



## Woodside High School

White Hart Lane, Wood Green, London N22 5QJ

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### Paternity leave policy

Drafted by: HR in consultation with Judicium

Reviewed: January 2022

Next Review: September 2023

#### Paternity leave policy

##### Introduction

1 **Purpose:** This policy is intended to provide guidance on your statutory entitlement to paternity leave and pay following the birth or placement for adoption of a child. This policy also applies to foster parents who have children placed with them with a view to adoption and surrogate parents who will be applying for a parental order and who meet the eligibility criteria.

2 This Policy applies to employees only and not to agency workers or the self-employed. It is not intended to have contractual effect and the school may amend this policy at any time.

##### Paternity Leave

3 **Entitlement:** Eligible employees are entitled to one whole week or two consecutive weeks' paid Paternity Leave following the birth or placement of a child in order to care for the child or support its mother.

4 If you are an employee you are entitled to Paternity Leave for the purpose of caring for a child, or supporting the child's mother provided you:

4.1 you have been continuously employed by us for at least 26 weeks ending with:

4.1.1 in birth cases, the 15th week before the Expected Week of Childbirth;

4.1.2 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;

4.2 you:

4.2.1 are the biological father of the child; or

4.2.2 are the Partner of the child's mother or someone who has been matched with a child by an adoption agency

4.3 you:

4.3.1 expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or

4.3.2 are the child's biological father and you expect to have some responsibility for the child's upbringing;

4.4 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.

4.5 You have not already taken shared parental leave in respect of the same child.

5 **Duration:** Paternity Leave must be taken as a period of either one whole week or two consecutive weeks. It cannot be taken in instalments.



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6      **Timing:** Paternity Leave 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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6.1 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;

6.2 in adoption cases, within 56 days of the child's placement.

5 **Notification:** To take Paternity Leave you must give us notice in writing before the end of the 15<sup>th</sup> week prior to the Expected Week of Childbirth or no more than 7 days after you and/or your Partner were notified of having been matched with a child (or, if this is not possible, as soon as you can) stating:

5.1 the Expected Week of Childbirth or Expected Placement Date<sup>3</sup> ;

5.2 whether you intend to take one whole 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 date you would like your leave to start (which may be a specified date after the start of the Expected Week of Childbirth or Expected Placement Date; the actual date of birth or placement or a specified number of days after birth or placement.

6 **Changing your leave date:** You may vary the start date of your Paternity Leave if you give notice as follows:

6.1 If you wish to start your leave on the day of the child's birth or on the day that the child is placed with you or the primary adopter, at least 28 days before the first day of the Expected Week of Childbirth or Expected Placement Date;

6.2 If you wish to start your leave on a specified number of days after the child's birth or placement, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth or Expected Placement Date;

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

6.4 If you are unable to give us 28 days' written notice as set out above, you should do so as soon as you can.

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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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### Statutory Paternity Pay

8 **Paternity Leave:** If you take Paternity Leave in accordance with this policy, you will be entitled to Statutory Paternity Pay (**SPP**) if, during the Relevant Period<sup>4</sup>, your average weekly earnings are not less than the lower earnings limit set by the government.

9 **Rate:** SPP is payable during Paternity Leave provided you have at least 26 weeks' continuous employment ending with the 15<sup>th</sup> weeks before the Expected Week of Childbirth or the week in which the adoption agency notified you of a match (**Qualifying Week**) and your average earnings are not less than the lower earnings limit set by the government each tax year, or 90% of your average weekly earnings calculated over the Relevant Period if this is equal to or above the lower earnings limit but less than the rate of SPP.

### 10 Enhanced Paternity Pay:

10.1 If you have more than one year's service ending with the 15<sup>th</sup> week before the Expected Week of Childbirth or the week in which an adoption agency notified you of a match you are entitled to up to two weeks' full pay if you take paternity leave.

10.2 If you have less than one year's service ending with the 15<sup>th</sup> week before the Expected Week of Childbirth or the week in which an adoption agency notified you of a match you are entitled to one week's full pay. SPP would be payable for the remaining week of paternity leave, if you choose to take your full entitlement to two consecutive weeks Paternity Leave.

10.3 Enhanced Paternity Pay is inclusive of SPP.

### Benefits and pensions during paternity leave

11 **Benefits:** During Paternity Leave all the terms and conditions of employment remain in force, except for the terms relating to pay. In particular, benefits in kind shall continue, annual leave will continue to accrue and pension benefits shall continue.

12 **Annual Leave:** Annual leave cannot usually be carried over from one holiday year to the next. If you are taking a period of paternity leave that will prevent you from taking your full entitlement to annual leave in the holiday year in which it accrued, any annual leave that cannot reasonably be taken may be carried forward to the next holiday year.

13 **Pensions:** During paid Paternity Leave, employer contributions will continue to be made based on what your earnings would have been had you not been on Paternity Leave, provided you continue to make contributions based on the Statutory or Enhanced Paternity Pay you receive.

### Returning to work

14 **Entitlement:** You are normally entitled to return to work following Paternity Leave 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. If you have taken Paternity Leave straight after or straight before a period of parental leave of more than 4 weeks, and it is not reasonably practicable for you to return to the same job, we will offer you a suitable and appropriate alternative position.

15 If you are also taking Shared Parental Leave in respect of the same child, please refer to the School's Shared Parental Leave Policy.

16 If you are unable to return to work from Paternity Leave as expected due to sickness or injury, this will be treated as sickness absence and our Sickness Absence and Sick Pay policy will apply.

17 In any other case, a late return will be treated as unauthorised absence and will be dealt with in accordance with the Disciplinary Policy and Procedure.

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<sup>4</sup> In birth cases Relevant Period means the eight-week period ending with the 15th week before the Expected Week of Childbirth. In adoption cases Relevant Period means the eight-week period ending with the week in which you or your Partner were notified of being matched with the child by an adoption agency.

14 **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.

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

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

15.2 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

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

16 **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.

17 **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.

18 **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**

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

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