# Model Policy for Oxfordshire Schools - Paternity Scheme

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## Introduction

1. This Oxfordshire model policy has been drawn up following consultation with all the recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.
2. Advice and support on the application of this policy is available from the schools’ HR service.
3. This policy applies to all employees working in schools. It should be read in conjunction with other relevant documents such as the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book) and the Oxfordshire Local Agreement (OLA) and/or the National Agreement on Pay and Conditions of Service for support staff (the Green Book).
4. It is recommended that academies who have chosen to continue to use the STPCD, Burgundy Book, Oxfordshire Local Agreement and / or Green Book also adopt this model policy. Where an academy adopts this policy the word ‘school’ should be taken to refer to the academy.
5. The term 'relevant body' has been used throughout this policy. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the relevant body for the purposes of this policy.
6. The term 'head teacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the head teacher is subject to this policy, it will be managed by the Chair of the relevant body or other nominated governor.

## Who does this scheme apply to?

1. Under this scheme, employees whose partner is having a baby or adopting a child may be eligible for paternity leave.
2. Employees must be taking time off to look after the child and be one of the following:
* the father
* the spouse or partner of the mother or adopter
* the child’s adopter

## Time off for partners to attend ante-natal and adoption appointments

1. Expectant fathers or partners are entitled to unpaid time off to attend up to two ante-natal appointments with the mother.
2. By law, time off is given to employees applying to adopt, to attend up to five adoption appointments. The time off will be paid where the employee is adopting the child on their own. If the employee is adopting jointly then one of the parents may elect to receive the time off as paid and the other will be entitled to take the time off as unpaid.
3. Head teachers/managers may ask to see an appointment card or other evidence of appointments.

## Paternity Leave

1. There are three types of Paternity Leave:
2. Ordinary Paternity Leave - one or two weeks paid leave.
3. Additional Paternity Leave - up to 26 weeks paid leave may be available for employees whose child is due to be born or placed for adoption before 5 April 2015 but only if the mother or co-adopter returns to work.
4. Unpaid Paternity Leave - up to 45 weeks unpaid leave.

Important change: For children born or placed for adoption after 5 April 2015 Shared Parental Leave will replace Additional Paternity Leave and will allow eligible parents to share the care of their child during the first year, taking time off together or separately. See the school's Shared Parental Leave Policy.

1. There are different qualifying conditions for Ordinary, Additional and Unpaid Paternity Leave and for Shared Parental Leave and Pay.

### Qualifying continuous service

1. The paternity leave and pay an employee is eligible for depends on their length of continuous service. This is the amount of time an employee has worked for the same employer without a break. For staff in maintained schools, continuous service is recognised between maintained schools and from one local authority to another and will be carried over in any transfer of employment under TUPE regulations e.g. during academy conversion. However, continuous service may be affected where employees voluntarily move jobs between maintained schools and academies.

## Ordinary Paternity Leave

1. To qualify for Ordinary Paternity Leave employees must first meet the criteria set out in paragraph eight of this document.
2. The amount of Ordinary Paternity Leave an employee is entitled to depends on their length of service as follows:
* An employee who has worked for the same employer for less than 26 weeks by the end of the 15th week before the expected week of childbirth (known as the ‘qualifying week’) or if adopting by the 'matching week' is entitlement to one weeks' paid leave, paid at their normal salary.
* An employee who has worked for the same employer continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth or if adopting by the 'matching week' is entitled to one or two weeks paid leave, paid at their normal salary.
1. For adoption the 'matching week' is either:
* the end of the week they are matched with the child (UK adoptions)
* the date the child enters the UK or when the employee wants their pay to start (overseas adoptions).
1. Normal salary is paid during Ordinary Paternity Leave and includes Statutory Ordinary Paternity Pay which is a [flat rate amount](https://www.gov.uk/paternity-pay-leave/pay) set by the government, or 90% of the employee's average weekly earnings (whichever is lower). Employees cannot be paid more than their normal salary. Tax and National Insurance will be deducted.
2. A week is the same amount of days that the employee normally works in a week.
3. The same amount of leave applies if the employee's partner has a multiple birth (e.g twins).

### Taking Ordinary Paternity Leave

1. Ordinary Paternity Leave, either one or two weeks, must be taken in one go.
2. Ordinary Paternity Leave cannot start before the birth and must end within eight weeks of the birth.
3. For adopters, Ordinary Paternity Leave can start:
* on the date of placement
* an agreed number of days after the date of placement
* on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only).
1. Leave must be taken within eight weeks of the date of placement or the child’s arrival in the UK (overseas adoptions).

### Giving notice to take Ordinary Paternity Leave

1. At least 15 weeks before the baby is expected to be born, employees must fill in a [Paternity Leave Application Form](file:///%5C%5Coxfordshire%5Cusers%5Co-r%5Crobert.damerell%5Cportal.oxfordshire.gov.uk%5Ccontent%5Cpublic%5CLandC%5CResources%5CHumanResources%5CApplication%20for%20Patrenity%20Leave.pdf) and send it to their line manager or head teacher. Employees may be asked to provide a copy of the MAT B1 Certificate confirming the expected date of child birth.
2. Employees who are co-adopting or whose partner is adopting must fill in the [Paternity Leave Application Form](file:///%5C%5Coxfordshire%5Cusers%5Co-r%5Crobert.damerell%5Cportal.oxfordshire.gov.uk%5Ccontent%5Cpublic%5CLandC%5CResources%5CHumanResources%5CApplication%20for%20Patrenity%20Leave.pdf) within seven days of being matched with a child and send it to their head teacher or line manager. Employees may be asked to provide a copy of the 'matching certificate' issued by the adoption agency.
3. Employees who are adopting a child from abroad and who want to apply for Ordinary Statutory Paternity Pay and Leave must also fill in [form SC5](https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-adopting-a-child-from-abroad-sc5).
4. Employees don’t have to give a precise date when they want to take leave but instead can give the general time such as the day of the birth or one week after the birth.
5. Employees must give their head teacher/line manger 28 days’ notice if they want to change the date of their paternity leave. If this is not reasonably practicable, as much notice of the new start or end date as possible must be given.

### Early and late births

1. The eight week period in which Ordinary Paternity Leave must be taken runs from the actual date of the birth.

## Additional Paternity Leave and Pay

1. Additional Paternity Leave and Pay may be available to eligible fathers/partners whose child is due to be born or placed for adoption on or before 4 April 2015.

Important: For employees whose child is due to be born, or newly adopted, on or after 5th April 2015 Additional Paternity Leave and Pay will be replaced by Shared Parental Leave. See the school's Shared Parental Leave Policy.

### Qualifying for Additional Paternity Leave and Pay

1. To qualify for Additional Paternity Leave and Pay employees must meet the conditions in paragraph eight and the mother or co-adopter must return to work before using their full entitlement to Statutory Maternity/Adoption Leave.
2. Employees will qualify for Additional Statutory Paternity Pay if the mother or co-adopter returned to work before exhausting their entitlement to Statutory Maternity/Adoption Pay.
3. To qualify employees must also:
* have worked for the same employer for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the ‘qualifying week’) or if adopting by the 'matching week' (see paragraph 17)
* be employed by the school the week before their leave or pay starts (Sunday to Saturday)
* earn at least £111 a week (gross) in an 8-week period
* confirm their partner has at least 2 weeks left of their statutory entitlement to maternity or adoption pay
* provide the correct notice.
1. Leave or pay can only start 20 weeks after the birth, adoption or child’s arrival in the UK (for overseas adoptions). Leave must be taken and end no later than the child’s first birthday or 52 weeks after the child starts living with the adopter.
2. Additional Paternity Leave must be taken in a one continuous block of complete weeks of between 2 and 26 weeks depending on entitlement.
3. Employees can take unpaid Additional Paternity Leave if they are eligible for leave but not pay. Any Additional Paternity Leave taken after entitlement to Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay is exhausted will be unpaid.

### Amount Payable - Additional Statutory Paternity Pay (ASPP)

1. Employees will receive the set weekly rate of [Additional Statutory Paternity Pay](https://www.gov.uk/employers-additional-paternity-pay-leave) or 90% of their average weekly earnings, whichever is less.
2. Additional Statutory Paternity Pay is only payable during the period of the employee's partner’s 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period. All Additional Paternity Leave taken after the end of the Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period is unpaid.

### Giving notice to take Additional Paternity Leave

1. At least eight weeks before the employee wishes to take Additional Paternity Leave they must fill in a [Paternity Leave Application Form](file:///%5C%5Coxfordshire%5Cusers%5Co-r%5Crobert.damerell%5Cportal.oxfordshire.gov.uk%5Ccontent%5Cpublic%5CLandC%5CResources%5CHumanResources%5CApplication%20for%20Patrenity%20Leave.pdf) and send it to their head teacher or line manager.
2. The mother/partner also needs to put in writing to the head teacher/line manager:
* their name and full address
* the date they intend to return to work
* that they were entitled to either Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay (or Statutory Maternity or Adoption Leave if the employee is applying for unpaid leave only) and the start date for it
* their National Insurance number
* confirmation that the person requesting Additional Paternity Leave is either the father of the child, the spouse, civil partner or partner or if jointly adopting a child or the spouse, civil partner or partner of the adopter
* that this person is, to the mother’s/adopters knowledge, the only person exercising the entitlement to additional paternity leave in respect of the child
* that the person consents to the processing of their information.
1. The head teacher/manager will pass this information on to the school's payroll department.
2. The head teacher/manager may also request:
* a copy of the baby’s birth certificate/matching certificate
* the name and address of the mother’s/partner's employer
1. Employees can change the dates they want to take Additional Paternity Leave but must give their head teacher/manager six weeks’ notice.

## Unpaid Paternity Leave

1. Up to 45 weeks unpaid leave may be available for employees who meet the qualifying conditions in paragraph eight and who have been employed by the same employer for at least 26 weeks at the end of the 15th week before the start of the week when the baby is due or where adopting, by the end of the week they are notified of being matched with a child.
2. Unpaid paternity leave must begin within six weeks of the week in which the baby is born or the date of adoption placement.
3. At least 15 weeks before the employee wishes to take Unpaid Paternity Leave they must fill in a [Paternity Leave Application Form](file:///%5C%5Coxfordshire%5Cusers%5Co-r%5Crobert.damerell%5Cportal.oxfordshire.gov.uk%5Ccontent%5Cpublic%5CLandC%5CResources%5CHumanResources%5CApplication%20for%20Patrenity%20Leave.pdf) and send it to their head teacher/manager.
4. School employees, unless otherwise agreed, must give at least one term’s notice of their intention to take additional unpaid paternity leave and give one term’s notice of the date of their return to work which must be at the start of a school term. In this instance, a term is defined by the national Conditions of Service for Schoolteachers in England and Wales, not the local six term arrangement.

## Employment rights when on paternity leave

1. Employee's employment rights are protected while on paternity leave.

### Annual leave

1. Annual leave entitlement continues to accrue during paternity leave. For staff working term time only any accrued entitlement is included in normal school closure periods.
2. No pay in lieu of days owed is payable.

### Pension

1. Pension contributions continue during paid periods of Paternity Leave.
2. For members of the Local Government Pension Scheme who take a period of unpaid Paternity Leave, pension contributions to maintain their own pension are then optional. Members will find information and interactive tools to show costs on [www.lgps2014.org](http://www.lgps2014.org)  (Use the section ‘How do I buy extra or lost pension’) . Once members have obtained a quote they should contact Pension Services Team 01865 797133 or pension.services@oxfordshire.gov.uk
3. The Teachers’ Pension Scheme does not allow service during periods of unpaid leave to be purchased but there is provision for Additional Pension to be purchased when returning to paid teaching service. Full details are on the Teachers’ Pensions website. For information about this phone Oxfordshire County Council on 01865 810536 or 815770.

### Keeping in touch days

1. During additional paternity leave employees may, by agreement, work for up to ten days (either separately or in a block) without losing entitlement to additional statutory paternity pay or triggering the end to the period of additional paternity leave.

## Requests for flexible working

1. All employees have the right to request flexible working and the head teacher/line manager will give careful consideration to all requests, ensuring that the needs and priorities of the school can be met before agreeing to any new arrangements. See the school's [Flexible Working Policy](http://portal.oxfordshire.gov.uk/content/public/LandC/Resources/HumanResources/Modelpolicyforschoolsflexibleworking.pdf).

## Child Care Voucher Scheme

1. Most schools participate in a childcare voucher scheme. Under this scheme childcare vouchers may be paid for via the payroll from the employee's salary, before tax and national insurance deductions. Go to [www.kiddivouchers.com](http://www.kiddivouchers.com) or phone 0800 612 9015 and quote scheme reference S469471B.

## Other related policies and sources of information

* [Statutory Paternity Pay: employee circumstances that affect payment - Detailed guidance - GOV.UK](https://www.gov.uk/statutory-paternity-pay-employee-circumstances-that-affect-payment)
* Shared Parental Leave Policy

## Review of policy

This policy has been subject to an equalities impact assessment and is reviewed regularly.

April 2015

APPENDIX 1

Application for Paternity Leave

Please complete this form and return to the Pay & Employment Information Team

(Unipart House, Garsington Road, Oxford, OX4 2GQ) no later than the fifteenth

week before the expected week of the baby’s birth or within 7 days of being matched with a child for adoption. [If you have more than one job with the Council then you must complete one form for each job].

See overleaf for the main points of the Council’s Paternity Scheme.

**Surname: Forename:**

**Directorate or School:**

**Job Title: Section:**

**Payroll reference number:**

**Home Address:**

**Date recognised for continuous service:**

**Please state either: Expected date of birth:**

**or date of baby’s birth: or date of adoption matching:**

**(You may be asked for a copy of the MatB1 form or baby’s birth certificate or the adoption confirmation by your manager/Headteacher).**

**Application for paternity leave [Paid leave must be taken within 56 days of the birth]:-**

**Week 1 Date from: Date to:**

**(At normal pay)**

**Week 2 Date from: Date to:**

(At normal pay providing you have more than 26 weeks’ continuous service)

Additional Paternity Leave: Date from: Date to:

Please also complete Appendix 2 for Additional Paternity Leave.

Extended unpaid leave: Date from: Date to:

Declaration [You must be able to tick all three boxes below to qualify] I declare that: (please tick appropriate boxes)

* I am: the baby’s biological father, or married to the baby’s mother, or living with the mother in an enduring family relationship, but am not an immediate relative
* I have/will have responsibility for the child’s upbringing
* I will take time off work to support the mother or care for the child

Signed: Date:

**To be completed by line manager**

**Leave approved (please tick): Week 10 Week 20 Add leave 0 Ext leave 0**

**Signed: Name:**

**Job Title: Date:**