

Paternity & Maternity Support Leave Policy

This policy details the time off that employees are entitled to when assisting with the care of a child and providing support to the mother at or around the time of birth.

1	Paternal Leave	1
2	Other time off.....	2
3	Maternity/adoption support leave (support staff only)	2
4	Special circumstances.....	3

Where the headteacher is the employee concerned, any reference to the headteacher in this policy should be replaced with the chair of governors.

1 Paternity Leave

1.1 Eligibility

An employee whose partner is having a baby, adopting a child or having a baby through a surrogacy arrangement, may be entitled to take up to 2 weeks paternity leave. In order to qualify for the leave, the employee must be taking time off to look after the child and be one of the following:

- Father;
- Husband or partner of the mother (or adopter)
- Child's adopter;
- Intended parent (if having baby through a surrogacy arrangement).

They must also have at least 26 weeks continuous local government service by:

- The end of 15th week before the baby's due date; or
- The end of the week they were matched with a child (UK adoptions); or
- The date the child arrives in the UK (overseas adoptions).

1.2 Entitlement

Employees can choose to take either 1 or 2 weeks leave, however, the leave must be taken in full, consecutive weeks or the second week will be lost. A week is the same amount of days that you normally work e.g. if you only work on a Monday and Tuesday, a week is 2 days.

Only one period of paternity leave is available per pregnancy or adoption, irrespective of the number of children born or adopted.

Paternity leave cannot be taken before the birth and must be taken within 56 days of the birth (due date if the baby is born early) or placement.

1.3 Pay

In order to qualify for statutory paternity pay during paternity leave, employees must:

- Be employed up to the date of the birth or adoption;
- Earn more than £120 per week (as at April 2020);

- Give appropriate notice (see section 1.4);
- Provide proof of the birth or adoption via
 - MAT B1 certificate (for births);
 - Matching certificate (for adoption);
 - A written statement to confirm that they have applied, or intend to apply, for a parental order in the 6 months after the baby's birth (surrogacy).

Employees will receive £151.97 per week (as at April 2021) or 90% of their average weekly earnings, whichever is the lower, during paternity leave.

Non-teaching staff i.e. those employed under Green Book terms and conditions, are also entitled to Maternity Support Leave (see section 7).

1.4 Notification

The employee should notify their Headteacher of their intention to take paternity leave by the 15th week before the due date, within 7 days of being notified of an adoption match or as soon as reasonably practicable (no later than 28 days before the start of the leave).

The employee should complete the paternity leave application form and return it to their Headteacher, providing the following information:

- The due date or the placement date;
- The length of leave requested;
- The timeframe during which they would like the leave to start.

If the employee chooses to start their leave on the date of the child's birth or placement and they are at work that day, the leave will commence the following day.

The employee can change their mind about the start date for their paternity leave providing they give the Headteacher 28 days' notice, unless this is not reasonably practicable.

2 Other time off

All employees can take paid leave in order to attend up to 2 antenatal or pre-adoption appointments providing they are:

- The baby's father;
- The expectant mother or primary adopter's spouse or civil partner;
- In a long-term relationship with the expectant mother or adopter;
- The intended parent (if they are having a baby through a surrogacy arrangement).

The employee can take up to a maximum of 6½ hours per appointment.

3 Maternity/adoption support leave (support staff only)

3.1 Eligibility

Employees who are employed under NJC (Green Book) terms and conditions are entitled to take 1 week of Maternity/Adoption Support Leave, providing they are the:

- Child's father; or
- Mother/adoptive parent's partner; or

- Mother/adoptive parent's nominated carer (to assist in the care of the child and provide support to the mother at or around the time of birth).

Please note that only one of the above can claim paternity and/or maternity support leave.

Maternity/Adoption support leave cannot be taken before the birth and must be within 56 days of the birth.

3.2 Pay

Employees are entitled to receive their normal weekly pay during Maternity/Adoption Support Leave.

Employees who qualify for both maternity/adoption support leave and paternity leave are only entitled to take a maximum of 2 weeks leave. In these circumstances, the maternity/adoption support leave will replace the first week of their paternity leave.

3.3 Notification

The employee must complete the maternity/adoption support leave application form and ask the expectant mother/adopter to sign to declare that the employee is the only person they have nominated as their carer.

The form must be returned to the Headteacher, along with a copy of the MATB1 certification (births) or the adoption placement certificate.

4 Special circumstances

Employees will still qualify for paternity leave and/or maternity/adoption support leave in the unfortunate event that the baby is either:

- Stillborn from 24 weeks of pregnancy; or
- Born alive at any point in the pregnancy but later dies.

Where a miscarriage or termination takes place before 24 weeks consideration will be given under the Compassionate Leave Policy, which is available on the extranet.



This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

Telephone	03000 266688
Email	hradvice@durham.gov.uk

Further support can be accessed by contacting (subject to SLA buy in):

Payroll and Employee Services	pesschools@durham.gov.uk
Occupational Health	occhealthadmin@durham.gov.uk
Health and Safety	hsteam@durham.gov.uk
Employee Assistance Programme	www.healthassuredeap.com Username: durham Password: council 0800 716017

Author	Version	Last review	Next review
LK	v 1.1	April 2021	April 2022

The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.