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# Lanesend Primary School

## Paternity Provisions

For Babies Due or Placed into Adoption on or After 5 April 2015

### Isle of Wight Policy School Staff Policy

**Signed:** ..... **Date:**  
**(Headteacher)**

**Signed:** ..... **Date:**  
**(Chair of Governors)**

**Review Date:** When statutory changes are made  
**Reviewed By:** Isle of Wight Council and agreed by Full  
Governing Body

# 1 Document Information

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## 2 Contents

1	Document Information .....	2
2	Contents.....	3
3	Introduction .....	4
4	Ordinary Paternity Leave.....	5
5	Notification of Paternity Leave .....	8
6	Paternity Pay.....	9
7	Pension Contributions during Paternity Leave .....	10
8	Rights on and after Return to Work .....	11
9	Staff Benefits.....	12
10	Appendix 1 –Paternity Leave Request Form .....	13

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### 3 Introduction

This Policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave.

The Isle of Wight Council recognises that, from time to time, employees may have questions or concerns relating to their paternity rights. It is the council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees should clarify the relevant procedures with the HR Support team ([human.resources@iow.gov.uk](mailto:human.resources@iow.gov.uk)) to ensure that they are followed.

The following definitions are used in this policy:

**'Expected week of childbirth' (EWC)** means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

**'Qualifying week'** means the 15<sup>th</sup> week before the expected week of childbirth.

**'Employer'** refers to the Isle of Wight Council / School

Please note that for babies born on or after 5 April 2015 Shared Parental Leave has been introduced to enable eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. For further information please refer to the Shared Parental Leave Provisions.

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## **4 Accompanying a Pregnant Woman to Antenatal Appointments or Attending Adoptive Appointments**

Employees may have the right to paid leave to accompany a pregnant woman to antenatal appointments or to attend adoption appointments. Please refer to the Maternity Provisions for leave for mothers and fathers/partners to attend antenatal appointments and to the Adoption Provisions for leave for adopters and their partners to attend adoption appointments.



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## 5 Ordinary Paternity Leave

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to one week's paid paternity leave irrespective of length of service and a second week's paid paternity leave provided that you have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the week in which the child is expected to be born.

Paternity leave is also available to the spouse, civil partner or partners of an adopter, as defined in the Adoption Provisions. An adopter is an individual who:

- (a) has a child matched with them for adoption by an adoption agency or relevant domestic authority
- (b) is a local authority foster parent who is also an approved prospective adopter; or
- (c) has received (or intend to apply and expect to receive) a parental order in relation to child surrogacy.

Where one adoptive parent has elected to take adoption leave, the other one may be eligible to take paternity leave. Please see the Adoption Provisions for more information in respect of adopters and adoption leave.

To qualify for paternity leave in respect of adoption:

- (a) you must have 26 weeks continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption, or by the end of the 15<sup>th</sup> week before the week in which the child is expected to be born (for parental order parents);
- (b) you must be the spouse, civil partner or partner of the adopter;
- (c) have, or expect to have, responsibility for the upbringing of the child; and
- (d) be making the request to help care for the child or to support the child's mother/adopter

Paternity leave is granted in addition to your normal annual holiday entitlement. Paternity leave must be taken in a single block of one or two weeks continuous leave within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Paternity leave can start either from the date the child is born/placed into adoption or within 56 days from that date.

Once a parent opts into the shared parental leave scheme, they will no longer be eligible to take ordinary paternity leave. Therefore, fathers/adoptive partners who plan on taking both ordinary paternity leave and shared parental leave must take ordinary paternity leave first.

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## 6 Notification of Paternity Leave

If you wish to request paternity leave, you must complete the attached 'Paternity Leave Request Form' (appendix 1) and return it to your line manager (copied to HR Support Services) by the end of the 15<sup>th</sup> week before your partner's baby is due, or for adoptive parents, no later than seven days after the date your partner was notified of the match for adoption. The notification must specify:

- Expected date of birth/adoption placement;
- Whether you wish to take one or two week's leave;
- When you wish your period of paternity leave to start; and
- For adoptive parents, the date that the child's adopter was notified of the adoption match

If you subsequently wish to change the timing of the paternity leave, you must give 28 days written notice of the new dates.

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## 7 Paternity Pay

- Week 1      You will be entitled to one week's full pay irrespective of length of service during this week.
- Week 2      If eligible, you may elect to take the second week of paternity leave and you will qualify for statutory paternity pay during your absence if you have average weekly earnings equal to or greater than the current lower earnings limit for National Insurance Contributions purposes. Statutory Paternity Pay is paid at the same rate as Statutory Maternity Pay (a fixed amount) reviewed by the Government each year.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date you start your paternity leave.

Please note that once a parent opts into the shared parental leave scheme, they will no longer be eligible to take paternity pay. Therefore, fathers/adoptive partners who plan on taking both ordinary paternity leave and shared parental leave must take ordinary paternity leave first in order to receive paternity pay.

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## 8 Pension Contributions during Paternity Leave

During any period of paid paternity leave you must continue to pay pension contributions on the actual pay, if any, that you are receiving. Benefits will continue to accrue as if you were working normally on full pay.

### **LGPS Members**

You can choose to buy back pension membership for any period of unpaid paternity leave through an age-related Additional Pension Contribution (APC) contract. The contributions will be calculated at the assumed pensionable pay, which is the pay you would have received but for the absence. Please contact the pensions team for information regarding this option: [pensions@iow.gov.uk](mailto:pensions@iow.gov.uk).

If you were paying additional contributions to increase your membership prior to your paternity leave, you will continue to pay these. These payments will be calculated at the rate of pay which you would have received had you not taken paternity leave. The additional membership continues to accrue in full.

### **Teachers' Pensions Members**

There is no facility for you to continue to pay contributions during any period of unpaid paternity leave. You can, however, purchase additional pension contributions upon your return to work provided you return to pensionable employment. Please refer to the Teachers' Pensions website for further information: [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

### **Firefighters Pension Scheme**

You can choose to pay contributions for any period of unpaid paternity leave so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of pay (or reduced pay) that you were receiving immediately before you commenced the period of unpaid paternity leave.

If you were paying additional contributions to increase your membership before going on paternity leave then you will continue to pay these. These payments will be calculated at the rate of pay you would have received had they not been on paternity leave. The additional membership continues to accrue in full.

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## 9 Rights on and after Return to Work

On resuming work after paternity leave, you are entitled to return to the same job as you occupied before commencing paternity leave on the same terms and conditions of employment as if you had not been absent.

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## 10 Staff Benefits

The Isle of Wight Council has a scheme available to help you save money on your childcare costs. Full details of the scheme can be found on the Staff Benefits section of the intranet;

<http://wightnet2000.iow.gov.uk/staff/staff%5Fbenefits/Childcare%5FInitiative/>

If you don't have access to the Council's Intranet then please access the Council's Extranet, this can be accessed from any PC at home or work. The link is: <http://www.iwight.com/wightnetextra/> To logon you will need to input your name eg, John Smith, the password is: vine. Once logged on click on Staff Benefits and then from the list on the left click on Childcare Scheme.

## 11 Appendix 1 –Paternity Leave Request Form

Employee's name:			
Post title:			
Department:			
Personnel No:		NI Number:	

	DD	MM	YY
Expected date of birth or date to be placed for adoption :			
I would like my paternity leave to start from:			
For adoptive parents: the child's adopter was notified of the match for adoption on:			

	One Week	Two Weeks
I would like to be away for:		

### Declaration

– I declare  
that:

I am:

the child's biological father; or

married to / in a civil partnership with the mother or the person adopting the child; or

living with the mother or the person adopting the child but am not the parent,

grandparent, sister, brother, aunt or uncle of the mother/person adopting the child.

I will have responsibility for the child's upbringing

I will take time off to support the mother or care for the child

Signed:		Date:	
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### To be completed by the line manager and forwarded to payroll within eight weeks of the birth occurring.

	DD	MM	YY
The above named has confirmed that the birth, placement or entry into Great Britain, of the child occurred on:			
The above named person commenced their requested period of leave on:			

Signed:		Date:	
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