



# St. Gregory's Catholic High School

## SCHOOLS PATERNITY LEAVE AND MATERNITY SUPPORT LEAVE POLICY

### Monitoring

The implementation of the policy will be monitored by the Director of Finance and Resources

### Evaluation

The policy was reviewed by the Director of Finance and SLT on 17<sup>th</sup> May 2021 prior to the submission of the policy to Governors' Resources Committee for scrutiny and recommendation to the Full Governing Board for approval.

#### Policy Review Dates:

**Date last approved by Full Governing Board:** 6<sup>th</sup> December 2018

**Date submitted to Governors' Committee:** 27<sup>th</sup> May 2021

**Date submitted to Full Governing Board:** 13<sup>th</sup> July 2021

**Review Frequency:** Every 3 years

**Start date for policy review:** March 2024

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## **1. ENTITLEMENT TO STATUTORY PATERNITY LEAVE AND STATUTORY PATERNITY PAY**

1.1 In order to qualify for Statutory Paternity Leave (SPL) and Statutory Paternity Pay (SPP), employees must satisfy the following conditions, in the case of either the birth of a baby or the adoption of a child:

### **▪ Birth of a Baby:**

- Have or expect to have the responsibility for the child's upbringing and parenting; and
- Be the natural father of the child or the mother's spouse/partner; and
- Have a period of at least 26 weeks continuous local government service leading into the 26<sup>th</sup> week of the pregnancy (the 15<sup>th</sup> week before the baby is due); and
- Remain continuously employed from the 26<sup>th</sup> week of the pregnancy (the 15<sup>th</sup> week before the baby is due) up to the date the baby is born.

### **▪ Adoption of a Child:**

- Have or expect to have the responsibility for the child's upbringing and parenting; and
- Be the prospective adoptive parent who has elected to take paternity leave or the spouse/partner of the person who is adopting the child; and
- Have a period of at least 26 weeks continuous local government service leading into the Matching Week or the date your child enters Great Britain for the purposes of adoption (adopting from overseas); and
- Remain continuously employed from the Matching Week up to the date of placement of the child for adoption or the date of the child's entry into the UK in the case of adoption from overseas.

In this context, a partner is defined as a person of the same or different sex who lives with the mother or adoptive parent in a family relationship, but is not a blood relative.

1.2 You must intend to care for the child during Statutory Paternity Leave.

## **2. STATUTORY PATERNITY LEAVE**

2.1 Employees who qualify for Statutory Paternity Leave will be entitled to take up to two weeks' leave either in a block of one or two consecutive weeks. During the SPL, employees will be entitled to receive the standard rate of SPP (or 90% of weekly earnings if this is less) for up to a maximum of two weeks.

2.2 Employees may choose to begin their period of SPL on any day of the week from:

- the date the baby is born or the child is placed for adoption;

- a chosen date after the baby is born or the child is placed for adoption.
- 2.3 Employees who are the prospective adoptive parent of a child from overseas who has elected to take paternity leave or the spouse/partner of the person who is adopting a child from overseas may choose to begin their leave:
- from the date the child enters the UK (whether this is earlier or later than expected); or
  - from a chosen date after the child enters the UK.

Please note that no later than 28 days after the child has entered the UK employees must notify their line manager/headteacher of the actual date of entry.

- 2.4 Employees must have completed their leave within 56 days of the actual date of birth, placement for adoption (in the case of a UK adoption), or of the child's entry into the UK (in the case of adoption from overseas). In the case of premature birth, leave must be completed within a period of 56 days after the original EWC.
- 2.5 Employees will only be entitled to one period of leave and pay irrespective of whether more than one child is born as the result of the same pregnancy or more than one child is placed for adoption in the same matching.
- 2.6 Employees must inform their line manager/headteacher immediately if they are taken into legal custody at any time during the paternity leave as this may affect the eligibility for SPP.
- 2.7 If an employee returns to work at any time whilst still receiving SPP, that whole weeks' SPP will be lost.

### 3. **REFORMS**

- 3.1 Additional Paternity Leave and pay will no longer be available for babies due on or after 5<sup>th</sup> April 2015.
- 3.2 Shared Parental Leave is a new right that will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. For further information on this see the Shared Parental Leave Policy which can be found on the intranet or by contacting Human Resources.

### 4. **MATERNITY SUPPORT LEAVE**

- 4.1 Maternity Support Leave is a minimum entitlement for NJC staff of a week's paid leave for the child's father; the partner, civil partner/same sex partner or a nominated carer of an expectant mother at or around the time of the birth.

## 5. ELIGIBILITY FOR MATERNITY SUPPORT LEAVE AND PAY

### The Link with Paternity Leave and Pay

- 5.1 Where the person applying for leave is the father of the child or the partner of the mother/adopter, the employee will normally also be eligible for paternity leave. Where this is the case, one week of Maternity Support Leave may be taken instead of one week of Paternity Leave, and a separate application for Maternity Support Leave is not necessary.
- 5.2 Maternity support leave is paid at normal contractual pay. If an employee is entitled to both Paternity Leave and Maternity Support Leave, the first week of leave (MSL) will usually be paid at contractual pay (offset against SPP) and the second (SPL) will be at the current rate of SPP. ***It should be noted that employees are not permitted to take two weeks SPL in addition to one week MSL.***
- 5.3 The following guidance is therefore relevant where the applicant is not the child's father or mother's partner but for those wishing to apply for Maternity Support Leave as a 'nominated carer'.
- 5.4 In order to qualify for Maternity Support Leave (where it has not been taken by the father of the child or the mother's spouse/partner) employees must satisfy the following condition in the case of either the birth of a baby or the adoption of a child:
- be nominated by the mother or adoptive parent as the primary provider of support at or around the time of the birth of the baby or placement of the child.
- 5.5 Leave will only be granted to a nominated carer who is not the child's father or mother's partner where there is no other person able to provide support to the mother e.g. where the father or mother's partner is not in contact with the mother (for example as a result of divorce or separation) or where he/she is unable to provide adequate support.
- 5.6 The intention of Maternity Support Leave is to be the primary provider of support/care for a new mother and child. Where Statutory Paternity Leave has been taken by the father of the child or the mother's spouse/partner, there is no separate entitlement to Maternity Support Leave for another nominated carer.

## 6. NOTIFICATION FOR STATUTORY PATERNITY LEAVE AND/OR MATERNITY SUPPORT LEAVE

- 6.1 Employees must keep their line manager/headteacher informed, in writing, at a number of key stages before taking statutory paternity leave. Employees must inform their line manager/headteacher that they wish to take paternity leave either:

- by the beginning of the 26<sup>th</sup> week of the pregnancy (the 15<sup>th</sup> week before the baby is due); or
  - within 7 days of the Matching Week if adopting a child from the UK; or
  - within 28 days of receiving official notification or the employee's spouse/partner receiving official notification if adopting a child from overseas.
- 6.2 Please note that official notification (in the case of adoption from overseas) means a written notification, issued by or on behalf of the relevant domestic authority, that is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to the authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.
- 6.3 The line manager/headteacher will need to know:
- the week the baby is due, the date on which the child is expected to be placed or the expected date of entry into the UK where the child is being adopted from overseas;
  - the length of leave the employee wishes to take;
  - when the leave and pay is to start.
- 6.4 Employees must complete the Paternity and Maternity Support Leave Option Form designed to pass on information to their line manager/headteacher about the choices made concerning Statutory Paternity and Maternity Support Leave and Pay. It is essential that this document is passed to the line manager/headteacher as this is notification of the employee's entitlement to leave and pay.
- 6.5 If employees then wish to change the start date of the leave, they must give at least 28 days notice of the revised date.

**Produced by Human Resources**

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**PATERNITY LEAVE AND MATERNITY SUPPORT LEAVE**  
**OPTION FORM**

**Please tick to confirm the leave entitlement for which you qualify**

- I am:
  - the natural father of the child, or
  - the mother's spouse/partner, or
  - the prospective adoptive parent who has elected not to take Adoption Leave, or
  - the spouse/partner of the person who is adopting the child; and
  - I will be responsible for the child's upbringing; and
  - I will be taking time off to support the child's mother; or
  - I am the person nominated by the mother or adoptive parent as their primary provider of support at or around the time of the birth or placement of the child.
  
- I wish to take 1 week's Maternity Support Leave and 1 week's Statutory Paternity Leave (in a two week block) (NJC Staff only)
  
- I wish to take one week's Maternity Support Leave only

You are required to submit with this form:

- a copy of the MATB1 Form/Matching Certificate; or
- a letter from the mother/adoptive parent confirming that you will be providing support at the time of birth/placement

**Please also ensure you complete the next page**

The baby is expected to be born/child is expected to be placed  
for adoption/child is expected to enter the UK on  
(Please delete as appropriate) \_\_\_\_\_

I wish to take the following leave:

- Specified dates \_\_\_\_\_ to \_\_\_\_\_
- Immediately following the birth, placement or entry into the UK of the child
- Specified period following birth, placement or entry into the UK of the child  
\_\_\_\_\_ days/weeks

Total number of days leave \_\_\_\_\_ days

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Employee's Name: \_\_\_\_\_

Employee No. \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Job Title: \_\_\_\_\_

School: \_\_\_\_\_

Headteachers Name: \_\_\_\_\_ Tel: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_ Date \_\_\_\_\_  
(Headteacher)