

# Endeavour Schools Trust Paternity Leave and Maternity Support Leave Policy



Endeavour  
Schools Trust

Signed: *Karen Humby*  
Chair of the Trust

Date: July 2019

Planned review date: Summer 2022

## Rationale

The Trustees of Endeavour Schools Trust recognises the value of a father or partner of a new mother spending quality time with their new baby and in supporting the new mother. This policy applies to all employees, including teachers. There were separate local agreements for teachers and other employees, so the provision for teachers are slightly different.

## Introduction

Paternity Leave is absence from work for the purpose of:

- supporting the mother of a newborn baby, **or**
- caring for a newborn child, **or**
- supporting a partner\* who is adopting a child.

The entitlement in this guidance incorporates the statutory provision in the Employment Act 2002 with existing agreements, for Paternity Leave for teachers and Maternity Support Leave for support staff.

From 5 April 2015 there is no longer an entitlement to take Additional Paternity Leave. However the Shared Parental Leave Regulations 2014 provide an opportunity for parents to consider a flexible approach to caring for a child during the child's first year by sharing the entitlement to leave.

The amount of leave is calculated using the mother's entitlement to maternity leave. A mother must still take a minimum of two weeks' leave following the birth meaning that the maximum of 50 weeks' leave can be shared. Please refer to the factsheet at the end of this document and/or the separate guidance on Shared Parental Leave for more information.

## Eligibility

### 1. Paternity Leave (Teachers / Support Staff)

An employee will be entitled to take Paternity Leave of up to 2 weeks if they:

- are the child's father or spouse or partner (same or opposite sex) of the child's mother;

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\* A 'partner' is termed a non-blood relative living with the mother/adopter in an enduring family relationship, regardless of gender.

- have or expect to have responsibility or the main responsibility for the child's upbringing;
- have been continuously employed by Endeavour Schools Trust for at least 26 weeks ending with the 15th week before the expected week of birth, or ending with the week in which official notification or matching of adoption was received;
- give the proper notice and required evidence of eligibility.

Employees who do not qualify for Paternity Leave may instead be eligible for Maternity Support Leave. This is only applicable to support staff. Leave or pay can only be claimed under one of these provisions (i.e. paternity or maternity support)

Teachers who do not have the necessary continuous service for Paternity Leave but meet the other eligibility criteria are instead eligible for 3 days leave with full pay.

## 2. Adoption Paternity Leave

An employee will be entitled to take Adoption Paternity Leave if they:

- are adopting a child with their spouse/partner or their partner is adopting a child. The employee may be eligible to apply for Adoption Paternity Leave or Statutory Paternity Leave/ Pay, but not both. (Please refer to separate Guidance for Schools on Adoption Leave).

## 3. Maternity Support Leave – Support Staff only

This is an existing agreement for employees nominated by the mother as their primary carer at the time of birth. It may apply where an employee is a relative or has a caring relationship with the mother and/ or child and is not covered by the Paternity Leave definition.

Employees requesting leave will be asked to submit confirmation from the mother that they will be the prime carer at or around the time of birth.

### 1 Paternity Leave – Support Staff

<p><b>Eligibility</b></p>	<p>The employee will need to confirm that they are</p> <ul style="list-style-type: none"> <li>• the baby's father, <b>or</b></li> <li>• married to the mother, <b>or</b></li> <li>• living with the mother in <b>an enduring family relationship</b>, but are not an immediate relative (this could be a male or female partner) <b>and</b></li> <li>• be responsible for the baby's upbringing, <b>and</b></li> <li>• take time off work to support the mother or care for the baby.</li> </ul> <p>Only 1 period of leave can be taken irrespective of whether more than 1 baby is born as the result of the same pregnancy.</p>
<p><b>Qualifying service</b></p>	<p>To qualify for the statutory provisions you will need to have been employed by Endeavour Schools Trust for 26 weeks leading into the 15th week before the baby is due.</p>

<b>Other qualifying criteria</b>	None.
<b>Amount of leave</b>	<p>Block of 1 or 2 consecutive weeks starting from</p> <ul style="list-style-type: none"> <li>• the date of the baby's birth (whether this is earlier or later than expected), <b>or</b></li> <li>• from a chosen number of days or weeks after the date of the birth, <b>or</b></li> <li>• from a chosen date.</li> </ul> <p>Leave can start on any day of the week on or following the baby's birth but must be completed</p> <ul style="list-style-type: none"> <li>• within 56 days of the actual date of birth of the child, <b>or</b></li> <li>• 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.</li> </ul>
<b>Payment</b>	1 week full pay and 1 week SPP.
<b>Notification required</b>	15 weeks' written notice (unless not reasonably practical). This will be forwarded to the payroll provider to action.
<b>Details of notification</b>	<p>Form PP1 should be completed giving</p> <ul style="list-style-type: none"> <li>• the week the baby is due,</li> <li>• whether you wish to take 1 or 2 weeks leave,</li> <li>• when you want your leave to start.</li> </ul> <p>The date on which the leave is requested to start can be changed by giving 28 days' notice of the change (unless it is not reasonably practicable) using Form PP1.</p> <p>The employee must inform the line manager following the baby's birth who will then inform the Trust Central Office Team as soon as possible.</p>
<b>Return to work after Paternity Leave</b>	The employee will be entitled to return to the same job following Ordinary Paternity Leave.
<b>Protection from detriment and dismissal</b>	There are legal protections from suffering unfair treatment or dismissal for taking or seeking to take Ordinary Paternity Leave.

**1a Paternity Leave – Teachers**

<p><b>Eligibility</b></p>	<p>The employee will need to confirm that they are</p> <ul style="list-style-type: none"> <li>• the baby’s father, or</li> <li>• married to the mother, or</li> <li>• living with the mother in <b>an enduring family relationship</b>, but are not an immediate relative (this could be a male or female partner) <b>and will</b></li> <li>• be responsible for the baby’s upbringing, and</li> <li>• take time off work to support the mother or care for the baby.</li> </ul> <p>Only 1 period of leave will be available irrespective of whether more than 1 baby is born as the result of the same pregnancy.</p>
<p><b>Qualifying service</b></p>	<p>To qualify for the statutory provisions you will need to have been employed by Endeavour Schools Trust for 26 weeks leading into the 15th week before the baby is due.</p>
<p><b>Other qualifying criteria</b></p>	<p>None.</p>
<p><b>Amount of leave</b></p>	<p>1 or 2 consecutive weeks starting from</p> <ul style="list-style-type: none"> <li>• the date of the baby’s birth (whether this is earlier or later than expected), or</li> <li>• from a chosen number of days or weeks after the date of the birth (whether this is earlier or later than expected), or</li> <li>• from a chosen date.</li> </ul> <p>Leave can start on any day of the week on or following the baby’s birth but must be completed</p> <ul style="list-style-type: none"> <li>• within 56 days of the actual date of birth of the baby, or</li> <li>• 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.</li> </ul>
<p><b>Payment</b></p>	<p>Week One: 3 days at full pay, then unpaid Week Two: SPP</p>
<p><b>Notification required</b></p>	<p>15 weeks’ written notice (unless not reasonably practical). This will be forwarded to the Trust Central Office Team to action.</p>
<p><b>Details of notification</b></p>	<p>Form PP1 (Schools) should be completed giving</p> <ul style="list-style-type: none"> <li>• the week the baby is due,</li> <li>• whether you wish to take 1 or 2 weeks leave,</li> <li>• when you want your leave to start.</li> </ul> <p>The date on which the leave is requested to start can be changed by giving 28 days’ notice of the change (unless it is not reasonably practicable) using Form PP1.</p> <p>The employee must inform the line manager following the baby’s birth who will then inform the Trust Central Office Team as soon as possible.</p>
<p><b>Return to work after Paternity Leave</b></p>	<p>The employee will be entitled to return to the same job following Ordinary Paternity Leave.</p>
<p><b>Protection from detriment and dismissal</b></p>	<p>There are legal protections from suffering unfair treatment or dismissal for taking, or seeking to take Ordinary Paternity Leave.</p>

## 2 Adoption Paternity Leave – all employees

The employee is adopting a child with their partner or their partner is adopting a child.

<p><b>Eligibility</b></p>	<p>The employee will need to confirm that they</p> <ul style="list-style-type: none"> <li>• are married to the person adopting the child, or</li> <li>• are living with the person adopting the child in <b>an enduring family relationship</b> but are not an immediate relative (this could be a male or female partner)</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>• will be responsible for the child’s upbringing, and</li> <li>• will take time off to support the person adopting the child or to care for the child.</li> </ul> <p>Only 1 period of leave will be available irrespective of whether more than 1 child is placed together.</p>
<p><b>Qualifying service</b></p>	<p>Under statutory provisions the employee must have been continuously employed for 26 weeks by Endeavour Schools Trust up to and including the week the adopter is informed that they have been matched with the child.</p>
<p><b>Other qualifying criteria</b></p>	<p>Where two people are adopting together one can apply for Statutory Adoption Leave and one for Statutory Paternity Leave.</p>
<p><b>Amount of leave</b></p>	<p>1 or 2 consecutive weeks starting from</p> <ul style="list-style-type: none"> <li>• the date of the child’s placement (whether this is earlier or later than expected), or</li> <li>• if an overseas adoption the date the child enters Great Britain, or</li> <li>• from a chosen number of days or weeks after the date of the placement or entry into Great Britain (whether this is earlier or later than expected), or</li> <li>• from a chosen date.</li> </ul> <p>Leave 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.</p>
<p><b>Payment</b></p>	<p>1 or 2 weeks SPP.</p>
<p><b>Notification required</b></p>	<p>Written notice of the intention to take Paternity Leave must be given within 7 days of the adopter being notified by the adoption agency of the match unless this is not reasonably practicable.</p>
<p><b>Details of notification</b></p>	<p>The relevant self-certificate Form PAL1 should be completed giving</p> <ul style="list-style-type: none"> <li>• the date the adoption agency informed adopter of match with child, or received official notification of an overseas adoption,</li> <li>• the date on which the child is expected to be placed, or enter Great Britain,</li> <li>• whether 1 or 2 weeks leave is requested,</li> <li>• the date on which the leave is requested to start.</li> </ul> <p>The above form needs to be given to the employee’s line manager who will then forward it to the Trust Central Office Team.</p> <p>The date on which the leave is requested to start can be changed by giving 28 days’ notice of the change (unless it is not reasonably practicable).</p>
<p><b>Return to work after Paternity Leave</b></p>	<p>The employee will be entitled to return to the same job following Adoption Paternity Leave.</p>
<p><b>Protection from detriment and dismissal</b></p>	<p>There are legal protections from suffering unfair treatment or dismissal for taking, or seeking to take Adoption Paternity Leave.</p>

### 3 Maternity Support Leave – for Support Staff only

For employees eligible under an existing agreement who are a relative or have a caring relationship with the mother and/ or new-born baby and are not covered by the Paternity Leave definition.

<b>Eligibility</b>	<p>You are the nominated carer of the expectant mother at or around the time of the birth. The mother will need to nominate you as their primary support. A relative or someone who has a caring relationship with the mother and/ or baby may fulfil this role.</p> <p>Only 1 period of leave will be available irrespective of whether more than 1 baby is born as the result of the same pregnancy.</p>
<b>Qualifying service</b>	None.
<b>Other qualifying criteria</b>	None.
<b>Amount of leave</b>	5 days within 56 days of the birth of the baby.
<b>Payment</b>	5 days full pay.
<b>Notification required</b>	As much as possible.
<b>Details of notification</b>	Form MS1 should be completed enclosing written confirmation from the expectant mother confirming that you will be the main carer at or around the birth.
<b>Return to work after Paternity Leave</b>	You will be entitled to return to the same job following Paternity Leave.

## APPLICATION FOR PATERNITY (MATERNITY) LEAVE

Please read the guidance 'Paternity Leave and Maternity Support Leave' before completing this form.

## Please complete ALL of the following information

Your Name:	
Pay Number:	

Date started employment with Endeavour Schools Trust:	
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To qualify for this entitlement, you must have been continuously employed with Endeavour Schools Trust for at least 26 weeks leading into the 15<sup>th</sup> week before the week that the baby is due. Teachers who do not have the necessary continuous service for paternity (maternity) leave but meet the other eligibility criteria are instead eligible for 3 days leave with full pay.

School:	
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*If you have more than one job with the authority, give details of all jobs – continue overleaf if necessary*

I confirm that my wife, partner or civil partner gave birth to a child, or I am the biological father of the child, and I give notice of my intention to take ordinary paternity leave.	
<b>The expected week baby due is:</b>	
<b>I wish to take (tick appropriate box)</b>	
<input type="checkbox"/> <b>One week's ordinary paternity leave</b> <input type="checkbox"/> <b>Two weeks' ordinary paternity leave</b> <input type="checkbox"/> <b>3 days leave only</b> (this option is open to teachers who do not have the necessary continuous service for paternity (maternity) leave but meet the other eligibility criteria)	
<b>I wish to start my ordinary paternity leave on:</b>	
<b>I wish to end my ordinary paternity leave on:</b>	

*Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth.*

<b>Signed:</b>	
<b>Dated:</b>	
<b>Notes</b>	
Please return to your line manager no later than seven days after the date on which notification of the match with the child was given by the adoption agency.	

To be completed by the line manager

The employee has or will have the necessary continuous employment with Endeavour Schools Trust leading into the week that notification of the match with the child is received.			
Signed:		Date:	
Name:		Position:	

Please forward a copy of this form to the Trust Central Office team.

## APPLICATION FOR PATERNITY (ADOPTION) LEAVE – UK Adoptions Only

Please read the guidance 'Paternity Leave and Maternity Support Leave' before completing this form.

## Please complete ALL of the following information

Your Name:	
Pay Number:	

Date started employment with Endeavour Schools Trust:	
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To qualify for this entitlement, you must have been continuously employed with Endeavour Schools Trust for 26 weeks by the intended start date of the paternity (adoption) leave

School:	
Job Title:	

*If you have more than one job with the authority, give details of all jobs – continue overleaf if necessary*

I confirm that my spouse, partner or civil partner and I have been matched with a child for adoption, and I give notice of my intention to take ordinary paternity leave.	
Date on which official notification of the match with the child was received by the adopter:	
Date on which the child is expected to be placed:	
<b>I wish to take (tick appropriate box)</b> <input type="checkbox"/> One week's ordinary paternity leave <input type="checkbox"/> Two weeks' ordinary paternity leave	
I wish to start my ordinary paternity leave on:	
I wish to end my ordinary paternity leave on:	

<b>Signed:</b>	
<b>Dated:</b>	
<b>Notes</b>  Please return to your line manager no later than seven days after the date on which notification of the match with the child was given by the adoption agency.	

To be completed by the line manager

The employee has or will have the necessary continuous employment with Endeavour Schools Trust leading into the week that notification of the match with the child is received.			
Signed:		Date:	
Name:		Position:	

Please forward a copy of this form to the Trust Central Office Team.



APPLICATION FOR PATERNITY (ADOPTION) LEAVE – **Overseas Adoptions Only**

Please read the guidance 'Paternity Leave and Maternity Support Leave' before completing this form.

**Please complete ALL of the following information**

Your Name:	
Pay Number:	

Date started employment with Endeavour Schools Trust:	
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To qualify for this entitlement, you must have been continuously employed with Endeavour Schools Trust for 26 weeks by the intended start date of the paternity (adoption) leave

School:	
Job Title:	

*If you have more than one job with the authority, give details of all jobs – continue overleaf if necessary*

I confirm that my spouse, partner or civil partner and I have been matched with a child for adoption, and I give notice of my intention to take ordinary paternity leave.	
Date on which official notification of the match with the child was received by the adopter:	
Date on which the child is expected to arrive in Great Britain	
<b>I wish to take (tick appropriate box)</b> <input type="checkbox"/> One week's ordinary paternity leave <input type="checkbox"/> Two weeks' ordinary paternity leave	
I wish to start my ordinary paternity leave on:	
I wish to end my ordinary paternity leave on:	

<b>Signed:</b>	
<b>Dated:</b>	
<b>Notes</b>	
Please return to your line manager no later than seven days after the date on which notification of the match with the child was given by the adoption agency.	

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To be completed by the line manager

The employee has or will have the necessary continuous employment with Endeavour Schools Trust leading into the week that notification of the match with the child is received.			
Signed:		Date:	
Name:		Position:	

Please forward a copy of this form to the school's payroll provider.

## APPLICATION FOR MATERNITY SUPPORT LEAVE

Please read the guidance 'Paternity Leave and Maternity Support Leave' before completing this form.

If you are eligible for paternity (maternity) leave, you should usually apply for it **instead** of maternity support leave. It is a combination of this entitlement and statutory paternity rights, and can provide you with more leave and pay.

**Please complete ALL of the following information**

Your Name:	
Pay Number:	

School:	
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(If you have more than one job with the authority, please give details of all jobs)

The baby is due on: (You may be asked to produce the MAT B1 certificate as evidence of this)	
I would like my maternity support leave to start on: (The leave must be completed within 56 days of the birth)	

**Declaration**

I am a relative or have a caring relationship with the mother and/or new-born baby.

I wish to take maternity support leave and not paternity (maternity) leave.

I have attached a letter from the mother stating that I will be their primary provider of support at and around the time of birth.

Signed:		Date:	
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**Please give this form to your line manager as early as possible before you would like the leave to start.**

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To be completed by the line manager

All of the necessary information has been provided and a letter from the mother is attached.			
Signed:		Date:	
Name:		Position:	

Please forward a copy of this form to the Trust Central Office Team.