



**LIGHTHOUSE**  
 SCHOOLS PARTNERSHIP

# Paternity/Partner Leave and Pay Policy Non-Statutory

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

<b>Policy approved by Trust Executive Team</b>	
<b>Signed:</b> <i>Gary Lewis</i>	<b>Date:</b> 24 June 2024
<b>Name:</b> Gary Lewis	<b>Role:</b> 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
1.2	Jackie Miles and Tania Newman	08.03.2024	Triennial policy review. Pension contact details updated. Statutory updates in line with the Paternity Leave (Amendment) Regulations 2024

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## Paternity/Partner Leave and Pay Policy Non-Statutory

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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:

- Paternity leave is the time you take off because your partner is having a baby, adopting a child or having a baby through a surrogacy arrangement, where eligible.
- 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 Trust 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.
- Paternity/Partner leave cannot be taken after Shared Parental Leave has been taken.

### 1. Introduction

1.1 This procedure supports the implementation of the Paternity/Partner Leave & Pay 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 blocks of either one or two weeks' duration and cannot be fragmented into single days or shorter periods of leave) 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"><li>• Be an employee and have continuously been employed for at least 26 weeks with the Trust at the time of the child's birth/placement/entry into the UK</li><li>• Are taking time off either to support the mother/adopter or care for the new child</li><li>• 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)</li><li>• Have or expect to have responsibility for a child's upbringing</li><li>• Provide appropriate notification (see section 3)</li></ul>	<ul style="list-style-type: none"><li>• Full Pay (inclusive of any Ordinary Statutory Paternity Pay (OSPP) where applicable).</li></ul>

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 12 months of this date.

## 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 (appendix 1), at the earliest date possible, and wherever practicable no later than:

- 28 days 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. Notifications to take paternity leave will be forwarded to the Payroll Provider by the School Business Manager/School HR Lead/Central HR Team

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).

3.4 If extenuating circumstances mean that it is not possible for you to meet the deadlines for giving notice as set out in this policy, we will accept later notice than this. Examples of extenuating circumstances include if you have been absent from work on sick leave, if a pregnancy is discovered very late or your baby or babies are born or placed with you unexpectedly, or more than four weeks prematurely. In these circumstances, you should let us know that you would like to take paternity leave as soon as you reasonably can. If there are no extenuating circumstances, you will be unable to take paternity leave. However, we will discuss other options with you, including you and your partner switching to shared parental leave, you taking annual leave, or you taking unpaid ordinary parental leave.

3.5 A staff member can take their statutory paternity leave at any time in the first 52 weeks after the birth, however statutory paternity leave cannot be taken before the birth. Where contractually applicable, other types of leave could be taken before paternity leave following agreement with the line manager. For example, annual leave.

## **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.

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/Line Manager (for Central Team).

#### 4.3 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/Line Manager (for Central Team).

#### 4.4 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/Line Manager (for Central Team) 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 Line 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 395100.

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 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.

10.4 If you are eligible and wish to take time off for this purpose, you must provide us with a signed "employee declaration" which is provided on the Government website (<https://www.tax.service.gov.uk/apply-for-statutory-paternity-pay>) confirming:

- That you have a qualifying relationship with somebody who is pregnant or their expected child
- That you wish to take time off to accompany somebody who is pregnant 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

10.5 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**

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/Line Manager (for Central Team).

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.

11.5 Maternity support leave is available to support staff as per the Green Book.

## 12. Statutory Paternity Pay

12.1 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.

12.2 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-pay-leave](http://www.gov.uk/paternity-pay-leave) or contact the LSP HR Team, 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.

## **16. Miscarriage, Still-birth or Death Soon After Birth**

A miscarriage means a pregnancy loss in the first 24 weeks. Employees are not entitled to statutory paternity leave after a miscarriage. However employees may be eligible for bereavement leave - please refer to the additional leave policy.

If you have a miscarriage, please contact your Headteacher/line manager.

## ORDINARY PATERNITY/PARTNER (OPL) LEAVE: NOTIFICATION FORM

1. This form is for **LSP Trust employees** to notify of an upcoming period of Ordinary Paternity/Partner Leave. We **do not** require a MATB1 form.
2. Leave can be taken as one continuous block of **either one or two weeks**, after the date of birth or adoption/placement of child and must be completed within 12 months of the date of birth.
3. Before completing this form, please read the Paternity/Partner Leave Policy available on iTrent ESS
4. Please complete this form by the 15<sup>th</sup> week before the expected week of childbirth (EWC) or 7 days after the notification of a match with a child by the adoption agency.
5. Please return a copy to your School Business Manager/School Office/LSP Central HR Team

1. Your details – Please complete <b>all</b> fields using CAPITAL LETTERS	
Full name:	
School:	
Preferred contact email/tel no.:	
Employee/Payroll No.:	
2. Key dates	Please complete
1. Anticipated date of birth (i.e. due date – this can be found on your partner’s Mat B1 form). Or, if adopting, date of placement of child/actual date of birth	dd/mm/yy
2. Date you wish to start your Ordinary Paternity Leave (OPL)	dd/mm/yy
3. Date of return to work	dd/mm/yy
If the child is born early, rights of entitlement will not be affected but the subsequent dates on which leave may begin, finish or be taken may change. Please contact your <u>SBM/HR team</u> as soon as possible if your anticipated dates change.	
3. Please sign to confirm	
1. I am the child’s biological father or spouse, partner, civil partner of the mother or person adopting the child; or one of a couple who have jointly adopted a child or an intended surrogate parent entering into a legal surrogacy arrangement <b>and</b>	
2. I have or expect to have main responsibility (shared with the above) for the child’s upbringing, <b>and</b>	
3. I am making the application to take time off work to support the mother/person adopting the child or to care for the child, <b>and</b>	
4. The information provided is correct	
Employee signature:	Date      dd/mm/yy
Manager signature:	Date      dd/mm/yy