



# The Athelstan Trust

## Paternity Leave Policy

### Paternity leave

#### Introduction

- 1 **Purpose:** This policy is intended to provide guidance on your statutory entitlement to paternity leave and enhanced pay.

#### Ordinary Paternity Leave

- 2 **Entitlement:** You are entitled to Ordinary Paternity Leave (**OPL**) if you meet all the following conditions:
- 2.1 you have been continuously employed by us for at least 26 weeks ending with:
    - 2.1.1 in birth cases, the week immediately before the 14th week before the Expected Week of Childbirth<sup>1</sup>;
    - 2.1.2 in adoption cases, the week in which you or your partner<sup>2</sup> are notified by an adoption agency that you / they have been matched with a child;
  - 2.2 you:
    - 2.2.1 are the biological father of the child; or
    - 2.2.2 have been matched with a child by an adoption agency; or
    - 2.2.3 are the spouse, civil partner or partner of the child's mother; or
    - 2.2.4 are the spouse, civil partner or partner of someone who has been matched with a child by an adoption agency;
  - 2.3 you:
    - 2.3.1 expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
    - 2.3.2 are the child's biological father and you expect to have some responsibility for the child's upbringing;
  - 2.4 your 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.
- 3 **Duration:** OPL must be taken as a period of either one week or two weeks. It is at the Headteacher's discretion whether these are consecutive weeks.
- 4 **Timing:** OPL can be taken from the date of the child's birth or adoption placement, but must end:

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<sup>1</sup>Expected Week of Childbirth: the week, beginning on a Sunday, in which their doctor or midwife expects your spouse, civil partner or Partner to give birth

<sup>2</sup>Partner: someone (whether of a different sex or the same sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle.



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- 4.1 in birth cases, within 56 days of the child's birth, or if they were born before the first day of the Expected Week of Childbirth, within 56 days of the first day of the Expected Week of Childbirth;
  - 4.2 in adoption cases, within 56 days of the child's placement.
- 5 **Notification of birth:** If you wish to take OPL in relation to a child's birth, you must give us notice in writing before the 14th week prior to the Expected Week of Childbirth (or, if this is not possible, as soon as you can) of your intention to do so and confirm:
- 5.1 the Expected Week of Childbirth;
  - 5.2 whether you intend to take one week's leave or two consecutive weeks' leave; and
  - 5.3 when you would like to start your leave. You can state that your leave will start on:
    - 5.3.1 the day of the child's birth;
    - 5.3.2 a day which is a specified number of days after the child's birth; or
    - 5.3.3 a specific date later than the first date of the Expected Week of Childbirth.
- 6 **Notification of adoption:** If you wish to take OPL in relation to the adoption of a child, you must give us notice in writing no more than seven days after you and / or your spouse, civil partner or partner were notified of having been matched with the child (or, if this is not possible, as soon as you can) of your intention to do so and confirm:
- 6.1 the date on which you and / or your spouse, civil partner or partner were notified of having been matched with the child, together with the expected placement date<sup>3</sup>;
  - 6.2 whether you intend to take one week's leave or two consecutive weeks' leave; and
  - 6.3 when you would like to start your leave. You can state that your leave will start on:
    - 6.3.1 the day on which the child is placed with you or the adopter;
    - 6.3.2 a day which is a specified number of days after the child's placement; or
    - 6.3.3 a specific date later than the expected placement date.
- 7 **Changing your leave date: birth:** Where you are to take OPL in respect of a child's birth, you can give us written notice to vary the start date of your leave from that which you originally specified. This notice should be given:
- 7.1 where you wish to vary your leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth;
  - 7.2 where you wish to vary your leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth;

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<sup>3</sup>Expected placement date: the date on which an adoption agency expects that it will place a child into your care with a view to adoption.



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7.3 where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days before that date.

8 **Changing your leave date: adoption:** Where you are to take OPL in respect of a child's adoption, you can give us written notice to vary the start date of your leave from that which you originally specified. This notice should be given:

8.1 where you wish to vary your leave to start on the day that the child is placed with you or the adopter, at least 28 days before the expected placement date;

8.2 where you wish to vary your leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the expected placement date;

8.3 where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days before that date.

### Statutory Paternity Pay

9 **OPL:** If you take OPL in accordance with this policy, you will be entitled to up to 2 weeks full pay.

### Benefits and pensions during paternity leave

10 **Benefits:** During OPL, you will continue to be entitled to receive the non-cash benefits provided under your contract of employment. For the avoidance of doubt, non-cash benefits do not include wages or salary.

### Returning to work

11 **Entitlement:** You are normally entitled to return to work following OPL to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent. However, if you have combined your OPL with a period of:

11.1 Shared Parental Leave (**SPL**); or

11.2 parental leave of more than four weeks; and

11.3 it is not reasonably practicable for you to return to the same job;

we will offer you a suitable and appropriate alternative position.

12 **Return to work:** Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements on your return. This may cover updating you on any changes that have occurred during your absence and any training needs you might have.

13 **Postponing your return:** If you wish to postpone your return from OPL, you should either:

13.1 request SPL in accordance with our SPL policy, giving as much notice as possible but not less than 8 weeks; or

13.2 request unpaid parental leave in accordance with our parental leave policy, giving us as much notice as possible but not less than 21 days; or



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13.3 request paid annual leave in accordance with your contract, which will be at our discretion.

- 14 **Unable to return:** If you are unable to return to work from OPL as expected due to sickness or injury, this will be treated as sickness absence and our sickness policy will apply. In any other case, a late return will be treated as unauthorised absence.
- 15 **Flexible working:** We will consider any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case by case basis, in accordance with our flexible working policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.
- 16 **Resigning from employment:** If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should submit your resignation in accordance with your contract. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive SPP.

### Shared Parental Leave

- 17 **Shared parental leave:** Subject to eligibility requirements, you may be entitled to SPL and pay. Please see the Trust's SPL policy for further details.