

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, NEU, NAHT, NASUWT and Unison.
2. Advice and support on the application of this policy is available from the schools' HR Adviser.
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 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, and 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?

7. Employees may be eligible for paternity leave when their partner is having a baby, they are adopting a child or having a baby through a surrogacy arrangement.
8. Employees must be taking time off to look after the child and be one of the following:
 - The biological father
 - the spouse, civil partner or partner of the mother or adopter (including same sex partners)
 - the child's adopter
 - the intended parent (if having a baby through a surrogacy arrangement)
9. Paternity Pay may be available to foster carers who go on to adopt a child only if they satisfy the qualifying conditions.

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

10. Expectant fathers or partners are entitled to unpaid time off to attend up to two ante-natal appointments with the mother.
11. 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.
12. Head teachers/managers may ask to see an appointment card or other evidence of appointments.

Paternity Leave

13. There are two types of Paternity Leave:

1. **Ordinary Paternity Leave** - one or two weeks paid leave.
2. **Unpaid Paternity Leave** - up to 45 weeks unpaid leave.

14. Shared Parental Leave is also available and allows eligible parents to share the care of their child during the first year, taking time off together or separately. See the policy [here](#).

Qualifying continuous service for paternity leave

15. 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

16. To qualify for Ordinary Paternity Leave employees must first meet the criteria set out in paragraph eight of this document.
17. 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 6 months** by the end of the 11th week before the expected week of childbirth (known as the 'qualifying week') or if adopting by the 'matching week' is entitled to **one weeks' paid leave**, paid at their normal salary.
- An employee who has worked for the same employer continuously for **at least 6 months** by the end of the 11th 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.

18. 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).

19. Normal salary is paid during Ordinary Paternity Leave and includes Statutory Ordinary Paternity Pay which is a [flat rate amount](#) 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.

20. A week is the same amount of days that the employee normally works in a week.

21. The same amount of leave applies if the employee's partner has a multiple birth (e.g twins).

Taking Ordinary Paternity Leave

22. Ordinary Paternity Leave, either one or two weeks, must be taken in one go.

23. Ordinary Paternity Leave cannot start before the birth and must end within eight weeks of the birth.

24. 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).

25. For overseas adoption, leave must be taken within eight weeks of the date of placement or the child's arrival in the UK.

Giving notice to take Ordinary Paternity Leave

26. At least 15 weeks before the baby is expected to be born, employees must complete the [Family Leave form](#) and print a copy for their records before submitting the form. Once submitted, a copy will be sent to the line manager and the IBC (payroll). Managers may ask for a copy of the MAT B1 certificate confirming the expected date of child birth.
27. Employees who are co-adopting or whose partner is adopting must fill in the [Family Leave form](#) within seven days of being matched with a child and print a copy for their records before submitting the form. Once submitted, a copy will be sent to the line manager and the IBC (payroll). Employees may be asked to provide a copy of the 'matching certificate' issued by the adoption agency.
28. 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](#).
29. 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.
30. The employee will receive written confirmation from payroll within 28 days, confirming their entitlement to maternity leave and pay. Letters will be sent directly to the 'My Documents' section of [employee self-service \(ESS Lite\)](#) and will be available for employees to view and download at any time. Employees will receive a notification via the 'my notifications' app on employee self-service when a new document is available to view. Managers can access the documentation using 'manage ePF' on the IBC portal and will be notified via the 'my inbox' app on IBC when a new document is available to view. The manager notification will go to the Headteacher, or the school administrator if they have submitted the form on the employee's behalf. The Headteacher/Administrator should prompt the employee to check their documents on ESS Lite.
31. Employees must give their head teacher/line manager 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

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

Unpaid Paternity Leave

33. 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 6 months at the end of the 11th 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.

34. Unpaid paternity leave must begin within six weeks of the week in which the baby is born or the date of adoption placement.
35. At least 15 weeks before the employee wishes to take Unpaid Paternity Leave they must request approval from their headteacher/manager.
36. 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.

Shared Parental Leave

37. Shared Parental Leave allows eligible parents to share the care of their child during the first year, taking time off together or separately. See the schools [Shared Parental leave Policy](#) for more information.

Employment rights when on paternity leave

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

Annual leave

39. Annual leave entitlement continues to accrue during paternity leave. For teachers, any accrued entitlement is included in normal school closure periods.
40. For support staff working during term-time only there will be opportunities to take any accrued leave during upcoming school closure periods, however a payment for accrued leave during any unpaid paternity leave period will need to be made when they return. Managers / Headteachers must contact the IBC to calculate the accrued leave. For term time only employees, any bank holidays will already be included in the annual leave calculation.

Pension

41. Pension contributions continue during paid periods of paternity leave.
42. For members of the Local Government Pension Scheme who take a period of unpaid paternity leave, pension contributions are optional. Information and interactive tools showing costs of buying lost pension can be found on www.lgpsmember.org. (See the

section '[How is your pension affected if you are away from work](#)').

To obtain a quote raise an IBC enquiry on Employee Self Service via this path: My enquiry > My Employment > Pensions > Increasing your retirement benefit.

43. 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 contact the HR Advice Desk – hradvisedesk@oxfordshire.gov.uk or 03300 240849.

Requests for flexible working

44. 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**.

Child Care Voucher Scheme

45. The council participates in a childcare voucher scheme with the provider Edenred. This scheme allows childcare vouchers to be paid from the employee's salary, before tax and national insurance deductions. The scheme was closed to new entrants on 4th October 2018 but parents already registered by this date are able to continue using it for as long as their employer offers it or until they leave the scheme. For more information go to www.childcarevouchers.co.uk.
46. The Government's tax-free childcare scheme replaced childcare vouchers. For further details on eligibility and how to apply visit www.gov.uk/tax-free-childcare.

Other related policies and sources of information

- [Statutory Paternity Pay: employee circumstances that affect payment - Detailed guidance - GOV.UK](#)
- [Shared Parental Leave Policy](#)

Review of policy

We check our policies regularly to make sure they are up to date, the latest version can be accessed from the [schools intranet](#).

If you have any questions about this policy contact your Schools HR Adviser.

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