



ASPIRATIONS

PATERNITY PROVISIONS

Version control	
Aspirations Paternity Provisions [2019-09-01]	Update to align with revised job titles and changed governance arrangements.
AAT Paternity Provisions [2019-06-01]	Provisional review undertaken. No changes other than to logo.
AAT Paternity Provisions [2016-09-01]	<p>This Policy has been subject to consultation with the recognised trade unions but has not been jointly agreed. Despite the absence of joint agreement about the Policy, The Trust has decided to implement the Policy with effect from 1 September 2016.</p> <p>This version is based on version 2015-03-24" available from the Trust's Director of HR.</p>

Date of next review:	September 2021	Owner:	Director of HR and Compliance
Type of policy:	Network	Approving Body:	Board

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1. INTRODUCTION

The Aspirations Academies Trust (Aspirations/the Trust) paternity leave and pay scheme incorporates the relevant statutory entitlements and also provides additional provisions.

The provisions allow employees who meet the qualifying conditions to take up to two weeks' paid Ordinary Paternity Leave.

Subject to qualifying criteria, as well as Ordinary Paternity Leave and Paternity Pay, you may be entitled to take Shared Parental Leave and receive Statutory Shared Parental Pay. Further details concerning Shared Parental Leave and Pay are available from the Principal.

2. ELIGIBILITY FOR ORDINARY PATERNITY LEAVE

Under the Aspirations Policy, *all* employees, *regardless of length of service*, who meet the conditions under (A) or (B) below will be entitled to Ordinary Paternity Leave as set out in section 3.

Separate criteria, set out in section 4, apply for the determination of Paternity Pay (the pay to which an employee is entitled during the period of Ordinary Paternity Leave).

A) To qualify for Ordinary Paternity Leave, ***other than where the application is in association with the adoption of a child (dealt with in B)***, you must be an Aspirations employee and able to declare the following:

- The Ordinary Paternity Leave is to be taken for the specific purpose of caring for a new born child or supporting the mother
- You are:
 - the father of the child, or
 - married to or in a civil partnership with the mother of the child, or
 - living with the mother in an enduring family relationship but not an immediate relative (e.g. not a parent, grandparent, sister, brother aunt or uncle of the mother).
- You expect to have responsibility for the upbringing of the child

Furthermore, you must:

- Comply with the notification requirements (see section 5)
- Maintain continuous employment with Aspirations from the end of the qualifying week up to the date of birth of the child

B) To qualify for Ordinary Paternity Leave, ***where the application is in association with the adoption of a child***, you must be an Aspirations employee and able to declare the following:

- You wish to take Ordinary Paternity Leave and receive Paternity Pay, not Adoption Leave and Adoption Pay (details of Adoption Leave and Adoption Pay are available from the Principal)
- The Ordinary Paternity Leave is to be taken for the specific purpose of caring for a newly adopted child or supporting the person adopting the child
- You are:
 - married to or in a civil partnership with the person adopting the child, or
 - living with the person adopting the child in an enduring family relationship but not an immediate relative (e.g. not a parent, grandparent, sister, brother aunt or uncle of the mother)
- You expect to have responsibility for the upbringing of the child

Furthermore, you must:

- Comply with the notification requirements (see section 5)
- Maintain continuous employment with Aspirations from the end of the qualifying week up to the date of birth of the child

3. ORDINARY PATERNITY LEAVE PROVISIONS

If you meet the qualifying criteria you will be entitled to up to two weeks Ordinary Paternity Leave as set out under either A or B below, as appropriate.

A) In circumstances *other* than where the paternity leave is in association with adoption:

Ordinary paternity leave may be taken only as a single block, either of one whole week or two whole weeks.

Ordinary paternity leave must be taken within 56 days of the child being born.

Paternity leave cannot begin before the baby is born and only one period of leave can be taken regardless of the number of children born as the result of the pregnancy.

You can decide to start your paternity leave from:

- The date the child is born
- A certain number of days after the birth
- On a predetermined date after the first day of the EWC

You must give written notice of your wish to take Paternity Leave. Please refer to the notification requirements set out in section 5.

B) In cases where the paternity leave is in association with adoption:

Ordinary paternity leave may be taken only as a single block, either of one whole week or two whole weeks.

Ordinary paternity leave must be taken within 56 days of the date of placement or, in the case of overseas adoptions, the child's arrival in the UK.

Only one period of leave can be taken regardless of the number of children being adopted.

You can decide to start your Ordinary Paternity Leave from:

- The date of placement
- An agreed number of days after the date of placement
- The date the child arrives in the UK or an agreed number of days after this (overseas adoptions)

You must give written notice of your wish to take Paternity Leave. Please refer to the notification requirements set out in section 5.

4. PATERNITY PAY

Under Aspirations policy, if you meet the qualifying criteria for Ordinary Paternity Leave then, regardless of your length of service, you would be entitled to **Occupational Paternity Pay (paid at full rate) during the first week of Ordinary Paternity Leave** (this is inclusive of any Statutory Paternity Pay to which you may be entitled).

Entitlement to pay in the second week of Ordinary Paternity Leave will be dependent on the conditions set out below.

To be entitled to Occupational Paternity Pay in the second week (providing entitlement to full rate of pay for the second week of paternity leave, inclusive of any Statutory Paternity Pay to which you may be entitled) you must meet the following conditions:

- You are an employee with **one year of continuous sector service** at the 15th week before, as appropriate, either (i) the expected week of childbirth, or (ii) for adoptions within the UK, the formal notification of adoption or (iii) for adoptions from abroad, the week the child enters the UK

If you do not meet the conditions to be entitled to Occupational Paternity Pay in the second week, you would be entitled to Ordinary Paternity Pay (paid in accordance with statutory provisions) in the second week of Ordinary Paternity Leave if you meet the following conditions:

- You are an employee with **26 weeks continuity of employment with Aspirations at the 15th week** before, as appropriate, either (i) the expected week of childbirth, or (ii) for adoptions within the UK, the formal

notification of adoption or (iii) for when adopting from abroad, the week the child enters the UK

- You must earn the equivalent or more than the lower earnings limit

If you qualify for Ordinary Paternity Leave but do not meet the conditions for payment in the second week either under the occupational or statutory scheme, under the Aspirations policy you will remain entitled to take two weeks of Ordinary Paternity Leave as set out in section 3, but the second week, if you choose to take it, would be unpaid.

5. NOTIFICATION REQUIREMENTS

In order to claim your entitlement to Ordinary Paternity Leave and Pay you are expected to:

- a) Provide written notification to the principal of your intention to take paternity leave. This general notification is to be made:
 - (i) by the end of the 15th week before the expected week of childbirth, *or*
 - (ii) for adoptions within the UK, by the end of the 15th week before the formal notification of adoption, *or*
 - (iii) for adoptions from abroad, by the end of the 15th week before the week the child enters the UK, *or*
 - (iv) as soon as reasonably practicable
- b) Complete the notification form at the back of this guide and submit it by at least 28 days in advance of the date on which you wish your ordinary paternity leave to commence.

6. CHANGING THE START DATE OF LEAVE

If, having submitted the notification form, you wish to amend the start date of your Ordinary Paternity Leave, you should provide notice at least 28 days in advance of the new date on which you wish the leave to commence. Where this is not possible, notice must be given as soon as is reasonably practicable.

7. SOME COMMON QUESTIONS ANSWERED

Q. How will my pension be affected?

- A. You will automatically continue to pay pension contributions during your paternity pay period.

For any period of paternity leave that is not paid, you will be able to choose to continue paying pension contributions during the period of unpaid parental leave.

Q. Can I return to work on a part time basis?

A. Consideration will be given to a return to work on a part time basis but this will be subject to agreement of the Principal taking account of the operational requirements of the academy. Reference will be made to Aspirations Flexible Working Policy.

Q. What constitutes “a week’s pay”?

- A. The term “a week’s pay” for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by Aspirations to the employee under the current contract of employment for working his/her normal hours in a week. Where there are no normal working hours, a week’s pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned. Support Staff on term time based contracts are paid in equal instalments over 52 weeks of the year. Paternity pay will be paid on the same basis.

Q. What if the baby is still born or dies?

- A. There is still entitlement to paternity leave and pay if the child is stillborn after 24 weeks of pregnancy or dies after birth.

Q. What if I don’t qualify for Paternity Pay?

- A. All employees who qualify for Ordinary Paternity Leave under the Aspirations scheme will be entitled to receive their full rate of pay in the first week of paternity leave. Employees who wish to take the second week of Ordinary Paternity Leave under the Aspirations scheme but do not qualify to receive payment in the second week may be entitled to claim Income Support. For more details contact your local social security office or Jobcentre plus office.

Q. What if I am sick during paternity leave?

- A. If you are off sick before your paternity leave commences, and you qualify, you will receive statutory sick pay and your paternity leave will be delayed until you are well. However, there is no extension to the 56 day period in which Ordinary Paternity Leave can be taken and any Ordinary Paternity Pay due to you would be paid. If you become sick during the paternity pay period, you must inform your manager as soon as possible and if entitled you will receive payment in accordance with the Aspirations sick pay scheme instead of paternity pay.

Request for Paternity Leave

This form should be used in circumstances other than where the request arises in connection with adoption for which a separate form is available from the Principal.

The completed form should be given to the Principal at least 28 days in advance of the date on which you wish your paternity leave to commence or as soon as practicable.

YOUR INFORMATION	
Full Name:	Work place:
Address:	NI Number:

DATES FOR LEAVE	
Expected week of childbirth (DD/MM/YYYY):	
If the baby has been born please enter the actual date of birth: (DD/MM/YYYY):	
I would like to start Ordinary Paternity Leave on: (DD/MM/YYYY):	
The number of weeks of Ordinary Paternity Leave I wish to take (<i>enter one or two</i>)	

DECLARATION	
<p>You should tick only those of the three boxes below that are adjacent to a statement that is applicable to you.</p> <p><i>If you are able to tick all three boxes, under the Aspirations Policy you will be entitled to:</i></p> <ul style="list-style-type: none"> - take one or two weeks of Ordinary Paternity Leave - receive Ordinary Paternity Pay in the first week of OPL <p><i>Subject to service requirements you may also be entitled to pay in the second week of OPL (either in accordance with the statutory or occupational scheme)</i></p> <p>I declare:</p> <ul style="list-style-type: none"> ▪ That I am: <ul style="list-style-type: none"> - the baby's biological father, or - married to the mother, or - living with the mother in an enduring family relationship, but am not an immediate relative <input type="checkbox"/> ▪ I have responsibility for the child's upbringing <input type="checkbox"/> ▪ I will take time off work to support the mother or care for the child <input type="checkbox"/> <p>Signed.....Date.....</p>	

Request for Paternity Leave

This form should be used in circumstances where the request arises in connection with adoption within the UK.

The completed form should be given to the Principal at least 28 days in advance of the date on which you wish your paternity leave to commence or as soon as practicable.

YOUR INFORMATION	
Full Name:	Work place:
Address:	NI Number:

DATES FOR LEAVE	
The date the adoption agency told the person adopting that they had been matched with the child (DD/MM/YYYY):	
The date on which the child is expected to be placed (DD/MM/YYYY):	
I would like to start Ordinary Paternity Leave on: (DD/MM/YYYY):	
The number of weeks of Ordinary Paternity Leave I wish to take (<i>enter one or two</i>)	

DECLARATION	
<p>You should tick only those of the four boxes below that are adjacent to a statement that is applicable to you.</p> <p><i>If you are able to tick all four boxes, under the Aspirations Policy you will be entitled to:</i></p> <ul style="list-style-type: none"> - take one or two weeks of Ordinary Paternity Leave (OPL) - receive Occupational Paternity Pay in the first week of OPL <p><i>Subject to service requirements you may also be entitled to pay in the second week of OPL (either in accordance with the statutory or occupational scheme)</i></p> <p>I declare that I am:</p> <ul style="list-style-type: none"> • Adopting the child with my partner and I want to receive Ordinary Paternity Leave and Ordinary Paternity Pay, not Adoption Leave and Adoption Pay <input type="checkbox"/> • Married to or in a civil partnership with the person adopting the child, or • Living with the person adopting the child in an enduring family relationship, but am not an immediate relative <input type="checkbox"/> • I will have responsibility for the child's upbringing <input type="checkbox"/> • I will take time off work to support the person adopting the child or to care for the child <input type="checkbox"/> <p>Signed.....Date.....</p>	

Request for Paternity Leave

This form should be used in circumstances where the request arises in connection with adoption from abroad.

The completed form should be given to the Principal at least 28 days in advance of the date on which you wish your paternity leave to commence or as soon as practicable.

YOUR INFORMATION	
Full Name:	Work place:
Address:	NI Number:

DATES FOR LEAVE	
The date on which official notification was issued (DD/MM/YYYY):	
The date on which the child is expected to enter the country (DD/MM/YYYY):	
I would like to start Ordinary Paternity Leave on: (DD/MM/YYYY):	
The number of weeks of Ordinary Paternity Leave I wish to take (<i>enter one or two</i>)	

DECLARATION	
<p>You should tick only those of the four boxes below that are adjacent to a statement that is applicable to you.</p> <p><i>If you are able to tick all four boxes, under the Aspirations Policy you will be entitled to:</i></p> <ul style="list-style-type: none"> - take one or two weeks of Ordinary Paternity Leave (OPL) - receive Occupational Paternity Pay in the first week of OPL <p><i>Subject to service requirements you may also be entitled to pay in the second week of OPL (either in accordance with the statutory or occupational scheme)</i></p> <p>I declare that I am:</p> <ul style="list-style-type: none"> • Adopting the child with my partner and I want to receive Ordinary Paternity Leave and Ordinary Paternity Pay, not Adoption Leave and Adoption Pay <input type="checkbox"/> • Married to or in a civil partnership with the person adopting the child, or • Living with the person adopting the child in an enduring family relationship, but am not an immediate relative <input type="checkbox"/> • I will have responsibility for the child's upbringing <input type="checkbox"/> • I will take time off work to support the person adopting the Child or to care for the child <input type="checkbox"/> <p>Signed.....Date.....</p>	