



Windsor Academy Trust

Paternity Leave Guidance for employees	
Responsible Committee:	Windsor Academy Trust, Board of Directors
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Paternal Leave: A Guide for Employees

1. Time off to attend Antenatal Visits

New legislation came into force from 1st October 2014 which gave the right to Father's, the partner of the expectant mother and surrogate parents the right for time off for Antenatal appointments.

All employees have a right to this leave regardless of length of service as long as they are either:-

- The pregnant woman's spouse or civil partner;
- living with the pregnant woman in an enduring family relationship but not a relative (i.e. not a parent, grandparent, sibling or uncle/aunt);
- the father of the expected child;
- the intended parent of a child in a surrogacy arrangement, if they expect to be entitled to and intend to apply for a parental order in respect of that child.

Agency workers also have the right to time off, provided they satisfy certain criteria i.e. they must have been doing the same kind of job for the same hirer for at least 12 weeks.

The right is to attend up to two appointments of up to 6.5 hours (but you can grant more if you choose to do so) and the time is unpaid.

2. Paternal Leave

Who Qualifies for Paternal Leave?

To qualify for paternal leave the employee must:-

- Have 26 weeks continuous service at the 15th week before the baby is due;
- Be the biological father, the mother's husband, partner or civil partner;
- Expect to have responsibility for the upbringing of the child;
- With their partner receive notification that they are matched with a child for adoption;
- Be adopting a child from overseas with their spouse, civil partner or partner and the child enters Great Britain.

What is the entitlement?

Ordinary Paternal Leave (OPL)

2 weeks leave: 1 week paid at full pay and 1 week paid (or 2 weeks at SPP only – dependent on school) at Statutory Paternal Pay (SPP) the lesser of £139.58 a week from 6th April 2016 or 90% of weekly salary. (Please note employees who have average weekly earnings of less than the lower earnings limit for national insurance purposes will not qualify for SPP).

Additional Paternal Leave (APL)

Additional paternal leave is no longer available as this has now been replaced by Shared Parental Leave (for further information please see policy on Shared Parental Leave.)

When can Paternity Leave be taken?

OPL

Employees can take either one week's or two consecutive weeks' paternity leave (not odd days)

- They can choose to take their leave:-
- From the date of the child's birth (whether this is earlier or later than expected) or date of placement in the case of adoption;
- From a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected) or date of placement in the case of adoption;
- From a chosen date later than the first day of the week in which the baby is expected to be born or placed.

Leave must be completed:-

- Within 56 days of the actual birth of the child or placement in the case of adoption;
- If the child is born early, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

Only one period of leave can be taken even if more than one child is expected from the same pregnancy or more than one child is being adopted at the same time.

APL (for children due to be born or placed after 3rd April 2011)

Can only be taken if the employees' partner has returned to work between 20 weeks and 1 year after their child is born or placed for adoption.

How does the employee give notice?

Notice of intention to take paternity leave must be given by the end of the 15th week before the baby is expected unless it is not reasonably practical to do so. Included in this notice must be:-

- The week the baby is due;
- Whether they wish to take one or two weeks leave;
- When they want the leave to start;
- A declaration of their relationship to the mother.

For adoption, notice of intention to take paternity leave must be given within 7 days of being told by an adoption agency that they have been matched with a child.

Employees can change their mind about the date on which they want to take their leave by giving 28 days notice (unless this is not reasonably practical).