CARWARDEN HOUSE COMMUNITY ACADEMY
PATERNITY LEAVE POLICY

Updated Summer Term (every three years)

Reviewed by Headteacher (delegated responsibility) – 23rd April 2026

Due for review – Summer 2029

PATERNITY LEAVE AND PAY POLICY

Introduction

This policy sets out the Academy's framework on paternity leave and pay following the birth or placement for adoption of a child. The policy is designed to be as comprehensive as possible and contains a summary of the main statutory rights which employees have but is not a complete statement of employee rights.

This policy applies to employees of the Academy (which will be referred to as "you" in this policy). It does not apply to agency workers or self-employed contractors. This policy does not form part of any employee's contract of employment and is not intended to have contractual effect.

This policy applies to eligible employees wishing to take paternity leave where the expected week of childbirth begins after 5th April 2026 or the expected date of placement for adoption is on or after 6 April 2026. Where the expected date of childbirth or the expected date of adoption placement is earlier than these dates, our previous paternity leave policy will apply to you.

Subject to minimum statutory requirements from time to time in force, the Academy 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.

Certain other persons may also be entitled to paternity leave and pay, namely:

- foster parents who have children placed with them with a view to adoption, and
- those who have entered a surrogacy arrangement with a woman, and have been granted, or intend to apply for, a parental order in relation to the child that she bears—please contact the School Business Manager for further details.
- Those who adopt a child from overseas.

If any of the above situations apply to you, different eligibility, notification, and declaration provisions apply. Please contact the School Business Manager as soon as possible to discuss these.

The rules regarding eligibility for leave and the notice that must be given differ in the cases of birth and adoption. This policy sets out the different eligibility criteria and notice rules for paternity leave in each case.

You will not be subjected to any detriment because you have taken or sought to take paternity leave.

If you have any queries which are not answered by the information in the policy, or if you have any other questions about the policy or your own situation, please contact the School Business Manager.

Commencement and Duration of Paternity Leave

Eligible employees are entitled to take one week, two non-consecutive weeks or two consecutive weeks paid Paternity Leave following the birth or placement of a child in order to care for the child or support its mother. Leave cannot be taken as 'odd' days unless agreed in advance with the Headteacher.

A "week" is equivalent to your normal working week. Leave can start on any day of the week and is calculated on a 'rolling week' basis. This means that if you start your leave on, for example, a Tuesday, "one week" will run to the end of the following Monday or (if you choose a consecutive two-week period) to the end of the Monday after that.

All paternity leave must be taken within a period of 52 weeks beginning of the child's birth (in birth cases) or adoption placement, or within 52 weeks of the first day of the expected week of the child's birth if they are born early.

In the case of a multiple birth (e.g. twins), or where more than one child is placed for adoption as a result of the same arrangement, you are entitled to the same amount of leave as if only one child were involved.

Subject to the above, you can choose to begin your leave:

1. on the date on which the child is born/placed with the adopter.
2. from a specified chosen number of days after the date of the child's birth/placement (whether this is earlier or later than expected); or
3. from a specified predetermined date which is later than the first day of the expected week of the child's birth/expected date of placement.

During Paternity Leave, you may be entitled to Statutory Paternity Pay (SPP) if you meet the eligibility criteria.

Paternity Leave in the case of a birth

- **Eligibility for Paternity Leave in the case of a birth**

If you are an employee, you are entitled to Paternity Leave, for the purpose of caring for a child, or supporting the child's mother, provided you:

- are an employee of the Academy, regardless of your length of service
- are either the biological father of the child and have or expect to have responsibility for bringing up the child, or you are not the child's father, but you

are married to, or are the civil partner or the partner of, the child's mother and you have or expect to have the main responsibility (apart from the mother) for bringing up the child (Qualifying Relationship);
- comply with the notification and certification requirements set out below.

- **Notification Requirements for Paternity Leave in the case of a birth**

Notice of Entitlement

You must, by the end of the **15th week** before the EWC, or if this is not reasonably practicable, as soon as it is reasonably practicable:

- notify us of the EWC; and

provide us with a signed declaration that you satisfy the Qualifying Relationship above.

Transitional Arrangements for newly eligible parents

Employees who will be eligible Paternity Leave from the first day of employment on 6 April 2026, with the EWC of a baby due between 5 April and 25 July 2026, will have access to a reduced notice period 28 days.

Eligible employees may submit their paternity leave notification from 18 February 2026 onwards, even though the entitlement to take leave will not arise until 6 April 2026.

From 26 July 2026 onwards, the usual 15 week notice period requirement will apply.

If the circumstances are such that providing the employer with notice as above is not possible, it should be given as soon as is reasonably practicable.

You can provide the Academy with this notification using the Paternity Leave Request Form available from the School Business Manager.

Notice of Leave

In addition, on each occasion that you want to take paternity leave, you must notify us of the following at least **28 days** before you want to start your paternity leave (or where that is not possible, as soon as is reasonably practicable):

- when you want to start your paternity leave.
    a) If you choose the date of birth as the start date, notice must be given 28 days before the first day of the EWC.

b) If you want to start your leave a set number of days after the birth, notice must be given 28 days before that day that falls that number of days after the first day of the EWC. For example, if you want to start paternity leave four days after the birth of the child, you need to give us the notice of leave 28 days before the fourth day after the first day of the EWC.
c) If you want your leave to start on a predetermined date after the first day of the EWC, you need to give us the notice of leave at least 28 days before that predetermined date.

- how long you wish to take for paternity leave; and
- declare in writing that the purpose of your leave will be to care for a child or support the child's mother.

Employees who will be eligible for paternity leave on 6 April 2026 due to the removal of the requirement for continuous service may rely on the Transition Period where the child's EWC falls between 5 April and 25 July 2026, can provide notification of entitlement and leave together from 18 February 2026 onwards.

Please ask the School Business Manager for the template.

You must also inform the School Business Manager, in writing, as soon as reasonably practicable, of the date the child was born. Please ask the School Business Manager for the template.

If you have chosen to start your paternity leave on a set date and the child has not been born by that date, you must give an alternative date as soon as reasonably practicable.

If you wish to claim statutory paternity pay, you also need to follow the notice requirements for statutory paternity pay set out below, in addition to those set out here.

Paternity Leave in the case of adoption

1. **Eligibility for Paternity Leave in the case of adoption**

If you are intending to adopt a child under 18 years of age, there may be three different kinds of statutory leave following on from the placement of the child available:

- adoption leave.
- paternity leave; and
- shared parental leave.

However, one adopting parent may not take all three types of leave.

Where there are two adopting parents, they must choose which one will take adoption leave, and which will take paternity leave (where the qualifying conditions are

met). Paternity leave is not available where only one person is adopting a child on their own; in such cases, the adopting parent may only take adoption leave.

Where there are two adopting parents, both parents may take shared parental leave, if they qualify for it, in substitution for some part of the adoption leave entitlement.

This policy only covers paternity leave and pay.

If you are an employee of the Academy, you are entitled to take paternity leave for the purpose of caring for a child, or supporting the primary adopter (being the person taking adoption leave), provided:

- are an employee of the Academy, regardless of your length of service.
- you have, or expect to have, the main responsibility for the child's upbringing (apart from the responsibility of the primary adopter) and that you are married to, the civil partner or the partner of the primary adopter (Qualifying Relationship).
- you have not already exercised a right to take paid time off to attend (on a date before the child is placed for adoption) an adoption appointment in relation to the same child.
- you have not already previously taken paternity leave in relation to the same child as a result of the child being placed with a prospective adopter who was at the time of the placement your spouse, civil partner or partner; and
- you satisfy the notice requirements and the declaration requirements below (which are included as part of the Paternity Leave Request Form.

2. **Notification Requirements for Paternity Leave in the case of adoption**

<u>Notice of Entitlement</u>

You must notify us in writing of your intention to take Paternity leave no later than seven days after the primary adopter being notified of having been matched with the child, or, if this is not reasonably practicable, as soon as it is reasonably practicable.

You must specify the:

- date on which the primary adopter was notified of having been matched with the child; and
- date on which the child is expected to be placed with the primary adopter, or date of placement if they have already been placed.

You will also be required to provide a signed declaration that you satisfy the Qualifying Relationship requirement above.

The School Business Manager has a template form.

You must also inform the School Business Manager in writing of the placement date as soon as reasonably practicable after the date the child is actually placed. The School Business Manager has a template form.Notice of Leave

Once you have chosen the dates of each occasion of your paternity leave, you are required to give us a further notice, in writing, no more than seven days after the date on which you were notified of having been matched with a child, or, if this is not reasonably practicable, as soon as it is reasonably practicable, of:

- the day or date you want your leave to start; and
- the length of leave you want to take.

You must also give us a signed declaration that you are taking leave for the purpose of caring for a child or supporting the child's adopter.

The School Business Manager has a template form.

You must give the above notice on each occasion you wish to take a period of leave.

If you have chosen to start your paternity leave on a set date and the child has not been placed for adoption by that date, you must give an alternative date as soon as reasonably practicable.

If you wish to claim statutory paternity pay, you also need to follow the notice requirements for statutory paternity pay set out below, in addition to those set out here.

Changing your Paternity Leave

If you want to change your start or end date of your leave, you must inform the School Business Manager in writing at least 28 days before the original date or the new date (whichever is earlier) or, if this is not reasonably practicable, as soon as it is reasonably practicable.

If you give us notice to vary your dates, you must also provide a declaration that the purpose of your leave will be to care for the child or support the child's mother/adopter.

You must also give 28 days' notice if you wish to cancel your leave altogether.

If you do not provide the requisite notice or, where applicable, notice of variation, you may not be entitled to take paternity leave.

Disruption of placement/birth

You can still take paternity leave on your chosen dates in the sad event that:

- the child is no longer placed for adoption.
- the placement is disrupted and the child returns to the adoption agency.
- the child dies or the child is stillborn after 24 weeks (in the case of birth)

However, if you have not notified us already of your chosen dates before the relevant event above occurs, you can still take paternity leave, but it must be taken within the next 8 weeks.

Relationship with Shared Parental Leave

From 6 April 2026, eligible employees may now take paternity leave regardless of whether Shared Parental Leave has also been taken.

Paternity leave may therefore be taken before, after, or concurrently with any period of Shared Parental Leave, subject to standard notice requirements and the employee's eligibility.

In birth cases, please refer to our Shared Parental Leave (Birth) Policy for further details on this entitlement, in relation to time off for accompanying a pregnant woman.

In adoption cases, please refer to our Shared Parental Leave (Adoption & Surrogacy) Policy for further details.

Contractual benefits during Paternity Leave

During Paternity Leave you are entitled to enjoy your normal terms and conditions of employment with the exception of pay. You are entitled to return to the same job following Paternity Leave. During your period of absence on paternity leave, you will continue to accrue holiday as set out in your contract of employment.

Statutory Paternity Pay (SPP)

You will be entitled to statutory paternity pay (SPP) for the period of paternity leave you take, provided:

- in the case of birth, you have 26 weeks' continuous employment at the 15th week before the EWC of the child.
- in the case of adoption, you have 26 weeks' continuous employment ending with the week in which the primary adopter received notification they have been matched with the child.

- having satisfied those conditions relating to continuous employment, you remain in the Academy's employment until the day on which the child is born or placed for adoption.
- you satisfy the conditions as to the relationship with the child (including the requisite responsibility for its upbringing), and relationship with the mother or the primary adopter, specified above.
- your normal weekly earnings are not less than the lower earnings limit applying to National Insurance contributions; and
- in the case of adoption, where you are a person with whom the child is being placed for adoption, you have elected to receive statutory paternity pay rather than statutory adoption pay (i.e. elected not to be 'the primary adopter').

SPP is payable for a maximum of two weeks if you take paternity leave and will be paid at the lower of either:

- at the Prescribed Rate which is set by the Government for the relevant tax year; or
- 90% of your average weekly earnings.

SPP will be paid into your bank account on your normal paydays, subject to the usual deductions for tax, National Insurance contributions and pension contributions.

To claim SPP during a period of paternity leave, you must give notice in writing to the School Business Manager by either:

- in birth cases, in or before the 15th week before the expected week of the child's birth; or
- in adoption cases, no more than seven days after the date on which the primary adopter is notified of having been matched with the child.
- in overseas adoption cases, the end of the week in which the primary adopter received the official notification.

The notice must contain the following information:

- your name.
- in the case of a birth, the expected week of the child's birth and, where the birth has already occurred, the date of birth.
- in the case of adoption, the date on which the child is expected to be placed for adoption or, where the child has already been placed for adoption, the date of placement.
- the date from which it is expected that the liability to pay SPP will begin.
- whether the period chosen in respect of which SPP is to be payable is a week or two weeks.

- in the case of adoption, the date the adopter was notified that he or she had been matched with the child; and
- include a declaration that:
    a) you satisfy the conditions as to relationship with the child, and relationship with the mother or the adopter, as set out above.
    b) during your period of paternity leave, it will be your purpose to care for the child, or to support the child's mother or the adopter; and
    c) in the case of an adoption, that you have elected to receive SPP, and not statutory adoption pay.

These details are covered in the forms referred to above for paternity leave, which are available from the School Business Manager.

If you do not complete and return the required forms in time, the Academy may not be able to pay you SPP.

Time off for Antenatal Care/Adoption Appointments

In birth cases, please refer to our Time off for Antenatal Care Policy for further details on this entitlement, in relation to time off for accompanying a pregnant woman.

In adoption cases, please refer to our Time off for Adoption Appointments Policy for further details.

Combining Paternity Leave and Parental Leave

Your right to take unpaid parental leave is not affected by your right to paternity leave. If you satisfy the conditions for each right, then you may take a combination of parental leave and paternity leave.

However, the length of parental leave you take may affect the job you can return to, so please contact the School Business Manager if you wish to combine different types of leave.

Your Rights when you Return.

You are entitled to return to the same position after paternity leave as you held before commencing leave, on the same terms and conditions provided the paternity leave is:

- an isolated period of leave; or
- the last of two or more consecutive periods of statutory leave which did not include any:
    a) period of parental leave of more than four weeks; or
    b) period of statutory leave which, when added to any other periods of statutory leave (excluding parental leave) taken in relation to the same

child, means that the total statutory leave taken in relation to that child totals more than 26 weeks.

In other cases, you will be entitled to return to work in the same position unless that is not reasonably practicable, in which case you will be entitled instead to return to another suitable and appropriate job, on terms and conditions that are no less favourable.

Sickness

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.

Pension

If you are a member of the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS), during any period of paid paternity leave, we will continue to make any employer contributions, based on the terms of the scheme. You will continue to pay contributions at your normal rate but based on the actual reduced salary which you receive.

During any period where you are not receiving contractual or statutory pay, we will not make any payments into the TPS or the LGPS and the period shall not count as pensionable service. However, following your return to work, you may elect to pay additional contributions for additional pensionable service in the scheme (to make up for any pension lost during the period of unpaid leave). Further details can be found as follows:

- TPS
- LGPS

If you wish to pay additional contributions to make up any shortfall, then please contact the School Business Manager in the first instance.

Flexible Working

We 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.

We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business.

It is helpful if requests are made as early as possible.

You should refer to our Flexible Working Policy for further information and practical guidance about making an application to work flexibly.

Neonatal Care Leave and Pay

If your baby is born on or after 6 April 2025 and receives neonatal care for at least one week starting within its first 28 days of birth, you may be entitled to up to 12 weeks of paid leave if you meet certain qualifying criteria.

Bereaved Partners Paternity Leave

If your baby is born on or after 6 April 2026, where the child's primary carer dies (e.g., the mother or adopter), eligible employees may be entitled to extended Bereaved Partner Paternity Leave.