



EVERYONE MATTERS
SCHOOLS TRUST

Paternity Policy

Everyone Matters Schools Trust Central Policy



Policy Owner	CEO and Trustees
Scope of the Policy	Trust Wide
Last reviewed by trustees	March 2025
Next review due	March 2027
Summary of key changes	No changes
Committee Responsible	

1 SCOPE AND PURPOSE

- 1.1 This policy outlines employees' entitlement to paternity leave and sets out the arrangements for taking it.
- 1.2 No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.4 In this policy references to personnel/bodies are to the personnel/bodies present within the school at which the particular member of staff reviewing the policy is engaged.

2 WHO IS COVERED BY THE POLICY?

- 2.1 This policy covers all employees at all levels and grades including senior managers, employees, trainees, part-time and fixed term employees (referred to as **employees** in this policy).
- 2.2 It does not apply to agency staff and self-employed contractors.

3 WHO IS RESPONSIBLE FOR THE POLICY?

- 3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal
- 3.2 The Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

4 DEFINITIONS

- 4.1 The definitions in this paragraph apply in this policy.

Partner means spouse, civil partner or someone (whether of a different sex or the same sex) with whom an employee lives in an enduring family relationship, but who is not their parent, grandparent, sister, brother, aunt or uncle;

Expected Week of Childbirth means the week, beginning on a Sunday, in which their doctor or midwife expects an employee's spouse, civil partner or Partner to give birth;

Expected Placement Date means the date on which an adoption agency expects that it will place a child into an employee's care with a view to adoption;

Job means the nature of the work an employee is employed to do and the capacity and place in which they are so employed.

5 ENTITLEMENT TO PATERNITY LEAVE

- 5.1 Paternity leave is available when a child is born or placed with an employee for adoption. However, in adoption cases paternity leave is not available to an employee who decides to take adoption leave. Further details of adoption leave are set out in the Trust's Adoption Policy.
- 5.2 Employees are entitled to ordinary paternity leave (**OPL**) if they meet all the following conditions:
- 5.2.1 they have been continuously employed by the Trust for at least 26 weeks ending with:
 - 5.2.1.1 in birth cases, the week immediately before the 15th week before the Expected Week of Childbirth.
 - 5.2.1.2 in adoption cases, the week in which the employee or their Partner are notified by an adoption agency that they have been matched with a child.
 - 5.2.2 An employee:
 - 5.2.2.1 is the biological father of the child;
 - 5.2.2.2 has been matched with a child by an adoption agency;
 - 5.2.2.3 is the spouse, civil partner or Partner of the child's mother; or
 - 5.2.2.4 is the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency.
 - 5.2.3 An employee:
 - 5.2.3.1 expects to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
 - 5.2.3.2 is the child's biological father and expects to have some responsibility for the child's upbringing.
 - 5.2.4 The intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

6 SHARED PARENTAL LEAVE (SPL)

- 6.1 Shared Parental Leave (SPL) allows eligible parents of children who are born or placed for adoption to share up to 50 weeks leave and 37 weeks statutory pay. Full details of this entitlement and the procedure eligible parents are required to follow are contained in the Trust's Shared Parental Leave (Birth) Policy or Shared Parental Leave (Adoption) Policy respectively.

7 **TIMING AND LENGTH OF PATERNITY LEAVE**

7.1 An employee may choose to start a period of OPL on either:

7.1.1 The date of birth or adoption placement;

7.1.2 A set number of days after the date of birth / adoption placement; or

7.1.3 On a set date.

7.2 OPL can be taken in a single two-week block, or two one-week blocks.

7.3 OPL must be taken within one year from the birth / adoption placement and any remaining OPL left untaken at that point will be lost. Employees who take a period of SPL will lose any remaining entitlement to take OPL.

7.4 Employees may still be eligible to take OPL if their baby is stillborn after 24 weeks of pregnancy (stillbirth), or was born alive at any stage of the pregnancy but did not survive (neonatal loss). Please speak to the Principal for further information.

8 **NOTIFICATION (BIRTH)**

8.1 If an employee wishes to take OPL in relation to a child's birth, they must give Principal (or in the case of the Principal all references to Principal within this policy should be read as though reference to the Chair of the Trustees two written notices:

8.2 **OPL Eligibility Notice**

The employee must first provide written notice of their entitlement to take OPL before the end of the 15th week before the Expected Week of Childbirth including the following information:

8.2.1 The Expected Week of Childbirth; and

8.2.2 A declaration that the employee meets the eligibility conditions to take OPL.

8.3 **Period of Leave Notice**

The employee must also provide written notice when they intend to take a block of OPL at least 28 days before the block of OPL is due to commence confirming:

8.3.1 That the OPL is being taken for the purpose of caring for a child or supporting the child's mother;

8.3.2 The amount of OPL that the employee intends to take on this occasion; and

8.3.3 When this OPL will start.

8.4 In either case, if an employee is unable to give the required written notice, they should give the Principal written notice as soon as they can.

9 NOTIFICATION (ADOPTION)

9.1 If an employee wishes to take OPL in relation to the adoption of a child, they must give the Principal two written notices:

9.2 OPL Eligibility Notice

The employee must first provide written notice of their entitlement to take OPL no later than 7 days after being notified of having been matched with the child for adoption, including the following information:

9.2.1 The date the child is expected to be placed with the main adopter (or, where the child has already been placed for adoption, the date of placement); and

9.2.2 A declaration that the employee meets the eligibility conditions to take OPL.

9.3 Period of Leave Notice

The employee must also provide written notice no later than 7 days after being notified of having been matched with the child for adoption confirming:

9.3.1 That the employee is either married to or the partner of the child's main adopter, and has/expects to have, the main responsibility (apart from the main adopter) for the upbringing of the child;

9.3.2 The amount of OPL that the employee intends to take; and

9.3.3 When the block(s) of OPL will start.

9.4 In either case, if an employee is unable to give the required written notice, they should give the Principal written notice as soon as they can.

10 CHANGING THE DATES OF OPL

10.1 To cancel / vary a period of OPL, the employee must give the Principal at least 28 days' notice before whichever is the earlier of:

10.1.1 The original start date (this is deemed to be the first day of the Expected Week of Childbirth if the employee chose to start their OPL on birth); or

10.1.2 The new start date.

10.2 If an employee is unable to give 28 days' written notice of the wish to cancel / vary the start of OPL, they should give the Principal written notice of the change as soon as they can.

11 STATUTORY PATERNITY PAY

11.1 In this paragraph, **Relevant Period** means:

11.1.1 In birth cases, the eight-week period ending immediately before the 15th week before the Expected Week of Childbirth.

11.1.2 In adoption cases, the eight-week period ending immediately before the week in which an employee or their spouse, civil partner or Partner were notified of being matched with the child.

11.2 If an employee takes OPL in accordance with this policy, they will be entitled to ordinary statutory paternity pay (**OSPP**) if, during the Relevant Period, their average weekly earnings are not less than the lower earnings limit set by the government.

11.3 OSPP are paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of an employee's average weekly earnings calculated over the Relevant Period if this is lower.

12 **OCCUPATIONAL PATERNITY PAY (OPP)**

12.1 To Qualify for OPP, an employee must satisfy the same qualifying requirements as for OSPP.

12.2 The total amount of OPP payable is:

Week 1 full pay, inclusive of any payment made by way of OSPP

Week 2 Ordinary Paternity Pay

13 **TERMS AND CONDITIONS DURING OPL**

13.1 All of an employee's terms and conditions of employment remain in force during OPL, except for the terms relating to their normal pay.

14 **ANNUAL LEAVE**

During OPL, annual leave will accrue. If the holiday year is due to end during an employee's absence on paternity leave, they should try to ensure that they have taken their full year's entitlement before the OPL starts. Annual leave cannot usually be carried over from one holiday year to the next.

14.1 This entitlement applies to all employees including term time only and teachers.

14.2 The Trust's holiday year runs from 1 September to 31 August.

15 **PENSIONS**

15.1 For details of the implication of OPL on an employee's individual pension please contact the Trusts Director of Business and Finance who will advise further.

16 **EXPECTED RETURN DATE**

16.1 An employee will be expected to return to work on the agreed return date unless they tell us otherwise. It will help the Principal if, during paternity leave, an employee is able to confirm that they will be returning to work as expected.

- 16.2 Shortly before an employee is due to return to work, the Principal may invite them to have a discussion (whether in person or by telephone) about the arrangements for their return. This may cover:
- 16.2.1 updating the employee on any changes that have occurred during their absence;
 - 16.2.2 any training needs the employee may have; and
 - 16.2.3 any changes to working arrangements (for example, that the employee may have requested come into effect on their return).

17 **DECIDING NOT TO RETURN**

- 17.1 If the employee does not intend to return to work, they should submit their resignation in accordance with their contract of employment. Wherever possible, the employee should provide as much notice as possible in order to facilitate workforce planning.
- 17.2 Once an employee has given notice that they will not be returning to work, they will be unable to change their mind without the Trust's agreement.
- 17.3 This does not affect an employee's right to receive OSPP.

18 **AN EMPLOYEE'S RIGHTS WHEN RETURNING**

- 18.1 An employee is normally entitled to return to work following OPL to the same job they held before commencing leave. An employee's terms of employment shall be the same as they would have been had they not been absent.

19 **FLEXIBLE WORKING**

- 19.1 The Trust 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. The Trust will try to accommodate an employee's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the school. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in the Trusts Flexible Working Policy.