters and certain surrogacy arrangements (parental order parents)). Please refer to Adoption Leave Policy for further details.

2.0 ELIGIBILITY FOR ORDINARY STATUTORY PATERNITY LEAVE AND PAY

- 2.1 To qualify for Ordinary Statutory Paternity Leave and Pay, an employee must:
- a) have or expect to have responsibility for the child's upbringing
 - b) be either the biological father of the child / the mother's husband or partner / the joint adopter or the adopters partner / a civil partner / female partner in a same sex couple
 - c) have at least 26 weeks continuous employment with the academy ending with the 15th week before the expected week of childbirth

- (EWC) /or at the week in which an adopter was notified of having been matched with a child for adoption
- d) have normal weekly earnings for a period of eight weeks ending with the 15th week before the EWC / or at the week in which an adopter was notified of having been matched with a child for adoption of at least the lower earnings limit for national insurance contribution purposes.
 - e) not undertake any paid work, even casual work, other than 'keeping in touch days' (see 7.0) and
 - f) not be in legal custody at any time

If points (e) and (f) above occur it will result in both Statutory Paternity Pay and Additional Statutory Paternity Pay ceasing.

3.0 ENTITLEMENT

- 3.1 An employee satisfying the above eligibility criteria is entitled to a maximum of 2 weeks leave and pay as follows:
- The current rate of Statutory Paternity Pay (SPP) or 90% of the employees average earnings if this is less than the standard rate SPP. During the first week the rate of SPP will be topped up to full pay.
 - To qualify for SPP, an employee must earn an amount equal to or above the lower earnings limit for National Insurance averaged out over an eight-week period prior to the qualifying week. For maternity/parental order parents (surrogacy) this is the 15th week before the EWC and for adoption this is the week in which the adopter or their partner have been notified of having been matched with the child for adoption.
 - An employee who does not earn enough to qualify for SPP, may be eligible for other forms of financial assistance such as Income Support. Further information is available from the local Jobcentre Plus office or Social Security office.
 - Either one or two consecutive weeks can be taken (not odd days).
 - The leave must be completed within 8 weeks of actual date of birth/date child joins the family (or 8 weeks after expected date if the baby is born early).
 - Employees who do not meet the eligibility criteria for Paternity Leave may be eligible for Maternity Support Leave. An employee can take either Paternity Leave or Maternity Support Leave, not both.

4.0 PROCEDURE

- 4.1 Employees wishing to apply for Paternity Leave **must complete Part**

A of the Paternity Leave Request Form (Ref HR/SCH/EP5K available on the intranet under HR Forms and Letters) by the end of the 15th week before the baby is expected (unless this is not reasonably practicable) or in the case of adoption in the week they have been notified they have been matched for adoption with a child.

- 4.2 The completed form should be forwarded to the Headteacher together with evidence of the pregnancy. This evidence may take the form of a copy of the mother's maternity certificate (MATB1) or a letter from the expectant mother.
- 4.3 The Headteacher then completes the appropriate sections of the form HR/SCH/EP5K.
- 4.4 The Headteacher must respond to the employee's notification of leave within 7 days of receipt. This must be in writing confirming the date on which leave is to commence and the number of weeks to be taken
- 4.5 In order for the employee to receive the correct amount of pay and benefits, the Headteacher should notify their payroll provider by forwarding Form HR/SCH/EP5K together with a copy of the evidence of pregnancy.
- 4.6 The employee can change their mind about when they want their leave to start (but not the length of the leave being taken) providing they notify their Headteacher in writing at least 28 days in advance (unless this is not reasonably practicable)
- 4.7 The Headteacher must advise their payroll provider immediately of any changes to dates requested for leave.

5.0 ADDITIONAL PATERNITY LEAVE AND PAY

5.1 Additional Paternity Leave and Pay will no longer be available for babies due or placed for adoption before 5 April 2015. This will be replaced by Shared Parental Leave.

5.2 If eligible, employees may request to transfer a minimum of 2 weeks and a maximum of 26 weeks Additional Paternity Leave (APL) from the mother's unexpired maternity (or adoption) leave. APL applies to the father of the child and partner or civil partner of the child's mother and is subject to satisfying the criteria below.

- To be taken only once the mother of the child has returned to work
- The mother of the child must have been entitled to Maternity Leave
- APL cannot commence until 20 weeks after the baby is born and must end by 12 months after birth
- The employee (father/partner/civil partner) must have been continuously employed by the academy for at least 26 weeks by the 15th week before the Expected Week of Childbirth (EWC)

- Details of eligibility are provided to the academy by the employee requesting APL
- The employee shall remain in employment with the academy until the week before APL commences
- The employee taking APL must have responsibility for the upbringing of the child and the purpose for taking the leave is to care for the child
- Both parties to meet the evidential and notice requirements to transfer and take the APL

5.3 If eligible for Additional Paternity Leave the employee may also be entitled to Additional Statutory Paternity Pay (ASPP). In addition to meeting the criteria to take APL, further conditions of ASPP include:

- The mother of the child was entitled to Statutory Maternity Pay or Maternity Allowance
- The mother has returned to work
- **APL can only be paid during the mother's 39 week maternity pay period**
- The employee's earnings to be above the lower earnings limit for National Insurance for 8 weeks before the qualifying week (15th week before EWC)
- Both parties to meet the evidential and notice requirements to transfer and be paid the ASPP

5.4 If eligible for ASPP employees are entitled to receive flat rate ASPP or 90% of average weekly earnings, whichever is lower.

6.0 PROCEDURE FOR AN EMPLOYEE REQUESTING APL / ASPP

6.1 An employee who wishes to request to take APL / ASPP must, at least 8 weeks before the expected APL start date (unless this is not reasonably practicable) provide written notice of application to the Headteacher. The application must include the proposed start and finish dates of the APL period.

6.2 The employee must also provide to the Headteacher at least 8 weeks before the expected APL start date, a written and signed declaration from the child's mother. The declaration needs to include the following detail:

- Mother's name, address and National Insurance Number
- Confirmation that she has given notice to her employer of a return to work and the date of that return
- Any entitlement to Statutory Maternity Pay or Maternity Allowance and the start date of the maternity pay period
- Confirmation that the employee (father / partner / civil partner) is the sole applicant for APL / ASPP
- Confirmation that the employee has responsibility for the upbringing of the child
- Give consent to the academy to process the declaration

- 6.3 The employee applying for APL **must complete Part A of the Additional Paternity Leave Request Form** (Ref HR/SCH/EP5BK), available on the intranet, under HR Forms and Letters. The completed form must then also be forwarded to the Headteacher who then completes the appropriate sections of the form.
- 6.4 Within 28 days of receipt of the notice of application the Headteacher must request a copy of the child's birth certificate and the name and address of the mother's employer (if not already provided on Form HR/SCH/EP5BK). This information needs to be provided within 28 days of request.
- 6.5 Once the required information has been provided the Headteacher must write to the employee within 28 days to confirm the start and end date of the APL and ASPP (if applicable) period.
- 6.6 In order for the employee to receive the correct amount of pay and benefits, the Headteacher must notify their payroll provider by forwarding a copy of the letter, HR/SCH/EP5BK form, together with a copy of the mother's written declaration, birth certificate and mother's employer's details.

7.0 KEEPING IN TOUCH (KIT) DAYS

- 7.1 An employee on APL may agree with their Headteacher to carry out up to 10 keeping in touch (KIT) days (10 periods of work), whether consecutive or not, without bringing the Additional Paternity Leave period to an end. For the purposes of this entitlement, any period of work carried out on any day shall constitute one day's work. Therefore if you work for 2 hours on one day it will be 'classed' as one KIT day and you will be paid for 2 hours work. ASPP will continue to be paid for the week in which any KIT day is undertaken by the employee. There is no right for the employer to provide 10 days' work, or for an employee to do such work, this will be at the agreement of both the Headteacher and the employee.
- 7.2 For the payments to be made the Headteacher must inform their payroll provider of the payment requirements, e.g. dates of work and hours worked on each day.

8.0 PENSIONS DEDUCTIONS

- 8.1 Pension deductions will automatically be deducted from both Ordinary and Additional Statutory Paternity Pay. Once pay is exhausted, pension deductions will cease. This is applicable to both members of the Local Government Pension Scheme (LGPS) and the Teachers' Pension Scheme (TPS). Where an employee qualifies for Additional Paternity Leave but not eligible to Additional Statutory Paternity Pay, pension deductions will stop during this period of leave.

- 8.2 For members of the LGPS, employees may elect to pay contributions for any unpaid periods of leave. Employees who wish to purchase the amount of lost pension and make the election within 30 days of returning to work then the cost of the Additional Pension Contribution (APC) is split between the employee and employer. The employer will pay 2/3rds of the cost, this is known as a Shared Cost Additional Pension Contribution (SCAPC). Employees can obtain a quote and print off an application form to buy **lost** pension at www.lgps2014.org. If the employee chooses to pay back pension contributions, they will need to forward the application form to buy lost pension to their payroll provider who will make the appropriate deductions and will forward to the Pensions Section for record to be updated. If the employee chooses not to pay back the pension contributions, then the unpaid service will not count for pension purposes.
- 8.3 For members of the Teachers' Pension Scheme any period of unpaid leave will not count towards reckonable service for pension purposes.
- 8.4 If the employee does not return to work then they will be regarded as having left the Local Government Pension Scheme / Teachers Pension Scheme on the date that pay ceased, unless the employee has agreed to pay for the period up to the actual leave date.