



*I have come that they may have life and have it to the full
(John 10:10)*

PATERNITY LEAVE AND PATERNITY PAY

This policy is taken from the OLHOC Trust Handbook of Statutory policies and should be read in conjunction with the other policies within the document.

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PATERNITY LEAVE AND PATERNITY PAY

This policy applies to employees only and outlines their entitlement to paternity leave and the arrangements for taking it. This policy does not form part of any employee's contract of employment and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, the Trust reserves the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

This policy also applies to surrogate parents (who will be applying for a parental order) and foster parents (who have children placed with them with a view to adoption) who meet the eligibility criteria.

1. Paternity Leave

- 1.1. Eligible employees are entitled to take either one week or two consecutive weeks paid Paternity Leave following the birth or placement of a child for adoption in order to care for the child or support its mother or primary adopter. During Paternity Leave, most employees will be entitled to Statutory Paternity Pay (SPP) which is paid at the same rate as Statutory Maternity Pay (SMP).

2. Eligibility for Paternity Leave

- 2.1. Paternity leave is available when a child is born or placed for adoption. However, in adoption cases, paternity leave is not available to the employees who decides to take adoption leave.
- 2.2. You are entitled to paternity leave if you meet the following conditions:
 - 2.2.1. You have been continuously employed for at least 26 weeks ending with: Paternity leave is available when a child is born or placed for adoption. However, in adoption cases, paternity leave is not available to the employees who decides to take adoption leave.
 - 2.2.2. **In birth cases**, the 15th week before the expected week of childbirth (defined as being the week, beginning on a Sunday, in which a doctor or midwife expects the mother to give birth)
 - 2.2.3. **In adoption cases**, the week in which you or your partner, civil partner or someone of either sex with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle (hereinafter referred to as **Partner**) are notified by an adoption agency you/they have been matched with a child.
 - 2.2.4. You are the biological father of the child.
 - 2.2.5. You are the Partner of the child's mother or someone who has been matched with a child by an adoption agency.
- 2.3. You:
 - 2.3.1. Expect to have main responsibility (with the child's mother or co-adopter) for the child's upbringing; or
 - 2.3.2. Are the child's biological father and you expect to have some responsibility for the child's upbringing.

- 2.3.3. Your intended leave is for the purpose of caring for the child or supporting the child's mother or co-adopter in caring for the child.
- 2.3.4. You have not already taken shared parental leave in respect of the same child.
- 2.4. The Trust may ask an employee to provide a self-certificate as evidence that they meet these conditions. The self-certificate must provide the information required above and include a declaration that the employee meets the necessary conditions.

3. Paternity Pay Scheme

- 3.1. Statutory Paternity Pay (**SPP**) is payable during paternity leave provided you have at least 26 weeks' continuous employment ending with the 15th week 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 if this is equal to or above the lower earnings limit but less than the rate of SPP. The rate of SPP is set by the Government each tax year.
- 3.2. The Trust enhances SPP for teaching and support staff as follows:

For the first week of absence:	100% of weekly pay offset by any payments made by way of SPP
For the second week	SPP

4. Taking Paternity Leave

- 4.1. An employee is permitted to take Paternity Leave in units of either one whole week or two consecutive whole weeks. Leave can be taken from the date of the child's birth or placement for adoption but must be completed:
 - 4.1.1. **In birth cases** - Within 56 calendar days of the actual date of the birth of the child or if the child is born before the first day of the expected week of childbirth, within 56 days of the first day of the expected week of childbirth; or
 - 4.1.2. **In adoption cases** – Within 56 days of the date the child was placed for adoption.
- 4.2. An employee may vary the start date of their Paternity Leave by giving the following notice:
 - 4.2.1. **To start on the day of birth or date of placement for adoption** – at least 28 days before the first day of the expected week of childbirth or the first day of the expected placement date
 - 4.2.2. **To start a specified number of days after birth or placement for adoption** – at least 28 days (minus the specified number of days) before the first day of the expected week of childbirth or the first day of the expected placement date
 - 4.2.3. **To start on a specific date that is different to the original start date** – at least 28 days before that date.

5. Notification Procedures for Paternity Leave

- 5.1. An employee who wishes to take Paternity leave must notify the Trust by the 15th week before the expected week of childbirth or no more than 7 days after they or their Partner were notified of having been matched with a child for adoption (or as soon as they reasonably can) stating:

- 5.1.1. The expected week of childbirth or expected placement date;
 - 5.1.2. Whether they wish to take one whole week or two consecutive weeks' leave; and
 - 5.1.3. When they want the leave to start which may be in a specified date after the start of the expected week of childbirth or expected placement date; the actual date of birth or placement for adoption; or a specified number of days after birth or placement for adoption.
- 5.2. The Trust may require a signed declaration from an employee that they are taking paternity leave for a purpose for which it is intended, namely, to care for the child or to support the child's mother or co-adopter in caring for the child.

6. Contractual Benefits during Paternity Leave

- 6.1. An employee on Paternity Leave is entitled to their contractual terms and conditions of employment with the exception of pay.
- 6.2. Annual leave cannot usually be carried over from one holiday year to the next but if you are prevented from taking your full entitlement to annual leave due to being on paternity leave, the Trust may agree to any accrued but untaken leave being carried forward to the next holiday year.
- 6.3. If the employee is a member of the Teachers' Pension Scheme or Local Government Pension Scheme, during paternity leave, the Trust will continue to make any employer contributions that it would usually make, based on what their earnings would have been if they had not been on paternity leave provided that they continue to make contributions based on the paternity pay they are receiving. Employees do not have to make any contributions, but they may do so if they wish, or they may make up for missed contributions at a later date.
- 6.4. An employee's right to take unpaid parental leave is not affected by their right to paternity leave. If they satisfy the conditions for each right, then they may take a combination of parental leave and paternity leave.
- 6.5. If the paternity leave was not part of a longer overall period of continuous leave, the employee will be entitled to return to work in the same position as they held before commencing leave. The employee's terms and conditions of employment will be no less favourable than they would have been if they had not been absent on paternity leave. This also applies where an employee takes paternity leave immediately after another period of leave, consisting of one or more continuous periods of other types of family leave (which may have been taken in relation to the same child or in relation to a different child or different children), without returning to work in between, provided that the overall period of continuous leave does not include any period of:
 - 6.5.1. parental leave of more than four weeks. Please refer to the Parental Leave Policy for further details; and
 - 6.5.2. family leave taken in relation to a particular child which, when added to any other periods of family leave taken in relation to that particular child (excluding any periods of parental leave taken in relation to that child) means that the total amount of family leave taken in relation to that child is more than 26 weeks.

- 6.6. If an employee's paternity leave immediately follows another type of leave and the conditions in the two points above apply, they will be entitled to return to work in the same position unless that is not reasonably practicable. If it is not reasonably practicable, they will be entitled to return to another suitable and appropriate job, on terms and conditions that are no less favourable.

7. Paternity Leave and Adoption

- 7.1. The partner of an individual who adopts or other member of a couple who is adopting jointly may be entitled to Paternity Leave and Paternity Pay.
- 7.2. When a couple adopts, the couple can choose who will take Adoption Leave and who will take Paternity Leave. Only one period of Adoption Leave and one period of Paternity Leave may be taken between the couple even if each individual works for different employers.
- 7.3. Further details of this entitlement are set out in the Trust's Adoption Policy in this Handbook.

8. Maternity Support Leave

- 8.1. Maternity support leave of 5 days with pay shall be granted to the child's father, civil partner or partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

9. Sickness

- 9.1. If you are unable to return to work at the end of your paternity leave due to sickness or injury, this will be treated as sickness absence and the usual sickness procedures and entitlements will apply.

10. Flexible Working

- 10.1. The Trust will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis. However, you should note that there is no absolute right to insist on working part-time, only a statutory right to request flexible working.
- 10.2. The Trust will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business.
- 10.3. It is helpful if requests are made as early as possible.
- 10.4. You should refer to the Flexible Working Policy for further information.