



# Academy Paternity & Maternity Support Leave Policy

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# **Paternity & Maternity Support Leave Policy**

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## 1. Introduction

- 1.1 As the employer of staff in our Academies, Northern Education Trust (NET) recognises the statutory responsibilities related to employment. Day to day management of staff is delegated to the Principal and line managers in each Academy. Throughout this document reference is made to the responsibilities held by the Governing Body/Principal for operational purposes. Ultimate responsibility rests with the Trust.
- 1.2 This policy is intended to inform employees of the basic rights to paternity and maternity support leave. It covers all employees who have a contract of employment with the Trust and work in Trust academies.
- 1.3 Please note where reference is made to the Principal, this is either the Principal or the nominated person in the academy.
- 1.4 Further policies on Shared Parental Leave, Parental Leave, Maternity Leave and Adoption Leave are also available.
- 1.5 For clarification regarding continuous service:
  - For paternity leave and pay, HMRC regulations stipulate that continuous service is only counted with the current employer, i.e. the Trust. For those who TUPE transferred to the Trust, continuous service with the predecessor school is counted.
  - For Maternity Support Leave, no qualifying period is needed.
- 1.6 Employment rights are protected while an employee is on paternity or maternity support leave.

## 2. Paternity Leave

- 2.1 Paternity leave is granted to an employee for the purpose of caring for a child or supporting the child's mother at or around the time of the birth. There are certain qualifying conditions for an employee to be eligible for paternity leave and these are outlined at para 5 and 6.
- 2.2 If an employee meets the eligibility criteria at para 5 and 6 for paternity leave and pay, this policy allows up to 2 weeks paid leave. Under HMRC rules the academy can reclaim some monies from the Inland Revenue for employees taking Paternity Leave. The amount of time to be taken is the same even if the mother has more than one child (e.g. twins).

## 3. Maternity Support Leave

- 3.1 If an employee has been nominated to provide support to the mother at or around the time of the birth they will be eligible for maternity support leave. They do not have to be the partner of the mother but can be a relative i.e. parent, grandparent, sister, brother, aunt, uncle or a friend. However, they must be the primary person providing support to the mother and child. **Maternity Support Leave cannot be taken in addition to Paternity Leave.**
- 3.2 There is no qualifying period for maternity support leave; an employee is entitled to 2 weeks paid leave. The Academy is unable to reclaim any monies from the Inland Revenue for employees taking maternity support leave.

## 4. Definition of a 'Week' for Leave Purposes

- 4.1 A 'week' equals the length of time an employee normally works over 7 days. For example, If an employee works 3 days a week, one 'week' of leave equals 3 days.

## **5. Eligibility for Paternity Leave**

5.1 To be eligible for paternity leave the employee must:

- have been continuously employed by the Northern Education Trust (or predecessor school) for at least 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) (known as the qualifying week) (this also applies to surrogacy arrangements);
- or for adoption; have worked continuously for at least 26 weeks by the 'matching week'. This is either:
  - i. the end of the week the employee is matched with the child (UK adoptions)
  - ii. the date the child enters the UK or when the employee wants their pay to start (overseas adoptions)
- give the correct notice;
- be taking time off to look after the child or their partner;
- be responsible for the child's upbringing.

5.2 The employee must also be either the:

- the father.
- the husband or partner of the mother (or adopter) (including same sex relationships).
- the child's adopter.
- the intended parent (if you're having a baby through a surrogacy arrangement).

5.3 If an employee is not eligible the payroll section will provide the employee with form SPP1 setting out the reasons

## **6. Eligibility for Paternity Pay**

6.1 In addition to the criteria for leave, to qualify for paternity pay an employee must:

- earn at least £112 per week (2015/16 rate) in an 8 week period known as the relevant period.
- be employed up to the date the child is born or placed with the adopter.
- not have taken adoption leave for this child.
- not have taken shared parental leave for this child.

## **7. When the leave can start**

7.1 The leave cannot start before the birth but can start:

- The date the child is born or placed with the adopter; or
- For surrogate parents, the day the child is born, or the day after if the employee is working on the day the child is born.
- For maternity support leave, an employee must take the leave within one month of the birth. This period can be widened in special circumstances at the discretion of the Principal.

7.2 Leave is to be taken as either one week or two consecutive weeks. An employee cannot take one week off, come back to work and take the second week at a later date.

7.3 Paternity leave must have ended within 56 days of the birth.

## **8. Leave for ante natal appointments**

- 8.1 An employee can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if they are:
- the baby's father.
  - the expectant mother's spouse or civil partner.
  - in a long-term relationship with the expectant mother.
  - the intended parent (if you're having a baby through a surrogacy arrangement).

## **9. What if there is more than one person working for the Academy who wishes to support the mother at the time of the birth and take maternity support leave**

- 9.1 If the mother has nominated two people to provide support they must divide the two weeks maternity support leave between the two of them.
- 9.2 An individual is not able to take paternity leave and maternity support leave in respect of the same child.

## **10. Notice required to take the leave**

- 10.1 An employee must give notice of their intention to take paternity leave at least 15 weeks before the baby is due to be born, or in the case of an adopted child, no later than seven days after the date on which notification of the match with the child was given by the adoption agency. Employees are required to complete the application for paternity leave and return it to the Principal.
- 10.2 If an employee subsequently wants to change the timing of the paternity leave, they must give the Principal 28 day's written notice of the new dates. If this is not possible then they must give as much notice as is reasonably practicable.

## **11. Still Birth**

- 11.1 An employee can still get Paternity Leave or pay if the baby is:
- stillborn from 24 weeks of pregnancy
  - born alive at any point during the pregnancy

**If an employee has any questions in relation to paternity leave/maternity support leave, they must contact the Academy HR function in the first instance.**

**Application for Paternity/Maternity Support Leave (PL1)**

**Section 1a – To be completed by Employee**

Name:			
Job Title:			
Academy:			
Continuous Service Start Date:			
National Insurance Number:			
Paternity/Maternity Support leave <b>must</b> be taken in whole weeks.			
I would like to apply for <b>*one week / two weeks</b> paternity leave			
Date From:	Day of Birth/ 1 week after day of birth (delete as required)	Date To:	
The leave requested relates to my child <b>Due</b> <input type="checkbox"/> <b>Born</b> <input type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> on:			
I confirm that I am:			
<ul style="list-style-type: none"> <li>• The baby’s father or married/partner to the mother, or <input type="checkbox"/></li> <li>• The child’s adopter or husband or partner of the adopter; or <input type="checkbox"/></li> <li>• The intended parent if having a baby through surrogacy arrangements <b>and</b> <input type="checkbox"/></li> <li>• I have responsibility for the child’s upbringing <b>and</b> <input type="checkbox"/></li> <li>• I will take time off to support the mother or care for the child <input type="checkbox"/></li> </ul>			

I am not eligible for paternity leave and am requesting <u>maternity support leave</u> :			
Date From:		Date To:	
The leave requested relates to child <b>Due</b> <input type="checkbox"/> <b>Born</b> <input type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> on:			
My relationship to the mother is:			
The mother has nominated more than one person to provide support at or around the time of the birth:			Yes <input type="checkbox"/> No <input type="checkbox"/>
The other nominated person is:			

Employees Signature: ..... Date: .....

Principal Signature: ..... Date: .....

**Please return this form to the Principal at least 15 weeks prior to the date on which your requested period of leave is due to commence**

## Appendix 2

### CONTACTS

For advice on the content of this policy please contact:

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Employees are also encouraged to contact their trade union representative for advice and support where appropriate.