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| **This policy has been adopted by:** Green Lane Community Special School | **Date: 30/04/2024** |

**Schools**

**Paternity leave and**

**Maternity Support Leave Policy**

**For babies due after 7th April 2024**

**Produced by HR Advisory Service**

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**1. ENTITLEMENT TO STATUTORY PATERNITY LEAVE AND STATUTORY PATERNITY PAY**

1.1 In order to qualify for Statutory Paternity Leave (SPL) and Statutory Paternity Pay (SPP), employees must satisfy the following conditions, in the case of either the birth of a baby or the adoption of a child:

* **Birth of a Baby:**

- Have or expect to have the responsibility for the child’s upbringing and parenting; and

- Be the natural father of the child or the mother’s spouse/partner; and

- Have a period of at least 26 weeks continuous local government service leading into the 26th week of the pregnancy (the 15th week before the baby is due); and

- Remain continuously employed from the 26th week of the pregnancy (the 15th week before the baby is due) up to the date the baby is born.

* **Adoption of a Child:**

- Have or expect to have the responsibility for the child’s upbringing and parenting; and

- Be the prospective adoptive parent who has elected to take paternity leave or the spouse/partner of the person who is adopting the child; and

- Have a period of at least 26 weeks continuous local government service leading into the Matching Week or the date your child enters Great Britain for the purposes of adoption (adopting from overseas); and

- Remain continuously employed from the Matching Week up to the date of placement of the child for adoption or the date of the child’s entry into the UK in the case of adoption from overseas.

In this context, a partner is defined as a person of the same or different sex who lives with the mother or adoptive parent in a family relationship, but is not a blood relative.

1.2 You must intend to care for the child during Statutory Paternity Leave.

**2. STATUTORY PATERNITY LEAVE**

2.1 Employees who qualify for Statutory Paternity Leave will be entitled to take up to two weeks’ leave either in two blocks of one week or one block of two weeks. During the SPL, employees will be entitled to receive the standard rate of SPP (or 90% of weekly earnings if this is less) for up to a maximum of two weeks.

2.2 Employees may choose to begin their period of SPL on any day of the week from:

* the date the baby is born or the child is placed for adoption;
* a chosen date after the baby is born or the child is placed for adoption.

2.3 Employees who are the prospective adoptive parent of a child from overseas who has elected to take paternity leave or the spouse/partner of the person who is adopting a child from overseas may choose to begin their leave:

* from the date the child enters the UK (whether this is earlier or later than expected); or
* from a chosen date after the child enters the UK.

Please note that no later than 28 days after the child has entered the UK employees must notify their line manager/headteacher of the actual date of entry.

2.4 Employees must have completed their leave within 52 weeks of the actual date of birth, placement for adoption (in the case of a UK adoption), or of the child’s entry into the UK (in the case of adoption from overseas). In the case of premature birth, leave must be completed within a period of 52 weeks after the original expected week of confinement (EWC).

2.5 Employees will only be entitled to two weeks of leave and pay irrespective of whether more than one child is born as the result of the same pregnancy, or more than one child is placed for adoption in the same matching.

2.6 Employees must inform their headteacher immediately if they are taken into legal custody at any time during the paternity leave as this may affect the eligibility for SPP.

2.7 If an employee returns to work at any time whilst still receiving SPP, that whole weeks’ SPP will be lost.

**3.** **MATERNITY SUPPORT LEAVE**

3.1 Maternity Support Leave is a minimum entitlement for NJC staff of a week’s paid leave for the child’s father; the partner, civil partner/same sex partner or a nominated carer of an expectant mother at or around the time of the birth.

**4. ELIGIBILITY FOR MATERNITY SUPPORT LEAVE AND PAY**

**The Link with Paternity Leave and Pay**

4.1 Where the person applying for leave is the father of the child or the partner of the mother/adopter, the employee will normally also be eligible for paternity leave. Where this is the case, one week of Maternity Support Leave may be taken instead of one week of Paternity Leave, and a separate application for Maternity Support Leave is not necessary.

4.2 Maternity support leave is paid at normal contractual pay. If an employee is entitled to both Paternity Leave and Maternity Support Leave, the first week of leave (MSL) will usually be paid at contractual pay (offset against SPP) and the second (SPL) will be at the current rate of SPP. ***It should be noted that employees are not permitted to take two weeks SPL in addition to one week MSL.***

4.3 The following guidance is therefore relevant where the applicant is not the child’s father or mother’s partner but for those wishing to apply for Maternity Support Leave as a ‘nominated carer’.

4.4 In order to qualify for Maternity Support Leave (where it has not been taken by the father of the child or the mother’s spouse/partner) employees must satisfy the following condition in the case of either the birth of a baby or the adoption of a child:

* be nominated by the mother or adoptive parent as the primary provider of support at or around the time of the birth of the baby or placement of the child.

4.5 Leave will only be granted to a nominated carer who is not the child’s father or mother’s partner where there is no other person able to provide support to the mother e.g. where the father or mother’s partner is not in contact with the mother (for example as a result of divorce or separation) or where he/she is unable to provide adequate support.

4.6 The intention of Maternity Support Leave is to be the primary provider of support/care for a new mother and child. Where Statutory Paternity Leave has been taken by the father of the child or the mother’s spouse/partner, there is no separate entitlement to Maternity Support Leave for another nominated carer.

**5. NOTIFICATION FOR STATUTORY PATERNITY LEAVE AND/OR MATERNITY SUPPORT LEAVE**

5.1 Employees must keep their line manager/headteacher informed, in writing, at a number of key stages before taking statutory paternity leave. Employees must inform their line manager/headteacher that they wish to take paternity leave at least 28 days’ prior to taking the leave.

5.2 Please note that official notification (in the case of adoption from overseas) means a written notification, issued by or on behalf of the relevant domestic authority, that is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to the authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

5.3 The line manager/headteacher will need to know:

* the week the baby is due, the date on which the child is expected to be placed or the expected date of entry into the UK where the child is being adopted from overseas;
* the length of leave the employee wishes to take;
* when the leave and pay is to start.

5.4 Employees must complete the Paternity and Maternity Support Leave Option Form designed to pass on information to their line manager/headteacher about the choices made concerning Statutory Paternity and Maternity Support Leave and Pay. It is essential that this document is passed to the line manager/headteacher as this is notification of the employee’s entitlement to leave and pay.

5.5 If employees then wish to change the start date of the leave, they must give at least 28 days’ notice of the revised date.