

Paternity Leave Policy and Procedure

Model Policy for Schools

September 2025

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1. INTRODUCTION

- 1.1. Paternity leave (also known as maternity and adoption support leave) allows an eligible employee to spend time with a new child and support their partner. This procedure sets out the entitlements to paternity leave and pay for fathers, partners of pregnant parents and co-adopters.
- 1.2. To be eligible to take paternity leave, the employee must be classed as an 'employee' (legal definition of employment status under employment law). Entitlement to paternity leave with the school is not dependent on length of service.
- 1.3. Statutory paternity leave entitles eligible employees to take one or two working weeks paternity leave (pro rata for part time employees).
- 1.4. This policy also covers paternity leave entitlements in respect of adoption and surrogacy.
- 1.5. The term 'Headteacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team, school business Headteachers or Headteachers as appropriate. Where the headteacher is subject to this policy, this will be managed by the Chair of the relevant body or other nominated governor.

2. ELIGIBILITY

- 2.1. The employee must have or expect to have responsibility for the child's upbringing, or care of their partner. They must be one or both of the following:
 - the child's father;
 - married to, the civil partner or partner of the mother or birth parent. This includes same-sex partners.
- 2.2. Eligibility criteria in respect of adoption and surrogacy is set out in sections five and six.
- 2.3. If the employer has separated from their partner but has ongoing parental responsibility for their child, they can still get paternity leave and pay.

3. PATERNITY LEAVE PERIOD

- 3.1. The employee can choose to take either one or two working weeks. The same amount of leave applies if the partner has a multiple birth (such as twins) or in the case of adoption, adopts more than one child.
- 3.2. The two weeks leave may be taken as either two separate one week periods of leave (non-consecutive) or as one continuous period of leave.. A week is the same number of days that would normally be worked in a week. For example, for a part time employee who works Monday and Tuesday, their working week is two days.
- 3.3. The employee can choose to start paternity leave on either:
 - the day their baby is born, or the day after if they're at work on that day;
 - an agreed date after the baby is born.
- 3.4. Paternity leave can start on any day of the week and must be taken within 52 weeks of the child's birth or placement for adoption.
- 3.5. Paternity leave cannot start before the birth or placement for adoption, however alternative leave, for example annual leave can be taken prior to the birth or placement, subject to prior authorisation from the Headteacher.

4. NOTIFICATION

- 4.1. The employee must inform their Headteacher of the following, no later than 28 days before their child is expected to be born:
 - that they're having a baby;
 - how much paternity leave they plan to take;
 - the date they want to start their leave.

If the employee wants to change the date they start paternity leave, they should give as much notice as reasonably possible however it is recognised that in some circumstances this may be difficult for example if the baby is born early or needs to stay in hospital for a time after birth.

- 4.2. The employee must provide supporting documentation to their Headteacher. This can be the maternity certificate (MATB1) issued to the pregnant parent or in the case of surrogacy, the provision of a 'statutory declaration'.

- 4.3. The notification requirement is different for adoption and is set out in section 5.
- 4.4. In all cases the Paternity Leave application form must be completed and submitted to the Headteacher.

5. ADOPTION

- 5.1. When a couple adopt a child, one person is the 'main adopter' and one is the 'secondary adopter'. The main adopter can take adoption leave and pay. The 'secondary adopter' can take paternity leave.
- 5.2. To be eligible to take paternity leave, the 'secondary adopter' must be:
- married to, the civil partner or partner of the mother or birth parent or co-adopter. This includes same-sex partners;
 - taking the leave to care for the child or support their partner.
- 5.3. The paternity leave period can start:
- on the date of placement;
 - an agreed number of days after the placement;
 - on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only);
 - in the case of surrogacy, the day the child's born or the day after if the employee is working that day.
- 5.4. Leave must be taken within 52 weeks of the date of placement or in the case of overseas adoption, 52 weeks after the child's arrival in the UK.
- 5.5. The employee must inform their Headteacher of the following within seven days of being notified by an approved adoption agency they have been matched with a child.
- the date they were notified of being matched with the child;
 - when they expect the placement to start, or when it started if the placement has already started;
 - how much paternity leave they plan to take;
 - the date they want to start their leave.
- 5.6. The employee must provide supporting documentation to their Headteacher. This can be a letter from the adoption agency or the 'matching certificate'.

- 5.7. If the adoption is 'disrupted' and does not go ahead, the employee will still be entitled to paternity leave and pay.

6. SURROGACY

- 6.1. Where an employee is using a surrogate parent to have a baby and they or their partner have a genetic link to the child, they can apply for a 'parental order'. A parental order transfers the parental rights from the surrogate, and they become the 'intended parents' by law.
- 6.2. Where eligible, one of the intended parents can take adoption leave and one can take statutory paternity leave. It is up to the parents to decide which each of them uses.
- 6.3. To take statutory paternity leave, the intended parent must:
- be eligible for and intend to apply for a parental order in the six months after the baby's birth and expect it to be granted, or have one already;
 - married to, the civil partner or partner of the mother, birth parent or co-adopter. This includes same-sex partners;
 - taking the leave to care for the child or support their partner.

7. PATERNITY PAY

- 7.1. Employees who meet the eligibility criteria will be entitled to take two working weeks paternity leave at normal pay (inclusive of statutory paternity pay).
- 7.2. The weekly rate of Statutory Paternity Pay (SPP) is determined annually by the Government or is 90% of the employee's average weekly earnings (whichever is lowest).
- 7.3. Pay is subject to tax and National Insurance deductions and will be paid in the normal way on the last working day of the month.
- 7.4. To qualify for Statutory Paternity Pay, the employee must meet all the following eligibility criteria:
- a) have 26 weeks continuous service with the school/Tower Hamlets council by the end of the 15th before their expected week of childbirth and be employed up to the date of birth / date of placement in respect of adoption;

- b) must earn at least the lower earnings limit for National Insurance Contributions. The lower earnings limit is reviewed and set annually by the Government.
- c) give the correct notice.

7.5. For employees who do not meet the above criteria for Statutory Paternity Pay (SPP), they will be provided with a completed SPP1 form which will explain why the school will not pay Statutory Paternity Pay.

8. STILL BIRTH, LOSS OF AN UNBORN BABY OR MISCARRIAGE

- 8.1. If the baby is still born after 24 weeks of pregnancy or is born alive at any stage of pregnancy and later dies (no matter how soon after birth), paternity leave and pay apply as set out in this procedure.
- 8.2. The employee may also be eligible for Parental Bereavement Leave and Pay. This statutory leave entitles eligible working parents to two weeks paid parental bereavement leave in the event of a death of their child or a child in their care, under the age of 18 or a still birth after 24 weeks of pregnancy. Full details can be found in the Special Leave Policy and Procedure.
- 8.3. In the event of a miscarriage or loss of an unborn baby before the 24th week of pregnancy, the employee is not eligible to take paternity leave but should discuss with their Headteacher about any time off they wish to take, for example, annual or special leave.
- 8.4. The employee should be made aware of the support available to them through the school's Employee Assistance Programme (EAP).

9. ANNUAL LEAVE, BANK HOLIDAYS, EXTRA- STATUTORY AND CONCESSIONARY DAYS

Teachers

- 9.1 Teachers do not have a contractual entitlement to leave but do retain their right to statutory leave entitlements (28 days inclusive of bank holidays per leave year). Statutory annual leave continues to accrue during paternity leave; however teachers are deemed to 'take' their leave during periods of school closure (e.g., school holidays).

Support Staff

- 9.2 Support staff on paternity leave build up (accrue) holiday entitlement as usual during paternity leave. This includes bank holidays, concessionary and extra statutory days.
- 9.3 This leave cannot be taken at the same time as paternity leave.
- 9.4 Should a bank holiday, extra-statutory or concessionary day fall during the period of paternity leave, these additional days can be taken at the end of the paternity leave period.

10. ANTENATAL CARE

- 10.1 The employee has a right to unpaid time off to accompany a pregnant mother or birth parent to two antenatal appointments if they are:
- The baby's father
 - The expectant mother's spouse or civil partner
 - In a long term relationship with the expectant mother
 - The intended parent (if having a baby through a surrogacy arrangement).
- 10.2 The time off is for a maximum of 6.5 hours for each appointment, but only the actual time required to attend the appointment (including reasonable travel time) should normally be taken.

11. ADDITIONAL INFORMATION

- 11.1 The Headteacher should keep in regular contact whilst the employee is on paternity leave and must inform them about job opportunities and any reorganisation that could affect their job.

12. FURTHER GUIDANCE

- 12.1 For further guidance please contact your HR provider.

APPENDIX A PATERNITY LEAVE APPLICATION FORM

(Also known as maternity and adoption support leave)

This form should be completed by the staff member requesting to take paternity leave. Full information regarding paternity leave, eligibility criteria and pay is set out above in the Paternity Leave Procedure.

The staff member must notify their headteacher of the dates they wish to take paternity leave and provide relevant supporting documentation. Details of the supporting documentation required is set out above in the Paternity Leave Procedure.

Once completed and approved by the Headteacher, this form should be sent to the school office.

Personal Details

Name of staff member:	
Employee Number:	
Post Title:	

Paternity Leave Details

The staff member can take one or two weeks paternity leave which must be taken within 52 weeks of the birth or placement for adoption. The two weeks can be taken as either two separate one week periods of leave or as one continuous period of leave.

Expected date of childbirth (as per MATB1):	
Block One: Paternity leave start date(s)	
Block One: Paternity leave end date:	
Block Two: Paternity leave start date: (if taking two separate blocks of leave)	
Block Two: Paternity leave end date: (if taking two separate blocks of leave)	

*If the staff member wants to change the date they start paternity leave, should give as much notice as reasonably possible, however, it is recognised that in some circumstances this may be difficult, for example if the baby is born early. In these circumstances, the staff member should discuss an alternative start date with their Headteacher. The Headteacher must ensure any changes are recorded and notified to payroll.

Paternity Leave Details (Adoption Only)

Paternity leave can start on the date of placement, an agreed number of days after the placement, or in the case of overseas adoptions, on the date the child arrives in the UK or an agreed number of days after this. The staff member can take one or two weeks paternity leave which must be taken within 52 weeks of the placement for adoption. The two weeks can be taken as either two separate one week periods of leave or as one continuous period of leave.

Date notified of being matched with the child	
Expected or actual start date of placement	
Block One: Paternity leave start date(s)	
Block One: Paternity leave end date:	
Block Two: Paternity leave start date: (if taking two separate blocks of leave)	
Block Two: Paternity leave end date: (if taking two separate blocks of leave)	

Personal details

It is important to have regular communication whilst on paternity leave to keep you updated on work related matters. Please provide relevant contact details below.

Contact Telephone number:	
Contact email address:	
Signature:	
Date:	

Headteacher Details

Headteacher Name:	
Signature:	
Date:	

The Headteacher should ensure a copy of the form is held on the employee's personal file.

Document History	
Version 1.1	Draft for Consultation
Version 1.2	Final Agreed Policy
Status	Final Draft
Date	September 2025
Target audience	School Teaching and Support Staff
Ratification	Agreed on 25 th September 2025
Author	HR