



# **Maternity Leave, Adoption Support and Paternity Leave Policy (Support Staff)**

For the following academies:  
St Philip Howard Catholic School  
St Mary's Catholic Primary School  
Annecy Catholic Primary School  
St Joseph's Catholic Primary School

This Policy has been approved and adopted by  
the Bosco Catholic Education Trust.

**Approved:**

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**For review:**

October 2023

**Bosco Catholic Education Trust - BCET**  
**Maternity/Adoption Support and Paternity Leave (Support Staff)**

**1. Introduction**

The Maternity/Adoption Support and Paternity Leave schemes are separate benefits, designed to provide paid time off work for qualifying fathers, partners and nominated carers of expectant mothers, where their partner/spouse has a baby or adopts a child.

**Who can help?**

If employees have any questions about their entitlements or the procedures they need to follow, they can contact their Headteacher/School Business Manager/Bursar in the first instance.

Headteachers/ School Business Managers/Bursars can get support from Peninsula HR Services Tel: 0161 836 9444

**2. Scope**

This policy applies to all non-teaching employees of BCET.

This policy applies to employees on permanent, temporary and fixed term contracts. In this policy, the following definitions apply:

- **"Mother"** means the mother or expectant mother of the child;
- **"Partner"** means the father of the child, or the person who, at the date of the child's birth or date/placement for adoption, is married to, the civil partner of, or the partner of the mother/adopter. This includes someone, of either sex, who lives with the mother/adopter and the child in an enduring family relationship (but who is not the mother/adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew);
- **"Parent(s)"** means mother/adopter or partner;
- **"Adopter"** means the person with whom the child is, or is expected to be, placed for adoption or, in a case where two people have been matched jointly, whichever of them has elected to be the child's adopter for the purposes of the Paternity and Adoption Leave Regulations 2002(a).

**3. Time Off to Support a Mother/Adopter During Ante-natal Care/Adoption Assessment Process**

**Birth**

Employees (there is no qualifying period for employees) and qualifying agency workers are entitled to unpaid time off to accompany an expectant mother to her ante-natal appointments if they are:

- a) The baby's father
- b) The expectant mother's spouse, civil partner, or partner (of either sex) in an enduring relationship;
- c) The parent of a child by virtue of fertilisation treatment or
- d) The intended parents of a child in a surrogacy arrangement if they expect to be entitled to, and intend to apply for, a parental order in respect of that child.

The entitlement is to **unpaid** leave to attend up to 2 two appointments, with the maximum amount of time that can be taken being 6 hours and 30 minutes per appointment.

Employers are entitled to request an employee provide a signed declaration stating:

- a) That the employee has a qualifying relationship with a pregnant woman or her expected child.
- b) The employee's purpose in taking time off is to accompany a pregnant woman to an ante-natal appointment.
- c) That the appointment in question is made on the advice of a registered practitioner, registered midwife or registered nurse.
- d) The date and time of the appointment.

In certain circumstances (such as complications in pregnancy), it may be necessary for an employee to accompany the expectant mother to ante-natal appointments in excess of the legal minimum right. The Headteacher may agree to an employee taking unpaid leave or suggest the use of flexible working practices (for example, flexitime arrangements or making time up at an alternative date). Headteachers should not unreasonably refuse such requests, providing that the needs of the business are met.

Headteachers may also wish to give sympathetic consideration to reasonable time off for partners to attend relaxation and parent-craft classes. This can be within the context of the two unpaid leave appointments, or as additional unpaid leave, subject to the needs of the school.

### **Adoption**

An adopter's partner is also entitled to time off for the assessment process during working hours to attend any appointment arranged by, or at the request of, the adoption agency for the purpose of having contact with the child or for any other purpose connected with the adoption. The partner is entitled to take **unpaid** time off during working hours under this provision to attend up to two appointments and both of those appointments may last up to 6.5 hours

An employee is protected from detriment and from unfair dismissal connected with taking time off under this provision, regardless of hours worked or length of service.

## **4. Maternity/Adoption Support Leave**

Under the **Maternity/Adoption Support Leave scheme**, employees are entitled to a period of paid leave.

For NJC Local Government employees on Green Book terms and conditions, this entitlement is for 5 days' paid leave.

To qualify for maternity/adoption support leave, you must be the child's father, or the partner, or 'nominated carer' of an expectant mother. A 'nominated carer' is defined as the person the mother nominates to assist in the care of the child, and to provide support to them at or around the time of birth. In most cases, this will be the expectant mother's partner, but otherwise could be a close relative or friend. An adopter's partner will also qualify for this leave.

To apply for maternity/adoption support leave, employees need to complete the application form for taking Maternity/Adoption Support Leave and Paternity Leave, available from the School Business Manager/Bursar and return to them for processing.

## 5. Paternity Leave

The Statutory Paternity Leave Scheme gives employees, subject to meeting the qualifying criteria, an entitlement to:

- Up to a maximum of two weeks' continuous paid **ordinary paternity leave** (OPL), **and**
- There may also be an entitlement to ordinary and/or additional paternity pay depending upon individual circumstances.

For employees who qualify for **both** ordinary paternity leave and maternity/adoption support leave, the employee will receive their maternity/adoption support leave entitlement followed by one week's Statutory Paternity Pay.

There is information in sections 8 and 9 detailing the statutory paternity leave scheme for those employees adopting a child.

## 6. Ordinary Paternity Leave (Birth)

### Entitlement to take ordinary paternity leave

An employee must:

- Have or expect to have responsibility for the baby's upbringing
- Be the biological father of the child or the mother's husband or partner. This includes same sex partners or civil partners. A partner may also be someone who lives with the mother of the baby in an enduring family relationship but who is **not** an immediate relative
- Have 26 weeks' continuous service by the 15<sup>th</sup> week before the baby is born

### Taking ordinary paternity leave

- OPL must be taken as either one or two consecutive weeks (not odd days or two separate weeks)
- Leave can start from a chosen date (which falls after the first day of the Expected Week of Childbirth), the date of the child's birth, or from a chosen number of days or weeks after the date of the baby's birth.
- Leave can start on any day of the week on or following the child's birth, but
- Must be completed within 56 days of the actual date of birth of the baby, or
- If the baby is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.
- Only one period of leave is available per pregnancy irrespective of whether more than one baby is born.
- To apply, employees need to complete the application form, available from School Business Manager/Bursar, and submit it to their Headteacher.

### **Notice of intention to take ordinary paternity leave**

An employee may not know the exact date that he/she will need to take leave, as in most cases this will depend on when the baby is born. However, employees are encouraged to notify their Headteacher, as early as possible, that they intend to take ordinary paternity leave, and in any event, by the 6th week before the baby is expected.

### **Pay and benefits during ordinary paternity leave**

- Most employees will be entitled to Statutory Paternity Pay (SPP). To qualify an employee must have 26 weeks' service by the 15<sup>th</sup> week before the baby is born (or matched for adoption) and be earning above the lower earnings limit for National Insurance contributions.
- SPP is paid at a fixed rate. This rate changes regularly and the prevailing rate can be found at [www.direct.gov.uk](http://www.direct.gov.uk)
- Employees who do not qualify for SPP may be able to get Income Support while on paternity leave.

## **7. Ordinary Paternity Leave for Those Adopting**

Paternity leave is open to employees of either gender, but only ONE adoptive parent is entitled to take paternity leave. The co-adopting parent may be eligible to take adoption leave. This is regardless of whether they work for different employers. An employee cannot take both Paternity Leave (for those adopting) and Adoption Leave.

The Statutory Paternity Leave Scheme gives employees who are adopting, subject to the meeting the qualifying criteria, an entitlement to:

- Up to a maximum of two weeks' continuous paid **ordinary paternity leave** (OPL), **and**
- There may also be an entitlement to ordinary paternity pay depending upon individual circumstances.

## **8. Ordinary Paternity Leave for Those Adopting**

### **Eligibility to take ordinary paternity leave for those adopting**

An employee must:

- Have or expect to have responsibility for the child's upbringing
- Be the adopter's spouse or partner (this includes same sex partners)
- Have 26 weeks' continuous service by the week in which the employee is notified of being matched with a child
- Provide evidence that the employee meets the above criteria
- Be taking the time off to care for the child

### **Taking ordinary paternity leave for those adopting**

- Employees can take either one week or two consecutive weeks' ordinary paternity leave (not odd days).
- If adopting within the United Kingdom, this leave can start from the date of the child's placement or from a chosen number of days or weeks after the date of child's placement.

- If adopting from overseas, ordinary paternity leave can start from the date the child enters Great Britain, or from a chosen date which is later than when the child enters Great Britain.
- OPL can start on any day of the week on or following the child's placement but must be completed within 56 days of the child's placement.
- Only one period of OPL is available irrespective of whether one or more children are placed together.

**Notice of intention to take ordinary paternity leave for those adopting**

To apply, employees need to complete the application form, available from School Business Manager/Bursar, and submit it to their Headteacher. Employees should notify their Headteacher no more than 7 days after receiving notification that they have been matched with a child.

**Adopting a child from outside the UK**

Employees adopting a child from outside the UK, and outside the laws of the United Kingdom, may be entitled to the same provisions as outlined above, providing they have received official notification from/or on behalf of the relevant domestic authority that the employee has been approved to be a suitable adoptive parent.

An employee must inform their Headteacher they have been matched with a child and the date that the child is due to enter Great Britain within 7 days of receipt of notification of matching.

**9. Employment Rights during ordinary paternity leave**

- During ordinary paternity leave (OPL), the employee is entitled to benefit from all their normal terms and conditions of employment with the exception of pay
- OPL does not break continuity of service and any period of OPL is counted as continuous service for the calculation of statutory employment rights and other contractual payments relating to length of service (such as annual leave and sick pay).
- All employees are protected against unfair dismissal for reasons relating to taking paternity leave.

**10. Related Information**

**Links to other policies and benefits:**

**Employment Policies**

**Shared Parental Leave:** (this enables both parents to share the period of maternity or adoption leave). Employees must take their OPL entitlement before taking Shared Parental leave.

**Parental Leave (unpaid leave):** Employees who qualify for parental leave may wish to take some of this leave before or immediately after the end of their paternity leave. The Manager needs to ensure that they have maintained proper records and that Payroll Services are informed so they can record this absence appropriately and ensure accurate pay calculations.

**Statutory Request to work flexibly:** An employee returning to work after paternity leave may make a statutory request to work flexibly in order to enable them to care for a child. There is no automatic right to have a request for flexible working approved, but the legislation places an onus on the employer to seriously consider requests and the expectation is that requests will be agreed wherever possible.

**Employee benefits:**

**Childcare Voucher Scheme:** This may be of interest to employees who either currently pay, or may need to pay, for childcare.

**Further details of all these related provisions are available on School Business Manager/Bursar.**