



Paternity Leave and Pay Scheme

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We, the Trustees of West Norfolk Academies Trust, have adopted this scheme.

1. Introduction and Scope

This policy applies where:

- The child's expected week of birth begins after 6 April 2024 (this covers both circumstances where the employee qualifies for paternity leave by virtue of their relationship with the birth parent and also surrogacy arrangements),
- UK adoptions where the child is expected to be placed for adoption with the adopter on or after 6 April 2024, and
- Where adoptions are from overseas where the date on which the adopter's child is expected to enter Great Britain is on or after 6 April 2024.

1.1 This scheme aims to inform employees of their entitlement to time off and pay for the purposes of paternity. There are some differences in eligibility and information required depending on how the employee is becoming a parent. Paragraph 3 outlines the entitlements to pay and time off and **Part A, B, C or D** provides further information depending on which applies.

1.2 Paternity leave is for the purposes of caring for a child or supporting the child's birth parent.

1.3 Employees can take paternity leave if they:

- are the biological father of a child, or the spouse, civil partner or partner of the birth parent; and
- have, or expect to have, the main responsibility (apart from any responsibility of the birth parent) for the child's upbringing; and
- meet the eligibility criteria detailed in this scheme.

This means that paternity leave is available to an eligible female employee who is married to, or is the civil partner or partner of, the child's mother.

2. Equalities and Support

2.1 The Headteacher will ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

2.2 Through the implementation of this policy, the Trust will be mindful of their obligation to seek to maintain and protect the mental health and wellbeing of all employees as far as is reasonably practicable.

2.3 According to ACAS it is estimated one in seven people are neurodivergent, meaning that the brain functions, learns and processes information uniquely. Where an employee discloses neurodiversity, the Governing Board/Trust understands the employee may require extra support in relation to the application of this policy. Where reasonable adjustments are necessary and can be accommodated, the Headteacher will support these.

3. Entitlements

3.1 Paternity Leave and Pay

Two weeks of paid paternity leave are available to qualifying employees who have a partner or a surrogate mother expecting a child (through adoption or birth). The leave can be taken in two separate blocks of one week or a single block of two weeks.

The leave can be taken at any time in the 52 weeks after birth (or the first day of the expected week of childbirth if the child is born early). In the case of a UK adoption, the leave can be taken within 52 weeks after the date the child is placed with the adopter. In the case of an adoption from overseas, the leave can be taken within the 52 weeks from the date the child arrived in Great Britain.

During their paternity leave most employees will be entitled to statutory paternity pay (SPP) at a rate equivalent to that of statutory maternity pay. [Current rates can be found on gov.uk.](#)

3.2 Contractual Benefits Whilst on Paternity Leave

Employees are entitled to their usual terms and conditions of employment, except those relating to pay throughout the period of paternity leave. It follows that they are also entitled to the same protection from unfair treatment or dismissal for taking or seeking to take paternity leave. Employees who believe they have been treated unfairly will be able to complain to an employment tribunal.

Part A – Employees Whose Partner is Pregnant

A1 Time Off for Antenatal Appointments

Time off for antenatal appointments (for a pregnant employee or partner of a pregnant person) is covered within the Discretionary Leave of absence policy.

A2 Eligibility

Leave

To qualify for leave the employee must:

- either be the biological father, be married to or be the partner of the birth parent. A partner is someone (whether of the same sex or different sex) who lives with the birth parent in an enduring family relationship but is not a blood or adoptive relative.
- have or expect to have the main responsibility for the upbringing of the child together with the birth parent.
- have 26 weeks' continuous service with current employer at the end of the 15th week before the earliest week of childbirth (EWC) – the week in which the expected date of the baby's birth falls, starting with the preceding Sunday and ending the following Saturday. If the expected birth date falls on a Sunday, that date is the first day of the EWC.
- not be taking adoption leave in respect of the child.
- be an employee of the Trust
- have notified intention to take paternity leave to their Headteacher.
- be taking the time off to support the birth parent and/or care for the baby.
- have not already taken any shared parental leave and pay (an employee is no longer entitled to paternity leave if they have already taken shared parental leave).

An employee's entitlement to both paternity leave and pay is unaffected by:

- the number of children born as a result of the pregnancy.
- the event of the child dying or being stillborn after 24 weeks of pregnancy.

In the event of a stillbirth occurring before the end of the 24th week of pregnancy, paternity leave would not be applicable and advice should be sought from the HR provider.

Pay

To qualify for pay the employee must:

- have 26 weeks continuous service with their current employer by the end of the 15th week before the earliest week of childbirth (EWC) – “the qualifying week” and be employed by that same employer up to the date the baby is born.
- have average weekly earnings (AWE) at or above the lower earnings limit for National Insurance contributions (NICs) that applies at the end of the qualifying week. The HR provider can provide the current lower earnings limit.

If the employee does not qualify for SPP, they will be given a completed SPP1 to pass on to Jobcentre Plus.

Maternity Support Leave, Adoption Support Leave and Paternity Leave – Support Staff Only

The Maternity Support Leave and Adoption Support Leave Green Book schemes enable employees who are partners of the birth parent/adopter or nominated carers to take 5 days' paid leave (pro rata for part time employees) at contractual pay at or around the time of the birth/placement of a child, or children. Adoption Support Leave applies to eligible couples who are adopting and eligible couples who are receiving a baby via a surrogacy arrangement.

Support staff employees (Green Book) who qualify for both Maternity Support Leave (MSL)/Adoption Support Leave (ASL) and paternity leave will have their first week of statutory paternity pay automatically 'topped up' with MSL/ASL. This means another person is not able to take MSL/ASL in respect of the same expectant parent or adopter. If the employee is 'topping up' their paternity leave with either MSL or ASL then they need to complete the appropriate form.

- *Paternity leave and pay form - support staff F208a* if they want to take MSL.
- *Adoption paternity leave and pay - support staff F208n* or *Surrogacy paternity leave and pay form - support staff F208q* if they want to take ASL.

If the nominated carer is not the partner of the birth parent/adopter e.g. a grandparent then they need to complete *Maternity support leave - support staff F208m* for MSL or *Adoption support leave form - support staff F208p* for ASL.

MSL/ASL cannot be taken before the birth/placement of the child and employees cannot take both MSL/ASL and paternity leave to take three weeks leave.

The birth parent/adopter does not have to be a Trust employee and only one nominated carer per expectant parent can take advantage of MSL/ASL.

MSL must be taken around the time of the birth or up to 56 days after the birth. ASL must be taken at or around the time of placement.

Maternity Support Leave, Adoption Support Leave and Paternity Leave – Teaching Staff Only

West Norfolk academies Trust have taken the decision to extend the provision to teaching staff who are taking paternity leave, to include one-week contractual and one-week Statutory Paternity pay. To benefit, the employee will need to complete the appropriate form.

- *Paternity leave and pay form – Teaching staff F208l*
- *Adoption paternity leave and pay form - Teaching staff F208d or*
- *Surrogacy paternity leave and pay form – Teaching staff F208k*

A3 Notification

An employee must self-certify their eligibility for SPP and give notification of their entitlement to paternity leave, 15 weeks before the EWC or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.

An employee is then required to give 28 days' notice of their intention to take paternity leave, before they want the leave and pay to start and whether or not they will be taking two separate blocks of one week each or one consecutive block of two weeks. If 28 days is not reasonably practicable, then as soon as is reasonably practicable.

Notification can be given by completing the *Paternity leave and pay form - support staff F208a* or *Paternity leave and pay form - teaching staff F208l*.

If an employee has given notice that their leave will commence from the date of birth and they are at work on that date, the leave will commence on the following day.

An employee must inform the employer of the actual date of birth as soon as possible after the event.

A4 Commencement of Paternity Leave

An employee can take two weeks leave, either in two blocks of one week or a single block of two weeks. The exception to this is cases of premature birth when the leave must be taken within 56 days of the expected week of childbirth, thus allowing fathers of very premature babies to take leave when a baby is brought home from hospital.

Leave cannot start until the date of birth. However, an employee may choose to start leave on:

- the actual date of the birth (whether this is earlier or later than expected),
- the date as notified by the employee falling after the first day of the EWC. If the baby is born later than this date, the employee must delay their leave until the date of the actual birth,
- at any point within the first year after the birth.

In the case of a premature birth leave must be taken within the period between actual birth and 56 days after the EWC.

An employee can change the date but must give 28 days' notice of the change prior to when they previously had requested to start their leave unless this is not reasonably practicable. If this is the case, a new notification form must be completed and *Paternity leave and pay form - support staff F208a* or *Paternity leave and pay form - teaching staff F208l* can be used.

Part B – Adopting Parents Including Foster to Adopt¹ (UK Adoptions)

Where a couple is adopting, they will be able to choose which one of them takes statutory adoption leave (the adopter) and the other will be eligible for paternity leave and pay for adoption.

B1 Time Off for Adoption Appointments

Details on entitlement to time off for adoptive parents to attend adoption appointments are detailed in the Discretionary Leave of absence policy.

Where a couple are adopting jointly, only one of them is entitled to take paid time off, the other person can take unpaid time off. In these cases, the individual taking the paid time off entitlement will be the adopter and will be the individual taking adoption leave and pay after the placement.

B2 Eligibility

Leave

To qualify the employee must satisfy all of the following:

- have a prescribed relationship with the child or the adopter,
- have or expect to have responsibility for the upbringing of the child and be either the adopter's partner or the joint adopter who has chosen not to receive statutory adoption pay,
- have 26 weeks continuous service with their current employer into the week in which the child is matched for adoption (matching week),
- have continuous service from the matching week until the child is placed with the adopter,
- If they are the joint adopter, the employee must declare that they have chosen not to take statutory adoption pay. This declaration can be made by filling in *Adoption paternity leave and pay form for teaching staff F208d* or *Adoption paternity leave and pay form for support staff F208n* and returning this to their Headteacher.
- have not already taken any shared parental leave and pay (an employee is not entitled to paternity leave if they have already taken shared parental leave).

Pay

To qualify for pay the employee must:

- have average weekly earnings (AWE) at or above the lower earnings limit for National Insurance contributions (NICs)
- self-certify their eligibility for SPP. This can be done by completing form *Adoption paternity leave and pay form - teaching staff F208d* or *Adoption paternity leave and pay form - support staff F208n* and giving this to their Headteacher 28 days before SPP is due to start.

If the employee doesn't qualify for statutory pay, they will be given a SPP1 to pass on to the jobcentre plus.

¹ A child placement in which birth parents' rights have not yet been severed by the court or in which birth parents are appealing the court's decision but foster parents agree to adopt the child if/when parental rights are terminated. Social workers place the child with specially-trained foster-adopt parents who will work with the child during family reunification efforts but who will adopt the child if the child becomes available for adoption. The main reason for making such a placement is to spare the child another move.

B3 Notification

An employee must give notice of their intention to take paternity leave and dates they want to take the leave, whether these are two separate blocks of one week each or one consecutive block of two weeks, within seven days of the matching date and where possible 28 days before they want to be paid.

In practice there is often very little time between the dates in which the adopter is matched with a child and when the child is placed. If the employee is giving late notice because of this, it must be accepted, this can be asked for in writing.

B4 Commencement of Paternity Leave

An employee can take two weeks leave, either in two blocks of one week or a single block of two weeks. The leave can be taken at any point in the first year after the child is placed with the adopter.

An employee can change their mind of the date on which they would like to take the Paternity leave for adoption but should give 28 days' notice of their intended date. Headteachers will need to be flexible where possible given the possible differences between the expected date of placement and the actual date of placement.

Part C – Adopting Parents (Adopting from Abroad)

When an employee or their partner adopts a child from abroad, they can get paternity leave and pay for the adoption if the adoption process includes an application to the relevant UK authority to assess the adopter. In these circumstances, if the appropriate board agree that they are suitable to adopt a child from abroad, the UK authority will send a Certificate of Eligibility to the overseas authority and the employee will receive Official Notification that they have done this.

If the employee would like to take paternity leave for the adoption a copy of the Official Notification should be given to the Headteacher for record keeping.

C1 Time Off for Adoption Appointments

Details on entitlement to time off for adoptive parents to attend adoption appointments are detailed in the Discretionary Leave of absence policy.

Where a couple are adopting jointly, only one of them is entitled to take paid time off, the other person can take unpaid time off. In these cases, the individual taking the paid time off entitlement will be the adopter and will be the individual taking adoption leave and pay after the placement.

C2 Eligibility

To qualify for pay the employee must:

- have been sent Official Notification that the relevant UK authority has issued a Certificate of Eligibility to the overseas authority involved in the adoption. The employee must notify the trust on the date on which this occurred.
- have 26 weeks continuous service with their current employer into the week in which the adopter was sent the Official Notification form or by the time they want to start their paternity pay period.
- have average weekly earnings (AWE) at or above the lower earnings limit for National Insurance contributions (NICs) that applies at the end of the week in which the Official

Notification is received by the adopter. The HR provider can provide information on the current lower earnings limit.

- have given notice of 28 calendar days before they want to start their paternity leave and pay.
- declare that they are not receiving statutory adoption leave. This declaration can be made by completing *Adoption paternity leave and pay form for teaching staff F208d* or *Adoption paternity leave and pay form for support staff F208n*. Evidence should be provided to demonstrate that the child has entered the UK to live with them i.e. plane tickets or copies of entry clearance documents.
- have not already taken any shared parental leave (an employee is not entitled to paternity leave if they have already taken shared parental leave).

C3 Notification

The employee should provide notice of entitlement to take paternity leave, including the expected date when the child will enter the country, within 28 days of official notice of adoption (where practicable) or 28 days from the date they achieve 26 weeks' service, if later.

There are three stages when the employee should give notice:

First stage:

The employee must inform their Headteacher of:

- the date on which the adopter received official notification from the relevant UK authority of their eligibility to adopt from overseas,
- the date the child is expected to enter the UK,
- if 26 continuous weeks service has been completed at this time, the employee must inform their Headteacher within 28 days of receiving the notification (where practicable).

Second stage:

The employee must inform their Headteacher at least 28 days before they want the leave and pay to start and whether or not they will be taking two separate blocks of one week each or one consecutive block of two weeks. This can be done by completing *Adoption paternity leave and pay form - teaching staff F208d* or *Adoption paternity leave and pay form - support staff F208n*.

Third stage:

The employee must inform their Headteacher of the date the child enters the UK within 28 days of their arrival with evidence of their arrival.

C4 Commencement of Paternity Leave

The employee can choose to start their leave and paternity pay from:

- the date the child enters the UK or the following day,
- on a predetermined date after the child has entered the UK,
- the leave must be taken within the first year after the child enters the UK.

If an employee or their partner has adopted a child without involving the UK authorities they will not be entitled to SPP as they will not have Official Notification as no Certificate of Eligibility would have been issued. Statutory paternity pay and leave cannot start until the child has entered the UK, if the adoption does not continue the employee will need to notify their Headteacher.

An employee can change their mind of the date on which they would like to take paternity leave for adoption, but should give 21 days' notice of their intended date. Headteachers will need to be flexible where possible given the possible differences between the expected date of placement and the actual date of placement.

Part D – Surrogacy

Where a couple are the parents in a surrogacy arrangement and they are eligible to apply for a parental order (one or both of the couple has to have a genetic link to the baby) they will be able to choose which one of them takes statutory adoption leave and the other will be eligible for paternity leave and pay.

D1 Time Off for Antenatal Appointments

Details on entitlement to time off for antenatal appointments is covered within the Discretionary Leave of absence policy.

D2 Eligibility

Leave

To qualify the employee must satisfy all of the following:

- have a prescribed relationship with the child or the intended parent taking adoption leave,
- have or expect to have responsibility for the upbringing of the child and be either the intended parent's partner or the joint parent who has chosen not to receive statutory adoption pay,
- have 26 weeks continuous service with their current employer into the expected week of childbirth,
- average weekly earnings (AWE) at or above the lower earnings limit for National Insurance contributions (NICs),
- if they are the joint parent, the employee must declare that they have chosen not to take statutory adoption pay,
- have not already taken any shared parental leave (an employee is not entitled to paternity leave if they have already taken shared parental leave).

Pay

To qualify for pay the employee must:

- have 26 weeks' continuous service with their current employer by the week in which the baby is placed with them,
- have average weekly earnings at or above the lower earnings limit for NICs,
- self-certify their eligibility for SPP. This can be done by completing the *Surrogacy paternity leave and pay form - teaching staff F208k* or *Surrogacy paternity leave and pay form - support staff F208q*. This can then be given to their Headteacher at least 28 days before the SPP is due to start.

If the employee doesn't qualify for SPP, they will be given a completed SPP1 to pass on to Jobcentre Plus.

D3 Notification

The employee must inform their Headteacher at least 28 days before they want the leave and pay to start and whether or not they will be taking two separate blocks of one week each or one consecutive block of two weeks.

D4 Commencement of paternity leave

An employee must self-certify their eligibility for SPP and give notification of their entitlement to paternity leave, 15 weeks before the EWC or, if it is not reasonably practicable to do so, as soon as is reasonably practicable.

An employee is then required to give 28 days' notice of their intention to take paternity leave on a particular date for each period of leave.

Notification can be given by completing the *Surrogacy paternity leave and pay form - support staff F208q* or *Surrogacy paternity leave and pay form - teaching staff F208k*.

If an employee has given notice that their leave will commence from the date of birth and they are at work on that date, the leave will commence on the following day.

An employee must inform the employer of the actual date of birth as soon as possible after the event.

An employee can change their mind of the date on which they would like to take the paternity leave for surrogacy but should give 28 days' notice of their intended date. Headteachers will be flexible where possible given the possible differences between the expected date of placement and the actual date of placement.

4. Data Protection

Personal data collected and processed for the purpose of this scheme will be handled in accordance with the data protection policy and applicable statutory obligations. Any personal data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of employee management or to comply with statutory reporting obligations. Inappropriate access to, or disclosure of, employee data constitutes a data breach and should be reported without delay, in accordance with the data protection policy. It may also constitute a disciplinary offence in which case it would be dealt with under the disciplinary policy and procedure.