



LIGHTHOUSE
SCHOOLS PARTNERSHIP

Paternity / Partner leave Policy

This Policy applies will apply to all schools and employees within the Lighthouse Trust Partnership.

Policy Approved by the Board of Trustees

Signed:

Date: 16 March 2020

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Chair of Board of Trustees

Authorised for Issue

Signed:

Date: 16 March 2020

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Chief Executive

Document History

Version	Author/Owner	Drafted	Comments
1.0	Amy Sutton	07.08.2018	Feedback from staff consultation - did not like original structure and wording. Policy has been completely reviewed to address this.
1.1	Amy Sutton	10.01.2020	Separated from the Maternity, Paternity, Adoption, Parental & Shared Parental leave. Changed title of policy to include Partner

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Paternity Leave & Pay

The Trust is fully committed to helping working parents to balance the needs of work and family life and appreciates the importance of providing greater choice for parents in how they arrange parental care during the first year of a child's life or following their adoption.

This policy is in addition to leave in respect of maternity and adoption (including eligible surrogacy arrangements subject to a Parental Order), and should be read in conjunction with these related policies. Scope: All eligible employees, regardless of the gender of an employee's partner.

Key principles:

- Staff may take up to 2 working weeks Ordinary Paternity Leave (OPL) at full pay. The employee must have 26 weeks' continuous employment with the employer by the end of the 15th week before the expected week of childbirth (or by the end of the week of notification of being matched for adoption).
- The provisions under this policy will also be applicable to eligible intended parents of a child born through a surrogacy arrangement, who will be subject to a Parental Order, where the child's expected week of birth begins on or after 5 April 2015.
- All contractual benefits with the exception of pay will continue to accrue during the OPL period.

1. Introduction

This procedure supports the implementation of the Paternity/Partner Leave policy.

1.2 Eligible staff can apply for Ordinary (OPL) Paternity/Partner Leave.

1.3 Reference to a 'partner' throughout this procedure is defined as a person (whether of the same or different gender) who lives with the mother or adopter and the child in an enduring family relationship but is not a relative of the mother or adopter.

1.4 This procedure will also apply to intended parents of a child, born through a surrogacy arrangement, this will be subject to the provision of a copy of the birth mothers MATB1 certificate prior to the birth of the baby, a copy of the 'Parental Order' within 6 months of the baby's birth, and the ability to fulfil the relevant eligibility/notification criteria defined within this policy/procedure.

1.5 The right to OPL is available to one member only of a couple who have had a child placed with them for adoption, or subject to a parental order, that has not/is not applying for either maternity or adoption leave.

1.6 Having read the information below, any queries should be raised with the Trusts central HR team.

2. OPL - Eligibility for leave and pay

2.1 All staff regardless of the number of hours worked or the length of service, have the ability to take up to 2 weeks paid OPL (taken in one block of either one or two weeks' duration) after the birth or adoption of the child (or entry into the UK for overseas adoptions), subject to meeting the below criteria:

<u>Eligibility Criteria for leave:</u>	<u>Pay Entitlement:</u>
<ul style="list-style-type: none">• Employed for at least 26 weeks with the Trust at the time of the child's birth/placement/entry into the UK• Have or expect to have responsibility for a child's upbringing• Are taking time off either to support the mother/adopter or care for the new child• Are the child's biological father; or husband, partner, civil partner of the child's mother or person adopting the child, or one of a couple who have jointly adopted a child (or one of the intended parents of a child born through a legal surrogacy arrangement subject to a Parental Order)• Provide appropriate notification (see section 3)	<ul style="list-style-type: none">• Full Pay (inclusive of any Ordinary Statutory Paternity Pay (OSPP) where applicable).

2.2 Leave can start on any date following the actual birth/placement of the child or entry into the UK and must be completed within eight weeks of this date (or in the case of an early birth within eight weeks of the expected week of childbirth).

3. OPL - Notification requirements

3.1 Written notification of the intention to take OPL should be provided through the submission of an OPL notification form, at the earliest date possible, and wherever practicable no later than:

- 15 weeks before the EWC for the birth of a baby (including those staff who are the intended parents of a child born through a surrogacy arrangement, subject to a Parental Order)
- 7 days after the date on which notification of the match with the child was given by the adoption agency.

- 28 days prior to the date which the employee has chosen as the date on which their period of paternity/partner leave should begin for overseas adoptions.

3.2 This notification, which includes a self-declaration as to the staff member's eligibility, should be submitted to their School Business Manager / Line Manager for authorisation, and forwarded to the Payroll Provider by the Manager.

3.3 A staff member may change their mind about the date on which they want their leave to start providing they inform their School Business Manager / Line Manager at least 28 days in advance (or as soon as is reasonably practicable for example in the case of seeking to accommodate the early or late arrival of the baby/placement of the child).

4. Annual Leave

4.1 All staff continue to accrue annual leave during paternity leave at the rate provided under their contract of employment.

4.2 Teachers

The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

4.2.1 Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your paternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the paternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement; you will be entitled to take any remaining leave during term time at a time mutually agreed with your Headteacher.

4.2.2 Support staff - term time only/term time plus

The salary calculation for support staff contracted to work term time only or term time plus additional working weeks, includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your paternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the paternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement; you will be entitled to take any remaining leave during term time at a time mutually agreed with your Headteacher.

4.2.3 Support staff - full working year

Annual leave entitlement will continue to accrue at the rate provided under your contract. If you are taking a period of OPL which will continue into the next

holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over to the next annual leave year and must be taken immediately before returning to work unless your Headteacher agrees otherwise. You should try to limit carry over to one week's holiday or less. Carryover of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting your paternity leave. All annual leave dates are subject to approval by your line manager in accordance with the Trust's annual leave policy and procedure. The Trust's annual leave year runs from 1 September to 31 August.

5. Contractual entitlements

5.1 During the whole period of OPL the staff member is entitled to receive all their contractual benefits with the exception of terms relating to salary. This includes all non-cash benefits such as childcare vouchers that the employee is benefiting from prior to commencing paternity/partner leave.

6. Pensions

6.1 During any period of paid paternity leave we shall continue to make any employer pension contributions that we usually make, based on the pay you are receiving whilst absent. If you wish to increase your contributions to make up any shortfall from those based on your normal salary, then please contact the Pensions Administrator directly. For teaching staff this will be Teachers' Pensions on 0845 6066166 and for support staff, this will be Avon Pension Fund on 01225 477000.

6.2 During any period of unpaid paternity leave (when a member of staff does not meet the eligibility criteria), we shall not make any employer pension contributions and the period shall not count as pensionable service. If you are a member of support staff, you may if you wish make up any contributions for the unpaid period. If you choose not to, you will not build up any membership for this period, and this will affect your pension benefits. If you are a member of teaching staff, you do not have the option of paying contributions during any period of unpaid paternity leave, but you can purchase additional pension on top of your normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

7. Continuity of service

7.1 Where a member of staff returns to work following a period of OPL, this absence will not affect the individual's recognised continuous service for employment rights purposes e.g. redundancy, pensions etc.

8. Ill-Health

8.1 Should a member of staff be unable to return to their post at the end of the OPL due to ill-health this will be managed in accordance with the Trust's Managing Attendance Policy. A medical certificate will be required for absence immediately following on from the date of the end of the paternity/partner leave even if this subsequent absence is for 7 days or less.

9. Multiple births/adoptions

9.1 Only one period each of OPL will be available to eligible members of staff, irrespective of whether more than one child is born or placed as a result of the same pregnancy or adoption arrangement.

10. Time off for Ante-Natal appointments

10.1 Employees are entitled to take unpaid time off during your working hours to accompany a pregnant woman to up to two appointments to receive antenatal care, lasting no more than 6 and a half hours each, if you:

- Are the biological father of the child; or
- Are the spouse or civil partner of the child's mother;
- Live with the child's mother in an enduring family relationship and are not a relative; or
- Are to be treated as a parent of an expected child by fertility treatment
- (under the assisted reproduction provisions of the Human Fertilisation and Embryology Act (HEFA) 2008); or
- Are a potential applicant for a parental order where a child has been conceived using the sperm or egg of your spouse, civil partner or partner and has been carried by a surrogate mother (under the HEFA 2008).

10.2 Agency workers who have completed their 12 week qualifying period in the same role, with no breaks during or between assignments and who meet the criteria at 2.1 have the same right to accompany.

10.3 The appointments may include any relaxation or parenting classes but must have been made on the advice of the pregnant woman's doctor, midwife or health visitor.

10.3 If you are eligible and wish to take time off for this purpose, you must provide us with a signed "employee declaration" confirming:

- That you have a qualifying relationship with a pregnant woman or her expected child
- That you wish to take time off to accompany the pregnant woman to an appointment to receive antenatal care which has been made on the advice of their doctor, midwife or health visitor
- The date and time of the appointment

10.4 You should try to give us as much notice as possible of the appointment and Wherever possible, try to arrange them as near to the start or end of the working day.

11. Maternity support leave - timing and eligibility

If adopted, does the 'non-maternal' partner have a right to support leave irrespective of gender?

11.1 Maternity support leave is up to one week with full pay and must be taken as one period at a time mutually agreed by you and your Headteacher.

11.2 Maternity support leave can be taken from the date of the child's birth or Adoption placement, but must end:

- In birth cases, within 56 days' of the child's birth, or if they were born before the first day of the Expected week of Childbirth, within 56 days' of the first day of the Expected Week of Childbirth.
- In adoption cases, within 56 days' of the child's placement.

11.3 You may combine maternity support leave with up to one additional week of ordinary paternity leave (if eligible) to give a total of two weeks' paternity leave, but these must be taken as consecutive weeks.

11.4 Maternity support leave is only available if you are a member of support staff who is covered by the National Joint Council (NJC) Conditions of Service and you are either:

- The child's father
- The partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth.

11.4 Maternity support leave is available to both men and women. Teachers are not eligible for maternity support leave.

12. Statutory Paternity Pay

If you take OPL in accordance with this policy, you will be entitled to ordinary statutory paternity pay (OSPP) if, during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government.

OSPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please visit www.gov.uk/paternity-payleave or contact the LSP HR Manager, intranet or school office.

13. Returning to Work

13.1 You are normally entitled to return to work following maternity support leave or OPL to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.

13.2 However, if you have combined your OPL with a period of:

- Additional maternity leave;
- Additional adoption leave;
- (or)
- Parental leave of more than four weeks, and it is not reasonably practicable for you to return to the same job, we will offer you a suitable and appropriate alternative position.

14. Requests to change your working pattern

We will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis, in accordance with the Trust's Flexible Working Policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

15. Deciding not to return

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should submit your resignation in accordance with your contract. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive OSPP.