

HR102s
April 2024
UNCLASSIFIED



Schools’ Paternity Leave / Maternity Support Leave

This Policy has been formally adopted by the Governing Body of

.....on..... (date).

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1. Introduction

If you are the father of a newborn child or the partner of the mother/adopter, you will normally be eligible for Paternity Leave. You will not be entitled to Maternity Support Leave.

However, if you are a father /partner with less than 41 weeks service before the expected week of childbirth you will not be entitled to Paternity Leave but may be entitled to Maternity Support Leave. Employees may also apply for Maternity Support Leave if they are not the father or partner of the mother/adopter but the “nominated carer”.

2. Scope

This policy applies to all school-based employees including Head Teachers.

3. Paternity Leave

When you take time off because your partner’s having a baby or adopting a child you might be eligible for:

- You can choose to take one or two whole weeks leave either as two separate blocks of one week or two consecutive weeks paid Statutory Paternity Leave
- Shared Parental Leave

Paternity leave is available to employees who:

- have or expect to have responsibility for the child’s upbringing.
- are the biological father of the child or the mothers’ husband or partner (including same sex relations) or
- are the adoptive parent not taking adoption leave.

NB: In adoption arrangements, where there are joint adopters, the adopter who took paid time off to attend adoption appointments cannot subsequently claim paternity leave and pay.

For more information, please see pages 3 - 5

4. Maternity Support Leave

Maternity Support Leave is a provision under NJ Council for Local Government Services ‘Green Book’ which provides 5 days leave, with pay, to employees who are:

- the child’s father; or
- the mother’s partner (including civil partner or same sex partner); or
- the ‘nominated carer’ of the expectant mother.

The purpose of Maternity Support Leave is to help the mother at or around the time of the birth. Where there are extenuating circumstances, however, such as a baby in special care, every consideration will be given to requests for taking leave at a later date.

Because of statutory entitlement of father’s/mother’s partner to Paternity Leave (above) Maternity Support Leave is, in practice, only available to a.) the nominated carer of the

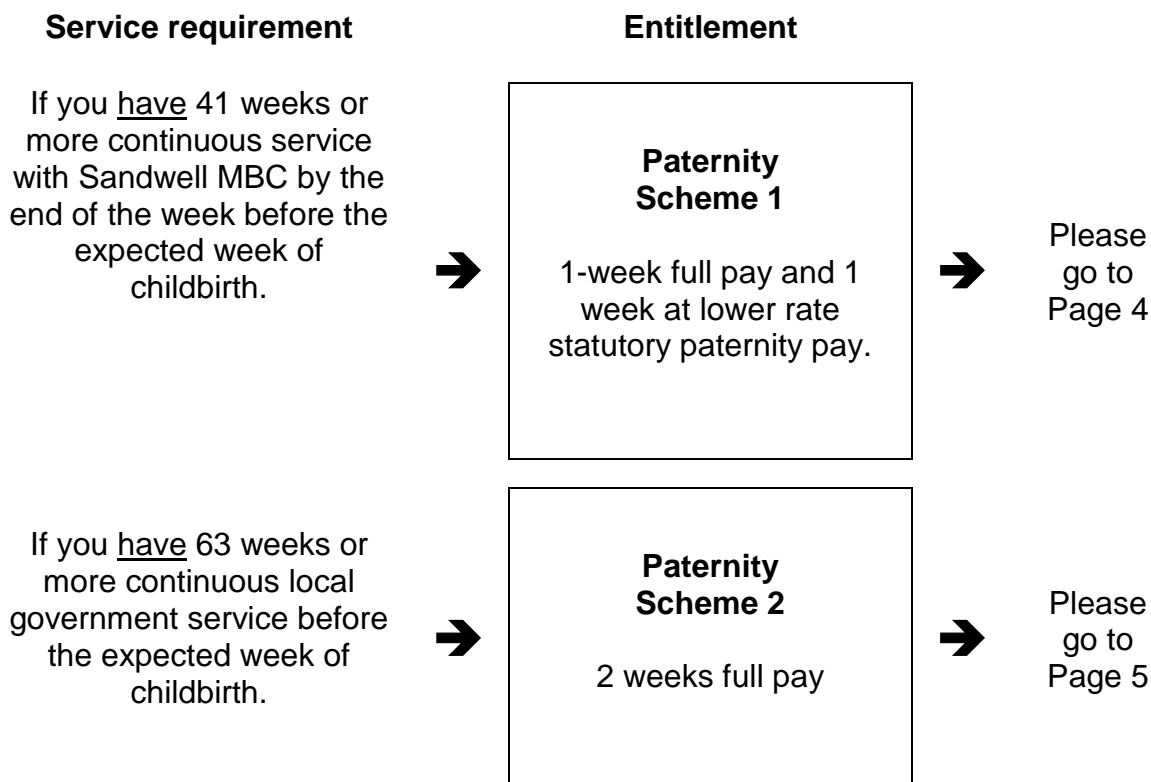
(expectant) mother or b.) fathers/partners with less than 41 weeks service before the expected week of childbirth.

For more information, please see pages 6-7.

5. PATERNITY LEAVE AND PAY

5.1 Overview of Schemes

Which Paternity Leave Scheme are you entitled to?



5.2 General Points

To be eligible for paternity leave you must;

- (a) have or expect to have responsibility for the child's upbringing and
 - (b) be the biological father of the child or the mother's husband, civil partner or partner (i.e., someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative) or in a surrogacy arrangement, the parent who doesn't take adoption leave.
- You must tell your Manager/Head Teacher at least 28 days' before:
 - The baby's due date
 - You want your leave to start, e.g., the day of the birth or the week after the birth.
 - If you want to take one or two whole weeks leave either as two separate blocks of one week or two consecutive weeks' leave
 - You will get the same amount of paternity leave if your partner has a multiple birth (e.g., twins).

- You do not have to take your leave in one go. A week is the same number of days that you normally work in a week – e.g., if you work Mondays and Tuesdays, a week is two days.
- Leave can't start before the birth. It must end within 56 days of the birth.
- You must give your Manager/Head Teacher 28 days' notice if you want to change your start date unless you agree otherwise with your Manager/Head Teacher.
- It must stop on the child's 1st Birthday or within one year of the date the child started living with you (adoption only).

Paternity pay is comprised of two payments, one statutory and one contractual. Most employees will be entitled to two weeks leave paid at Statutory Paternity Pay (SPP), subject to eligibility. At the same time, one of these weeks may be paid at normal contractual pay as Maternity Support Leave. Therefore, the first week of leave will usually be paid at contractual pay (offset against SPP) and the second will be at the current rate of SPP.

5.3 Scheme 1

For birth parents, if you have been employed for 26 weeks continuous service with Sandwell MBC by the end of the 15th week before the expected week of childbirth and with average earnings at or above the lower earnings limit for National Insurance contributions, you will be entitled to two weeks leave.

For Adoptive Parents to qualify for Paternity Leave, you must have worked for Sandwell MBC continuously for 26 weeks at the date that you were notified of a match with a child. In the case of Parental Order parents, the parent who claims Paternity Leave and pay must have been employed continuously by SMBC for 26 weeks after their baby's due date.

Providing all the qualifying conditions are met, you will be entitled to one of these two weeks paid at full pay and the second week at the current statutory rate or 90% of your average weekly earnings, whichever is less (Statutory Paternity Pay).

An exclusion form will be issued to you if you are not entitled to Statutory Paternity Pay.

General Information for Scheme 1

1. You must be continuously employed during the pregnancy.
2. You can choose to take one or two whole weeks leave either as two separate blocks of one week or two consecutive weeks within 52 weeks of the date of birth. If the baby is born early, you can choose to take your leave any time between the actual date of birth but within 52 weeks running from the Sunday of the week the baby was originally due. You cannot take odd days off work, but the weeks can start on any day, for example from Tuesday to Monday.
3. You must discuss your leave plans with your Manager/Head Teacher and tell them what time off you want by the 15th week before the week the baby is due. You can change your mind, but you must try to give your Manager/Head Teacher 28 days' notice of the dates.

There may be situations where you will not be able tell your Manager/Head Teacher what time off you want in accordance with the notice period, or the baby is born sooner or later than expected. Discussions should take place between your Manager/Head Teacher and yourself to reach an agreement.

4. If the baby is stillborn after 24 weeks of pregnancy, you are still entitled to Statutory Paternity Pay.

If you cease work before the birth of the baby, there is no entitlement to Statutory Paternity Pay.

If you cease work after the baby is born and meet all of the qualifying conditions, you can claim the basic Statutory Paternity Payment, providing you are not employed elsewhere. Statutory Paternity Pay would start from the day after the last day worked.

5. Applications for Paternity Leave and Pay can be made via Oracle Fusion.

5.4 Scheme 2

If you have one year or more continuous local government service at 11 weeks before the expected week of childbirth you are entitled to either one week or two week's paternity leave, on full pay.

General Information for Scheme 2

1. You must be continuously employed during the pregnancy.
2. You can choose to take one or two whole weeks leave either as two separate blocks of one week or two consecutive weeks within 52 weeks after the date of birth. If the baby is born early, you can choose to take your leave any time between the actual date of birth but within 52 weeks running from the Sunday of the week the baby was originally due. You cannot take odd days off work, but the weeks can start on any day, for example from Tuesday to Monday.
3. You must discuss your leave plans with your Manager/Head Teacher and tell them what time off you want by the 15th week before the week the baby is due. You can change your mind, but you must try to give your Manager/Head Teacher 28 days' notice of the dates.

There may be situations where you will not be able tell your Manager/Head Teacher what time off you want in accordance with the notice period, or the baby is born sooner or later than expected. Discussions should take place between your Manager/Head Teacher and yourself to reach an agreement.

If the baby is stillborn after 24 weeks of pregnancy, you are still entitled to Statutory Paternity Pay.

Applications for this scheme can be made via Oracle Fusion

6 MATERNITY SUPPORT LEAVE

Maternity Support Leave is a provision under NJ Council for Local Government Services 'Green Book' which provides 5 days leave, with pay, to employees who are:

- the child's father; or
- the mother's partner (including civil partner or same sex partner); or
- the 'nominated carer' of the expectant mother.

The purpose of Maternity Support Leave is to help the mother at or around the time of the birth. Where there are extenuating circumstances, however, such as a baby in special care, every consideration will be given to requests for taking leave at a later date.

*Teachers – There is no provision in the Burgundy Book for Maternity Support Leave.

6.1 The Link with Paternity Leave

Where the person applying for leave is the father of the child or the partner of the mother/adopter, the employee will normally be eligible for paternity leave (See pages 2-6). Where this is the case, Maternity Support Leave is included with Paternity Leave and a separate application for Maternity Support Leave is not necessary.

The following guidance is therefore relevant where the applicant.

- a) has less than 26 weeks' continuous service with SMBC by the end of the 15th week before the expected week of childbirth or
- b) wishing to apply for Maternity Support Leave as a 'nominated carer'.

6.2 Eligibility

The national agreements define a 'nominated carer' as.

- "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".

The nominated carer will be the 'primary provider' at or around the time of the birth and this will usually be the child's father or the mother's partner.

The purpose of granting the leave is "to meet the needs of the employee in addressing problems or commitments outside work which are likely to have a bearing on the employee's well-being and ability to perform their duties".

An employee who is nominated must therefore be able to demonstrate that the birth will have such an effect.

Maternity Support Leave will only be granted to a nominated carer where there is no other person able to provide support to the mother e.g., where the father or mother's partner is not in contact with the mother (for example as a result of divorce or separation) or where he/she is unable to provide adequate support.

6.3 Certification and Notification Arrangements

Leave may be taken before or after the birth at the discretion of the manager.

The employee should request leave as soon as practical after the expectant mother receives her MAT B1, and at least 21 days before the leave is required. Sympathetic consideration will be given where advance notice is not possible (for example in cases of premature birth or where the father/partner leaves the mother shortly before the birth).

The evidence required to support a request for nominated carer should include:

- a) a copy of the signed MAT B1 which the Doctor or Midwife gives the expectant mother.
- b) a signed letter by the expectant mother stating that the employee is the nominated carer and explaining why he/she has been so nominated (or the completed signed declaration on the application form).
- c) Date(s) when the leave is being sought.

An informal meeting or telephone call with the employee or the child's mother to satisfy the Manager/Head Teacher that the applicant is the primary carer may be required before leave is granted.

Reviewed on	Reviewed by	Completed
March 2024	Darron Evans	March 2024