

<b>Title</b>	Maternity Support Leave (Paternity Leave)
<b>Associated Policies</b>	<ul style="list-style-type: none"> <li>• Adoption (TPO/STA/01)</li> <li>• Maternity (TPO/STA/04)</li> <li>• Parental leave (TPO/STA/06)</li> <li>• Special leave of absence (TPO/STA/14)</li> <li>• Staff absence (Illness) (TPO/STA/13)</li> <li>• Shared Parental Leave (TPO/STA/29)</li> <li>• Flexible Working (TPO/STA/28)</li> </ul>

REVIEWED: March 2022

NEXT REVIEW: March 2025

**1. Policy Statement**

- 1.1 This policy incorporates all relevant legislation and statutory entitlements with regard to paternity leave and pay.
- 1.2 The term ‘Maternity Support Leave’ is used by the Trust instead of ‘Paternity Leave’ to recognise that any employee who is the partner of an expectant mother, or of an adopter, or of a surrogate parent is entitled to leave under this policy. Eligible partners of those fostering with the expectation to adopt are also entitled to leave under this policy and for the purpose of this policy will thereafter be referred to as a partner of an adopter.
- 1.3 No one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy. The Equality Act 2010 makes it unlawful to discriminate against someone, or treat them unfairly, because of pregnancy or maternity.
- 1.4 No sort of “family friendly” leave will have a detrimental impact on an individual’s employment prospects or pay progression.
- 1.5 The Trust is committed to adhering to the terms set out in the Burgundy Book and the Green Book conditions of service as a minimum.

**2. Who does this policy apply to?**

- 2.1 To qualify for Maternity Support Leave an employee must meet the following criteria:
  - Be the biological father of the child; or be the mother’s partner; or be the partner of the Primary Adopter; or the partner of the main surrogate parent.
  - Expect to have responsibility for the upbringing of the child
  - Be employed by the Trust on the date of the child’s birth or at the date of adoption.
- 2.2 This policy does not apply to:
  - The birth mother of a child (please refer to the Maternity Policy)
  - The person who is named as the Primary Adopter for the purposes of time off (please refer to the Adoption Policy)
  - Parents who wish to split the Maternity / Adoption Leave (Shared Parental Leave Policy)

**3. Who is responsible for carrying out this policy?**

- 3.1 The implementation and application of this policy will be monitored by the Senior Leadership Team and governors of the Academy and will remain under constant review by Brooke Weston Trust.
- 3.2 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

- 3.3 This information will be monitored and shared with the recognised trade unions on an annual basis, including by protected characteristics.

#### 4. Definitions

4.1 The definitions in this paragraph apply in this policy:

- **Partner:** someone (regardless of gender) with whom the employee lives in an enduring family relationship, but who is not their parent, grandparent, sister, brother, aunt or uncle
- **Expected Week of Childbirth:** the week, beginning on a Sunday, in which their doctor or midwife expects their spouse, civil partner or Partner to give birth
- **Expected Placement Date:** the date on which an adoption agency expects that it will place a child into the employee's care with a view to adoption

#### 5. Entitlement to Maternity Support Leave

5.1 Certain employees can take Maternity Support Leave in relation to the birth or adoption of a child. However, in adoption cases Maternity Support Leave is not available to an employee who decides to take adoption leave. Further details of adoption leave are set out in our Adoption Policy.

5.2 The employee is entitled to Maternity Support Leave if they meet all the following conditions:

- They have been continuously employed by the Trust for at least 26 weeks ending with:
  - In birth cases, the 15th week before the Expected Week of Childbirth
  - In adoption cases, the week in which they or their Partner are notified by an adoption agency that they have been matched with a child
- They:
  - Are the biological father of the child
  - Have been matched with a child by an adoption agency
  - Are the spouse, civil partner or Partner of the child's mother; or
  - Are the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency
- They:
  - Expect to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
  - Are the child's biological father and expect to have some responsibility for the child's upbringing
  - The intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child

5.3 The partner of an expectant mother / adopter can take time off to accompany their partner to up to two paid antenatal / adoption appointments. The partner can take 6.5 hours per appointment, including travelling and waiting time. Any extra time can be taken with the employer's consent or as holiday.

5.4 If you work through an agency, you're not usually entitled to maternity support leave, but you might be entitled to up to 2 weeks' statutory paternity pay, if you're eligible for it.

If an agency worker qualifies for Paternity Pay they should write to their agency at least 28 days before they want the payment to begin stating:

- the agency worker's name
- when the baby is due
- when the worker would like the payment to begin
- whether they are requesting one or two weeks' pay.

An agency worker whose partner is pregnant has the right to attend up to two unpaid antenatal appointments with their partner once they have completed a twelve-week qualifying period with one hiring company.

## 6. Timing and length of Maternity Support Leave

- 6.1 Maternity Support Leave must be taken as a period of either one week or two consecutive weeks. Whilst it cannot be taken in instalments, it be broken up into two blocks by a school closure period (e.g. one week either side of a school holiday).
- 6.2 Maternity Support Leave can commence:
- From the date of the child's birth or date placed for adoption (whether that is earlier or later than expected): or
  - From a chosen number of days or weeks after the child's birth or date placed for adoption (whether that is earlier or later than expected): or
  - From a chosen date later than the first day of the week in which the baby is expected to be born or placed for adoption.

All leave must be used within 56 days of the birth of the baby or from the date placed for adoption. If the baby is born earlier than expected, then it must be used within the period of the actual date of the birth until 56 days after the expected date of birth.

## 7. Notification (Birth)

- 7.1 If the employee wishes to take Maternity Support Leave in relation to a child's birth, they must give the Trust notice in writing (using Appendix 1) of their intention to do so and confirm:
- The Expected Week of Childbirth
  - Whether they intend to take one week's leave or two consecutive weeks' leave; and
  - When they would like to start their leave. They can state that the leave will start on:
    - The day of the child's birth
    - A day which is a specified number of days after the child's birth; or
    - A specific date later than the first date of the Expected Week of Childbirth (but must be completed within 56 days of the child's placement or birth)
- 7.2 You do not have to give a precise date when you want to take leave (for example 1 February). Instead, you can give a general time, such as the day of the birth or 1 week after the birth.
- 7.3 Leave cannot start before the birth. It must end within 56 days of the birth.
- 7.4 The employee must give notice under paragraph 7.1 by the end of the 15th week before the Expected Week of Childbirth (the date the baby is due) or, if this is not possible, as soon as possible.

## 8. Notification (Adoption)

- 8.1 If the employee wishes to take Maternity Support Leave in relation to a child's adoption, they must give the Trust notice in writing (using Appendix 1) of their intention to do so and confirm:
- The date you're matched with a child

- The placement start date
- Whether they intend to take one week's leave or two consecutive weeks' leave; and
- When they would like to start their leave. They can state that the leave will start on:
  - From the date of the child's placement, whenever that takes place
  - A day which is a specified number of days after the child's placement; or
  - A specific date later than the first date of the child's placement (but must be completed within 56 days of the child's placement or birth)

8.2 You do not have to give a precise date when you want to take leave (for example 1 February). Instead, you can give a general time, such as 1 week after the child has been placed.

8.3 The employee must inform the employer that they want to take maternity support leave within seven days of the adopter (or joint adopter) being notified by the adoption agency that they have been matched with a child.

## 9. Changing the dates of Maternity Support Leave

9.1 You must give your employer 28 days' notice if you want to change your start date.

9.2 Where the employee is to take Maternity Support Leave in respect of a child's birth, they can give the Trust written notice to vary the start date of their leave from that which was originally specified. This notice should be given:

- Where the employee wishes to vary their leave to start on the day of the child's birth, at least 28 days before the first day of the Expected Week of Childbirth.
- Where the employee wishes to vary their leave to start a specified number of days after the child's birth, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth.
- Where the employee wishes to vary their leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date.

9.3 Where the employee is to take Maternity Support Leave in respect of a child's adoption, they can give the Trust written notice to vary the start date of their leave from that which was originally specified.

This notice should be given:

- Where the employee wishes to vary their leave to start on the day of the child's placement, at least 28 days before the first day of the Expected Week of placement.
- Where the employee wishes to vary their leave to start a specified number of days after the child's placement, at least 28 days (minus the specified number of days) before the first day of the Expected Week of placement.
- Where the employee wishes to vary their leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date.

9.4 If the employee is unable to give the Trust 28 days' written notice of the wish to vary the start of their leave as set out above, they should give the Trust written notice of the change as soon as they can and the school will accommodate this request wherever possible.

9.5 Where the employee wishes to take Shared Parental Leave, the Shared Parental Leave procedure should be followed.

## 10. Statutory rights

10.1 In this paragraph, **Relevant Period** means:

- In birth cases, the eight-week period ending with the 15th week before the Expected Week of Childbirth

- In adoption cases, the eight-week period ending with the week in which the employee or their spouse, civil partner or Partner were notified of being matched with the child

10.2 If the employee takes Maternity Support Leave in accordance with this policy, they will be entitled to their normal contractual pay.

## 11. Terms and conditions during Maternity Support Leave

11.1 All the terms and conditions of the employee's employment remain in force during Maternity Support Leave.

- Annual leave entitlement under the employee's contract shall continue to accrue; and
- Pension benefits shall continue (see paragraph 13)

## 12. Annual Leave

12.1 During Maternity Support Leave, annual leave will accrue at the rate provided under the employee's contract.

12.2 Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during the employees' absence Maternity Support Leave, the employee should ensure that they have taken their full year's entitlement before their leave starts.

## 13. Pensions

13.1 The period of Maternity Support Leave counts towards the final-salary pension scheme as pensionable service, provided the employee makes the necessary minimum contributions based on the pay they are receiving.

## 14. Redundancies during Maternity Support Leave

14.1 In the event that the post is affected by a redundancy situation occurring during Maternity Support Leave, the Trust shall write to inform the employee of any proposals and shall invite them to a meeting before any final decision is reached as to continued employment.

## 15. Returning to work

15.1 Following their Maternity Support Leave the employee is entitled to return to the same position they held before commencing leave. The terms of employment will be the same as they would have been had the employee not been absent.

15.2 In any other case, a late return will be treated as unauthorised absence.

15.3 The Trust will deal with any requests by employees to change their working patterns after Maternity Support Leave on a case-by-case basis. The Trust will try to accommodate the employee's 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.

15.4 Any formal requests to change their working pattern must be submitted using the Trust Flexible Working policy.

15.5 If the employee does not intend to return to work or is unsure, it is helpful if this is discussed with the Trust as early as possible. If the employee decides not to return they should submit their resignation in accordance with their contract. Once the employee has done so they will be unable to change their mind without the Trusts agreement. This does not affect the employee's right to receive Maternity Support pay.

## 16. Death of a Baby and Still Birth

16.1 In the sad event that the baby dies or is still-born after 24 weeks' of pregnancy the provisions of the relevant scheme above still apply. Where this occurs before 24 weeks (miscarriage) consideration as to the circumstances should be made and where necessary special leave or sick leave should be granted.

The decision should be made with consideration given to the needs of the employee and medical advice.

- 16.2 There is a further entitlement to Parental Bereavement Leave, and information on this can be found in the Special Leave of Absence Policy.

## 17. Policy Review

- 17.1 This policy has been implemented following consultation with the recognised trade unions and subsequent amendments and reviews will be subject to the same.

## Appendix A

### Eligibility for Maternity Support Leave (Paternity Leave)

To qualify for Maternity Support Leave, you need to:

- have worked for the Trust for at least 26 weeks by the end of the 15th week before the due date, or by the time you're matched with a child for adoption
- be the biological father of the child, or be the partner of the baby's mother/ primary adopter - you don't have to be married
- be responsible for the child's upbringing and wish to take time off to care for the child or support the mother / primary adopter
- have given your employer the correct notice to take maternity support leave

You have to take Maternity Support Leave in blocks of 1 or 2 weeks – these weeks must be consecutive weeks but can split into 1 week either side of a school closure period.

Section A – Employee Details (to be completed by the employee)	
Employee name:	
National Insurance No:	
Name of Academy:	
Job Title:	
Continuous Service Date:	
Copy of evidence attached:	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

Section B – Application for Maternity Support Leave	
I confirm that I meet the qualifying conditions for Maternity Support Leave in that I: <b>(You MUST be able to confirm all three conditions, please tick)</b>	
a) wish to take MSL / PL to care for the child and/or support the child's mother / primary adopter, <b>and</b>	<input type="checkbox"/>
b) will be responsible for the child's upbringing (apart from the mother), <b>and</b>	<input type="checkbox"/>
c) I am either:	
i) the biological father of the child; or	<input type="checkbox"/>
ii) not the biological father, but the spouse or partner of the child's mother / primary adopter; or	<input type="checkbox"/>
iii) not the biological father, but living with the child's mother / primary adopter in an enduring family relationship and am NOT the child's mothers' parent, grandparent, sister, brother, aunt or uncle	<input type="checkbox"/>
The mother has received a medical certificate confirming the EWC, (i.e. MAT BI Form) and the expected EWC is:	
<b>Sunday date:</b> _____	
<b>Actual date of birth:</b> _____	

**OR**  
 The primary adopter has been notified by the adoption agency that they have been matched with a child  
**Week the child is to be placed:** \_\_\_\_\_

I would like to take	
a) one week’s Maternity Support Leave	<input type="checkbox"/>
b) 2 consecutive weeks Maternity Support Leave	<input type="checkbox"/>
c) 2 weeks Maternity Support Leave split by a school holiday	<input type="checkbox"/>

I would like my maternity support leave to start **(Please select and, where necessary complete one of the following):**

a) On the date of birth / date of child’s placement	<input type="checkbox"/>
b) _____ [insert number] days after the date of birth / date of placement	<input type="checkbox"/>
c) On _____ [insert date] (note that this date must be later than the expected week of childbirth / expected date of placement)	<input type="checkbox"/>

**Section C – Declaration**

**All of the information I have provided on this form is accurate**

Print name:	
Signed:	
Date:	

Please return this form to the Principal or School Business Manager.

**Section D – Authorisation (to be completed by the Principal / School Business Manager)**

**I authorise the maternity support leave and pay as detailed above.**

Print name:	
Signed:	
Date:	

**This form should be retained on the employee's personnel file.  
 Please forward a copy for payroll processing.**