



Paternity Policy

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Version	Date	Amendments	Author	Status
0.1 to 0.4	Oct 2021 to Oct 2022	Initial Draft – Reviewed by the HR Team & the Trust Board. Consultation Process – Draft shared with the working group consisting of Senior Leaders, HR, and the Trade Unions.	Lisa-Marie McGrath	Consulted & Reviewed, and implemented agreed points
1.0	01/12/2022	Final Draft – Approved by the CEO and The Trust Board	Lisa-Marie McGrath	Approved
2.0	01/02/2024	N/A	Lisa-Marie Flynn	Approved

Paternity Policy

1. ABOUT THIS POLICY

- 1.1 This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it.
- 1.2 You will not be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- 1.3 Arrangements for time off to accompany pregnant women to antenatal appointments are set out in our Time off for Antenatal Appointments Policy.
- 1.4 Arrangements for time off to attend adoption appointments are set out in our Time off for Adoption Appointments Policy.
- 1.5 In some cases, you may be eligible to opt into the shared parental leave scheme, which gives you and your partner more flexibility to share the leave and pay available in the first year. Details are set out in our Shared Parental Leave (Birth) and Shared Parental Leave (Adoption) Policies.

2. FREQUENTLY USED TERMS

- 2.1 The definitions in this paragraph apply to this policy.

Partner: Spouse, civil partner or someone (of either sex) with whom you live in an enduring family relationship but who is not your parent, grandparent, sister, brother, aunt or uncle.

Expected Week of Childbirth: the week, beginning on a Sunday, in which their doctor or midwife expects your child to be born.

Expected Placement Date: the date on which an adoption agency expects it will place a child into your care with a view to adoption.

3. PERSONNEL RESPONSIBLE FOR THIS POLICY

- 3.1 Our board of directors (the board) is responsible for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Accordingly, the Board has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Trust's HR Manager.
- 3.2 Line Managers/SLT have a specific responsibility to ensure this policy's fair application, and all staff members are responsible for supporting colleagues and ensuring its success.

4. ENTITLEMENT TO PATERNITY LEAVE

4.1 Paternity leave is available to employees of either gender to care for a child, or support the child's other parent, in the following cases:

- On the birth of a child, where either:
 - you are the biological father and expect to have some responsibility for the child's upbringing; or
 - you are the mother's partner, and you expect to have the main responsibility with the mother for the child's upbringing.
- On the birth of a child to a surrogate mother where you are, or your partner is, one of the child's biological parents, you expect to obtain a parental order giving you and your partner responsibility for the child.
- Where an adoption agency places a child with you and/or your partner for adoption, you expect to have the main responsibility (with your partner) for the child's upbringing.
- Where a local authority places a child with you and/or your partner under a fostering for adoption arrangement, you expect to have the main responsibility (with your partner) for the child's upbringing.

4.2 To qualify for paternity leave, you must have been continuously employed by us for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth or the week in which you or your partner are notified by the adoption agency or local authority that you/they have been matched with a child.

4.3 In adoption, fostering for adoption, and surrogacy cases, you may wish to consider adoption leave instead (see the Adoption Leave Policy). Only one parent can take adoption leave, so you should discuss this with your partner. You cannot take both paternity leave and adoption leave.

4.4 You cannot take paternity leave if you have already taken shared parental leave in respect of the same child. However, you may be eligible to take shared parental leave after paternity leave (see the Shared Parental Leave Policy).

5. TIMING AND LENGTH OF PATERNITY LEAVE

5.1 Paternity leave must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

5.2 Paternity leave can start on the date of the child's birth, adoption placement, or a later date of your choosing. However, it must end within 56 days (8 weeks) of birth or placement or within 56 days of the first day of the Expected Week of Childbirth (if the child was born early).

6. NOTIFICATION

6.1 To take paternity leave, you must give us written notice by the end of the 15th week before the Expected Week of Childbirth or no more than seven days after you and/or your partner were notified of having been matched with the child or as soon as you reasonably can, stating:

- the Expected Week of Childbirth or the Expected Placement Date;
- the date you would like your leave to start (which may be a specified date after the start of the Expected Week of Childbirth or the Expected Placement Date, the actual date of birth or a specified number of days after birth); and
- whether you intend to take one week or two weeks' leave.

6.2 We may require a signed declaration from you that you are taking paternity leave to care for the child or support the child's other parent in caring for the child.

7. CHANGING LEAVE DATES OR CANCELLING LEAVE

7.1 You may vary the start date of your paternity leave if you give notice as follows:

- If you wish to start your leave on the day of the child's birth or the day that the child is placed with you or the adopter, at least 28 days before the first day of the Expected Week of Childbirth or the Expected Placement Date.
- If you wish to start your leave on a specified number of days after the child's birth or placement, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth or the Expected Placement Date.
- If you wish to start your leave on a specific date different from the original start date you informed us of, at least 28 days before that date.

7.2 If you cannot give us 28 days' written notice as stated above, you should do so as soon as possible.

8. PATERNITY PAY

8.1 In this paragraph, Relevant Period means the eight weeks ending with the **Qualifying Week**, which is the 15th week before the Expected Week of Childbirth or the week you or your partner were notified of being matched with the child.

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

- 8.3 SPP is paid at a prescribed rate that the government sets 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 contact the Trust's HR Department.
- 8.4 You will qualify for Occupational paternity pay if you have been continuously employed during the 12 months ending with the Qualifying Week and have not received any Occupational paternity pay, adoption pay or shared parental pay from our employment during the 12 months ending with the Qualifying Week. This is paid at your normal basic salary rate during paternity leave and includes any SPP due for that period.
- 8.5 In order to receive Occupational paternity pay, you must first confirm in writing that you intend to return to work for at least three months after your paternity leave (and any shared parental leave in respect of the same child) and that you agree to repay any Occupational paternity pay (but not SPP) if you later decide not to work this minimum period. You will not be required to repay Occupational parental pay if the Trust terminates your employment unless:
- it was entitled to and did terminate your employment summarily;
 - or it terminated your employment pursuant to your voluntary redundancy application.

9. TERMS AND CONDITIONS DURING PATERNITY LEAVE

- 9.1 All the terms and conditions of your employment remain in force during paternity leave, except for the terms relating to pay. In particular:
- Annual leave entitlement under your contract shall continue to accrue.
 - Pension benefits shall continue (see paragraph 11).

10. ANNUAL LEAVE

- 10.1 If you have an 'All Year Round' contract, annual leave will accrue during paternity leave at the rate provided under your contract.
- 10.2 Our holiday year runs from 1 September to 31 August. If you are taking a period of paternity leave that will finish very close to the end of the year or continue into the next holiday year, any holiday entitlement for the year that is not taken before starting your paternity leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your Line Manager/SLT agrees otherwise. You should try to limit carryover to one week's holiday or less. Carrying over more than one week is at your Line Manager's discretion.
- 10.3 You should discuss your holiday plans with your Line Manager/SLT in good time before starting your paternity leave. All holiday dates are subject to approval by your manager.

- 10.4 Teachers & Support Staff - If the holiday year is due to end during an employee's absence on paternity leave, they should ensure that they have taken their full year's entitlement before the paternity leave starts.

11. PENSIONS

- 11.1 During paternity leave, we shall continue to make any employer contributions that we usually make into the relevant scheme, based on what your earnings would have been if you had not been on paternity leave, provided that you continue to make contributions based on the paternity pay you are receiving. Contact the Pension Scheme provider if you wish to increase your contributions to compensate for any shortfall.

12. RETURNING TO WORK

- 12.1 You are normally entitled to return to work after paternity leave to the same position you held before commencing leave. Your terms of employment will be the same as if you have not been absent.
- 12.2 However, if you have taken paternity leave straight after or straight before a period of parental leave of more than four weeks, and it is not reasonably practicable for us to allow you to return to the same job, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.
- 12.3 If you are also taking shared parental leave in respect of the same child, see the Shared Parental Leave (Birth) Policy or Shared Parental Leave (Adoption) Policy for information about rights on return to work.

13. FLEXIBLE WORKING

- 13.1 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. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. The procedure for making and dealing with such requests is set out in our Flexible Working Policy.

