

Paternity Leave Scheme

<i>Version of Scheme:</i>	4
<i>Draft Number:</i>	Final
<i>Scheme Ratified By:</i>	Cabinet
<i>Date Ratified:</i>	2013
<i>Effective Date of Scheme:</i>	1 st February 2017
<i>Review Date:</i>	2019
<i>Applicable To:</i>	All School employees where the School Governing Body has adopted the scheme.
<i>Equalities Issues:</i>	All Equalities considerations have been taken into account when drafting this Scheme. These have been reflected in all documentation during the consultation and governance processes.

The School's recognised trade unions have been consulted on this Scheme.

A copy of this Scheme is available in Welsh on request.



INDEX

SECTION	PAGE
<u>Introduction</u>	3
<u>What The Scheme Covers</u>	3
<u>Detail Of The Scheme</u>	3
<u>Interpretation Of The Scheme</u>	4
<u>Review Of The Scheme</u>	4

NOTES

This Scheme is recommended to Governing Bodies for adoption.

Support in managing issues in relation to the subject matter of this scheme can only be offered to schools where LEA recommended policies and procedures have been adopted and in line with any Service Level Agreement with Human Resources (HR) in force at the time.

This policy will be effective from the date of adoption by the Governing Body.

Paternity Leave is also available to same sex partners.

INTRODUCTION

1. The Governing Body and Caerphilly County Borough Council believes that its employees are its most valuable resource and as a result high attendance at work by its employees plays a key role in providing efficient and effective services.
2. **The aim of the scheme is to support employees, allowing them to balance work - life issues.** The Governing Body and School will ensure that Paternity Leave is applied in a fair, equitable and consistent way across the whole of the organisation by adopting a positive and proactive approach. This scheme and the Notes of Guidance are designed to help Headteachers deal fairly, equitably and consistently with all employees.

WHAT THE SCHEME COVERS

3. This scheme covers all applications for paternity leave and supersedes all earlier schemes.
4. The scheme should also be cross-referenced with all other relevant Council/Governing Body policies and procedures. In the case of school based employees the relevant policies and procedures must have been adopted by the school Governing Body. Copies of all the policies can be obtained from your Manager, Head teacher or HR.

DETAIL OF THE SCHEME

5. Employees, if they meet the qualifying criteria, are eligible to paternity leave and the eligibility relates to
 - biological children,
 - children adopted from within the UK
 - children adopted from overseas.
 - Children born via a surrogacy arrangement

Criteria For Claiming Paternity Leave

6. Paternity leave is available to employees who:
 - have or expect to have responsibility for the child's upbringing.
 - are the biological father of the child or the mother's husband or partner (including same sex relationships).
 - have worked continuously for the Council for at least 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the employee is notified as being matched with a child (UK adoption) or the date the child enters the UK (overseas adoptions).
 - In terms of surrogacy you must be in a couple and must provide a parental order in the 6 months after the child's birth. This must be signed in the presence of a legal professional.
7. Employees are only entitled to one period of paternity leave, even in the case of a multiple birth or multiple adoptions.

Notification of intention to take paternity leave

- 8.. Eligible employees intending to take paternity leave must notify their Line Manager of the intended start date by the end of the 15th week before the expected week of childbirth. In the case of a child adopted within the UK, notification must be within seven days of the date on which notification of the adoptive match occurred, and in the case of a child adopted from overseas, within 28 days of receipt of the official notification of eligibility for adoption.

Sadly there will be pregnancies where babies are stillborn. Where this happens at or beyond 24 weeks into the pregnancy paternity leave or pay is available to eligible employees. If a baby is born alive but survives only for an instant, it is deemed to be a live birth whenever it is born. In these circumstances, paternity leave and pay is available to eligible employees.

Employees not qualifying for Paternity Leave

9. Employees who do not qualify for paternity leave may be entitled to one week's Maternity Support Leave. Maternity support leave is available to the child's father, mother's partner or a nominated carer of the mother to support the mother at the time of the birth. It is different to paternity leave but where an employee is eligible for both maternity support leave and paternity leave, the maternity support leave will be counted as one week of the two-week paternity leave entitlement. **The employee has corresponding rights and not the right to both types of leave.**
10. If an employee decides not to return after a period of paternity leave, they must terminate their contract in accordance with their normal contractual arrangements.
11. When an employee is on a period of paternity leave, their pension rights and contributions are unaffected.

Timelines for Paternity Leave

12. An employee cannot take paid paternity leave before the baby has been born. If the baby has not been born by the specified date, then a revised date must be given with as much notice as possible being given. If an employee specifies the date of birth as the day they wish to start their leave and they are at work on that day, their leave will begin on the next day. If the child is born early, it may be taken from the time of the birth but must be within 8 weeks of the Expected Week of Childbirth. Paternity leave can start either from the date of the birth or from a chosen number of days or weeks after that date. In the case of adoption, the paternity leave can start on either:-
 - the date of placement.
 - an agreed number of days after the date of placement.
 - the date the child arrives in the UK or an agreed number of days after the child's arrival in the UK (for overseas adoptions).
 - the day that the child is born or the day after for surrogate parents.

Paternity leave must be taken within 56 days of the birth or the child is placed for adoption.

13. Abuse of the scheme, if proven, will be dealt with in accordance with the School's Disciplinary Procedures.

INTERPRETATION OF THE SCHEME

14. In the event of a dispute relating to the interpretation of this Scheme the Head of Human Resources and Organisational Development or the Human Resources Service Manager will make the final decision on interpretation.

REVIEW OF THE SCHEME

15. A review of this Scheme will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the Scheme will be amended and reissued.

AUGUST 2016