



5.7 Paternity Policy

Policy statement

This policy sets out the Paternity provisions and rights for employees who are the biological father of an expected child or whose partners are pregnant, or have been notified of a match for adoption, and applies to all staff, regardless of grade, position, hours worked per week or whether their contract is permanent or fixed-term.

A partner is defined as someone who lives with the mother of the baby in an enduring family relationship, but is not immediately related. A partner may be a wife, partner or civil partner and may include either a male or female partner in a same sex relationship.

Employees are encouraged to meet with the manager or Liz Bradbury and Jonathan Wright from the board of trustees, in confidence, at an early stage, to discuss their individual circumstances and options if they intend to take Paternity Leave.

Qualification for Paternity Leave

There are two types of Paternity Leave:

- **Ordinary Paternity Leave (OPL)** is a block of 2 weeks which can only be taken after the birth of the child, or the date the child is placed for adoption, and must finish no later than 56 days after the birth of the child.
- **Additional Paternity Leave (APL)** is a period of up to 26 weeks which can be taken within the first year of the birth of the child, or adoption placement, provided that the employee's partner has returned to work after Maternity Leave and not used her full entitlement. This is in addition to any entitlement for OPL.

To qualify for Ordinary Paternity Leave, employees must:

- Have been continuously employed by Brambles for at least 26 weeks ending with the 15th week before the expected week of childbirth (EWC), or ending with the week in which he or she was matched for adoption, or the date the child enters Great Britain, if adopting from overseas

- Have, or expect to have, responsibility for the upbringing of the child, and be making the request in order to help care for the child, or support the child's mother

In addition, employees wishing to apply to take APL, will be entitled to any outstanding statutory maternity or adoption leave and pay, that their partner would have been eligible to received if s/he had not returned to work, providing that they meet the following criteria:

- He/she must remain in continuous employment with the School until the week before the first week of APL.
- The Mother of the child must be entitled to one or more of the following: Maternity Leave, Statutory Maternity Pay or Maternity Allowance; in the case of adoption, the Primary Adopter must be entitled to one or both of Adoption Leave or Statutory Adoption Pay.
- The Mother or Primary Adopter must have returned to work and forfeited a portion of her/ his Maternity or Adoption Leave and or pay.

Paternity Pay

Ordinary Statutory Paternity Pay (OSPP) is paid for up to 2 consecutive weeks. Employees qualify for OSPP if they continue to work for Brambles without a break up to the date the child is born, or placed for adoption, and earn at least the lower earnings limit for National Insurance contributions.

Employees who do not qualify for OSPP but do qualify for OPL may be entitled to income support whilst on OPL.

Employees taking APL will be entitled to receive Additional Statutory Paternity Pay (ASPP) provided that they earn at least the lower earnings limit for National Insurance contributions, the Mother or Adopter has started work again, and any relevant payment stopped, with at least 2 weeks of the 39 week payment remaining. ASPP is only payable during the period of the employee's partner's 39 week Maternity Allowance, Statutory Maternity or Statutory Adoption Pay period.

Where employees apply for and do not qualify for ASPP, the School will issue form ASPP1 explaining the reasons why.

Application Procedure

• Ordinary Paternity Leave (OPL)

To request OPL, employees should discuss dates with the manager or a member of the trust and apply in writing 15 weeks before the EWC, or no later than 7 days after receiving the notification of

a match for adoption. The employee will receive confirmation of their request, in writing, no later than 28 days after submission.

• **Additional Paternity Leave (APL)**

To request APL, employees should discuss dates with the manager or a member of the trust and apply in writing at least 8 weeks prior to the date they wish to commence their APL, ensuring that their partner has confirmed in writing that they will be returning to work. A copy of the child's birth certificate should also be submitted with the letter. The employee will receive confirmation of their request, in writing, no later than 28 days after submission.

Ordinary Paternity Leave

OPL can only be taken in a single block of either one or two weeks within 56 weeks of the birth, or adoption, of the child. It can start on any day of the week.

OPL cannot be taken before the birth. In cases where OPL has been requested from the EWC or due date, and the employee needs to change the date to the actual birth date of the child, it is expected that as much notice as is practically possible be given.

In cases of multiple birth, employees may only take one period of OPL.

OPL may still be taken if the child is stillborn after 24 weeks of pregnancy or born alive at any point of the pregnancy.

Additional Paternity Leave

APL is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take Adoption Leave has returned to work before using his/ her full entitlement to Adoption Leave.

The earliest APL can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of the placement of the child for adoption, and it must end no later than 12 months after that date. APL must be taken as a single block in multiples of complete weeks with a minimum of 2 weeks and a maximum period of 26 weeks.

During APL, contracts of employment remain in force and the employee will be entitled to receive all contractual benefits except for salary.

Any statutory pay due to the employee will depend on the remaining entitlement of their partner, and once this is exhausted, the remainder of the APL period will be unpaid. Eligible employees may take up to 26 weeks' APL within the first year of their child's life provided that the mother has returned to work before using her full entitlement to Maternity Leave.

Keeping in Touch Days

The purpose of Keeping in Touch (KiT) days, is to keep employees on Additional Paternity Leave up to date with developments within Brambles. As such, the manager or acting manager will inform those on APL of promotion opportunities or information relevant to their job.

In addition, employees may also undertake up to 10 days' work (KiT days) during the period of their APL, by mutual agreement with the Brambles. KiT days may be for the purpose of attending training or meetings or may be to assist with the transition back to work.

Any hours worked during 1 day will constitute 1 full day's work. Any days worked will not have the effect of extending the period of APL.

Where an employee is either in receipt of some form of Statutory Pay or on "no pay", salary will be paid at the normal daily rate for each KiT day worked.

Keeping in Touch days are not compulsory and employees will not suffer any consequence if they decline the offer of a Keeping in Touch day. Similarly, employees do not have a right to Keeping in Touch days, and the School is under no obligation to agree to a request to work a Keeping in Touch day. There is no obligation on either the employee or the Brambles to use all 10 days.

Returning to work after APL

Employees will be expected to return to work on the date of return confirmed Brambles. If the employee wishes to return to work earlier than the expected date, they must provide at least 6 weeks' notice of the date of early return in writing.

If the employee does not wish to return to work following a period of APL, s/he should provide Brambles with sufficient notice, and at least the amount of notice required by the contract of employment.

Employees returning after APL are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

APL returnees are entitled to any salary increases or enhanced benefits that have been introduced in their absence, upon their return.

Further guidance

<https://www.gov.uk/employers-paternity-pay-leave>

This policy was adopted by

Thorns community trust

On

20th April 2020

Updated August 2021

Signed on behalf of the provider

Name of signatory

Jonathan Wright

Role of signatory (e.g. chair, director or owner)

Chair
