



All Staff Paternity Policy

**The Paternity Policy have been approved and
adopted by the Xavier Catholic Education Trust
To be reviewed in April 2028**

Committee Responsible: HR Committee

XAVIER PATERNITY POLICY

INTRODUCTION

If your spouse or partner becomes pregnant; you have used a surrogate to have a baby; or you are taking the time off to support the person adopting a child or to care for the adopted child, you may be entitled to take up to two weeks away from work after the birth of the child known as Ordinary Paternity Leave. This policy explains your rights and obligations under current legislation.

ELIGIBILITY FOR PARENTAL LEAVE

All eligible employees, regardless of length of service, are entitled to up to two weeks paternity leave to be taken as full weeks. This is inclusive of the Statutory Paternity Leave entitlement to which employees which from April 2026 is a day one right.

The employee can choose to take their paternity leave as either one single block of one week, one single block of two weeks or two separate blocks of a week each. A week equals the length of time an employee normally works over 7 days.

The leave may be taken at any time within the 52 weeks after the birth or date the child is placed with the adopter.

You must be the father of the child, or be married to, or the civil partner or "partner" of, the child's mother or adopter. "Partner" in relation to a child's mother or adopter means a person (whether of a different sex or the same sex) who lives with the mother, or adopter, and the child in an enduring family relationship but is not a relative of the mother or adopter (a relative is defined as a parent, grandparent, sister, brother, aunt or uncle).

You must have, or expect to have, responsibility for the upbringing of the child.

Only one per period of leave is available per pregnancy/adoption, irrespective of whether more than one child is born as a result of the same pregnancy or adopted as part of the same arrangement.

You must formally notify your employer of the date on which you intend to take paternity leave and, where applicable, produce evidence supporting this claim. A period of paternity leave can start on any day of the week.

If the actual date of the birth has been specified as the day a period of leave is due to start and the employee is at work that day, the leave will begin on the next day.

If an employee wishes to take shared parental leave, they must take their paternity leave first. An employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.

To remain eligible, you must continue in employment until the birth of the child.

NOTIFICATION REQUIREMENTS

You are required to give us notice, in writing, of your intention to take paternity leave. This information can be provided on the paternity leave entitlement form or via email which covers notification for both leave and pay purposes. At least 4 weeks' notice must be given for each period of leave.

The notice must specify:

- a. if applicable, the date on which the adopter was notified of having been matched with the child.
- b. the expected week of birth or placement for adoption.
- c. whether you wish to take one or two weeks' leave; and
- d. when you want your leave to start.

You must also give us a signed declaration as to the purpose of the absence and that the eligibility conditions have been met.

You are able to change your mind about the date on which you want your leave to start providing you notify us at least 28 days in advance unless this is not reasonably practicable. You must give us a further notice, in writing, as soon as is reasonably practicable after the child's birth or placement for adoption, of the date on which the child was born or placed.

In the case of surrogacy, the school may ask for a written statement to confirm that the employee intends to apply for a Parental Order in the 6 months after the child's birth. The employee must sign this in the presence of a legal professional.

PATERNITY PAY

All employees who are eligible for Paternity leave will also be eligible for Paternity Pay

Employees will be entitled to up to two weeks' paternity pay as full contractual pay. This is inclusive of the Statutory Paternity Pay entitlement to which employees with at least 26 weeks' continuous service at the Qualifying week and earning at or above the Lower earnings Limit are entitled.

Paternity pay is paid through payroll and is:

- Subject to Income Tax, National Insurance Contributions and where opted in,

Pension contributions.

- Payable only for complete weeks (a week can start on any day)

Employees will receive full contractual pay during periods of paternity leave and all other normal terms and conditions of the employee's employment will continue to apply during a period of paternity leave.

An employee is protected from being subjected to detriment (such as denial of promotion or training opportunities) and is protected from dismissal because they either took paternity leave or sought to take paternity leave. Employees have the right to return to their job at the end of their paternity leave.

Paternity leave cannot be taken at the same time as sick leave or annual leave. If there is bank holiday during the week of paternity leave this will not count as part of the full week, the week will therefore be extended by one day. The one year period in which paternity leave must be taken is not extended if sick leave or annual leave are taken.

TIME OFF FOR ANTENATAL APPOINTMENTS

Employees are requested to act reasonably when booking antenatal or pre-adoption appointments and wherever possible are encouraged to book appointments outside normal working hours. There may be circumstances where it is reasonable for the manager to refuse a request for unpaid time off work if the employee could reasonably arrange the appointments outside their normal working hours.

Time off during working hours to attend appointments will be unpaid, unless it is exceptional circumstances and agreed by the Headteacher/ CEO. Consideration will be given to requests for flexible working to enable attendance at antenatal or pre-adoption meetings and accommodated wherever possible.

Sickness Absence and Paternity Pay

An employee cannot be paid SPP and Statutory or Occupational Sick Pay (SSP/OSP) at the same time.

If an employee is unwell before starting a period of paternity leave, they should postpone it. The 1-year period within which they should take their leave is not extended under these circumstances.

If an employee is due to return to work but then becomes ill and is unable to return, this will be treated as sickness absence in accordance with the Xavier Catholic Education Trusts Sickness Absence Management policy.

Pensions and Flexible Benefits during Paternity Leave

LGPS Pension Scheme During any period of paid paternity leave the employee will continue to build up a pension in the section of the LGPS they are in, as they will be receiving paternity pay at their normal rate of pay and will be paying their basic pension

contributions on that paternity pay.

However, if they take any unpaid parental leave this will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence.

For further information see the LGPS website

Teachers' Pension Scheme During any period of paid paternity leave the employee's pension accrual as a member of the Teachers' Pension Scheme will not be affected as they will be receiving paternity pay at their normal rate of pay and will be paying their basic pension contributions on that paternity pay.

However, if an employee takes any unpaid parental leave that period of unpaid leave will not count for pension purposes.

For further information see the Teachers' Pension website or contact the Teachers' Pension helpline on 0345 606 6166. 13.3

Flexible Benefits If an employee has elected to receive flexible benefits, they will be required to continue to pay contributions whilst on paternity leave. For more information the employee should contact the HR or Finance team at their school.

Returning to Work following Paternity Leave

Employees have the right to return to their job, on terms and conditions no less favourable than those at the commencement of a period of paternity leave, and to any improvements implemented in their absence unless this is not reasonably practicable if they:

- take up to 2 weeks of paternity leave (one block of 1 week; two blocks of 1 week or one block of 2 weeks) within the 52-week period following the birth/placement for adoption/arrival of the child in Great Britain
- take up to 2 weeks of paternity leave prior* to taking a period of shared parental leave (see shared parental leave policy for more details), where the total parental leave taken adds up to 26 weeks or less (to include any periods of unpaid parental leave taken in respect of the baby)

The employee will have the right to return to their job or a similar job if it is not reasonably practicable to give them their old job if they:

- take unpaid parental leave prior* to taking a period of shared parental leave where the total parental leave taken adds up to more than 26 weeks. Similar means the job has the same or better terms and conditions.

If the employee unreasonably refuses to take the similar job the school can take this as their resignation.

*In circumstances where the mother or main adopter dies, their partner has the flexibility to take their paternity leave after a period of shared parental leave.

Special Circumstances

Premature Births An employee whose partner gives birth prematurely will be entitled to the paternity leave and pay they would have received if the child had been born when due, that is during the Expected Week of Childbirth.

The employee will have 52 weeks from the Expected Week of Childbirth in which to take their paternity leave and pay, rather than 52 weeks from the actual date of birth of the child.

Death of a baby and stillbirths

Stillbirth is when a baby dies before they are born or during labour at more than 24 weeks of pregnancy. If this occurs, or if the baby dies after birth, an employee will still be entitled to paternity leave and pay. It is devastating when a baby dies. The charity SANDS (Stillbirth and Neonatal Death charity) offer website support and a helpline for parents and families affected by the death of a baby and stillbirth – 0808 164 3332. The NCT has an article on Coping with Stillbirth, which may also be helpful. Time off with pay will be granted at times of parental bereavement for primary carers following the death of a baby, or a stillbirth after 24 weeks of pregnancy.

SHARED PARENTAL LEAVE

For information on Shared parental leave please arrange a meeting with your Line manager or HR lead. The shared parental leave policy can be found on the Xavier share point.