CHILTERN LEARNING TRUST

PATERNITY SCHEME

Date Reviewed	Body	Review Date
Summer Term 2026	Board of Trustees	Summer Term 2028

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Paternity Scheme for Employees in Chiltern Learning Trust

1. Introduction

1.1 This document is designed to let employees working in Chiltern Learning Trust know what they may be entitled to regarding paternity leave and pay.

1.2 There are two options available to those employees that are eligible for the paternity scheme.

Employees may either apply for:

- Maternity / Paternity Support Leave as outlined below in section 3, OR
- Statutory Paternity Leave

Employees are not entitled to both or a combination of the two schemes.

1.3 Employees can apply for a combination of:

- Statutory Paternity Leave and pay and Shared Parental Leave or
- Maternity / Paternity Support Leave and Pay and Shared Parental Leave. Please see the Shared Parental Leave Policy for more information.

2. Eligibility

2.1 Paternity leave is a day one right for all employees which means there is no qualifying period of service. This applies to birth, adoption and surrogacy cases.

2.2 This day one right applies only to leave. Employees should note that there is length of service rules which apply to statutory paternity pay (see section 8).

2.3 To be eligible for Paternity Leave, in all cases you must:

- be classed as an employee
- be employed up to the date the child is born or placed with the adopter
- give the correct notice (see paragraph below)
- be taking time off to look after the child or your partner
- be responsible for the child's upbringing

2.4 Employees who fulfil the above criteria can request Statutory Paternity Leave or Maternity / Paternity support leave in accordance with the Paternity Leave Scheme.

3. Maternity / Paternity Support Leave

3.1 Headteachers (or a director) may grant up to five days (pro rata for part time employees) paid leave to employees who are the nominated carer of an expectant mother. This leave is to be taken at or around the time of the birth.

3.2 A nominated carer is the person nominated by the mother as their primary provider of support at or around the time of the birth. The leave should be taken any time within 56 days after the birth once in any 9-month period. A copy of the mother's certificate of expected childbirth - Form MAT B1 (see below) will be required before any leave is granted.

3.3 To be entitled to Maternity/Paternity Support Leave, and pay, employees must be one of the following:

- the baby's father
- the baby's parent
- someone who has a caring relationship with the mother and/or the child.

3.4 To apply for this leave employees must complete the application form that can be found at the back of this document.

4. Statutory Paternity Leave

4.1 To be entitled to statutory paternity leave and pay, employees must be one of the following:

- the biological father
- the husband, civil partner or partner of the mother (or adopter)
- child's adopter
- intended parent (if having a baby through a surrogacy arrangement).

4.2 Statutory Paternity leave is two weeks in total, but employees:

- are able to take the two weeks as either, a single two-week block or two separate one-week blocks.
- may take their leave at any point in the first year after the birth or adoption of their child

The amount is the same where a parent has more than one child, e.g. twins.

4.3 Paternity leave cannot start before the birth of the child. It may start on the actual date the baby is born or an agreed number of days after the birth or after the expected week of childbirth.

4.4 Where more than one child is placed for adoption, as part of the same arrangement, the relevant date is the date of placement of the first child.

Paragraph 8 sets out details of the statutory paternity pay to which employees may be entitled.

5. Before commencing Statutory Paternity Leave

5.1 Employees must provide the Headteacher (or Director) of their intention to take Statutory Paternity Leave at least four weeks before taking the leave.

5.2 All employees must provide the following details:

- the start date of the leave to be taken
- the duration of leave to be taken e.g. one or two weeks

5.3 Employees applying for a parental order as part of a surrogacy arrangement must supply in writing the following additional information:

- that their partner is getting Statutory Adoption Pay
- that they intend to apply for a parental order in the 6 months after the baby's birth and expect it to be granted
- if requested by the school, proof of surrogacy – the employee would need to obtain a 'statutory declaration'.

5.4 Employees whose partner is pregnant, must also confirm:

- the week the baby is expected

5.5 Employees undertaking a UK adoption must confirm in writing the following additional information:

- the date the child will be placed with them (UK adoptions)
- that their partner is getting Statutory Adoption Pay (if adopting)
- that they are not taking Statutory Adoption Leave
- that they have not taken paid time off work to attend adoption appointments

5.6 Employees undertaking an overseas adoption must supply the following additional information:

- that their partner is getting Statutory Adoption Pay (if adopting)
- that they are not taking Statutory Adoption Leave
- that they have not taken paid time off work to attend adoption appointments
- the date the child entered the UK (overseas adoptions).

6. Fostering to Adopt

Where paternity leave is taken at the time of a child being placed with the family in accordance with section 22C of the Children Act 1989 (initially for fostering) they are not entitled to a further amount of Statutory Paternity Leave when the adoption process begins. There is only one entitlement to paternity leave and pay in respect of that child.

7. Paternity Leave request form

Employees will be required to complete a 'Request for Paternity Leave Form' which the Headteacher (or Director) must sign to authorise. This can be found in appendix 1.

8. Statutory Paternity Pay

8.1 Employees who do not satisfy both the service requirement and earnings threshold set out below cannot receive statutory paternity pay, even though the may still take paternity leave from day one. Should this be the case any paternity leave would be unpaid.

8.2 Statutory Paternity Pay (SPP) is paid for one or two whole weeks at the lower figure;

Either:

- *£194.32 (as of April 2026)* ***or***

- *90% of Average Weekly Earnings (AWE) (whichever is lower)*

8.3 Statutory Paternity Pay is subject to PAYE (pay as you earn) and NI (national insurance) deductions and is paid on the usual salary pay day.

8.4 SPP is not payable in the following circumstances:

- in a week in which the person receives statutory sick pay
- following the death of the person receiving SPP
- where the person claiming SPP is detained in custody or in prison following sentence.

8.5 **Statutory Paternity Pay**

Statutory Paternity Pay from April 2024 is: £194.32 per week

Lower Earnings Limit for NI contributions from April 2026 is: £129.00 per week for an average of 8 weeks.

9. Qualifying for Statutory Paternity Pay

9.1 There are different requirements depending on whether an employee is the spouse, civil partner or partner of the pregnant woman, an adopter, the spouse, civil partner or partner of an adopter or a parent who will be named on a Parental Order when in a surrogacy arrangement.

10. Qualifying Week

10.1 The qualifying week for an employee who is the spouse, civil partner or partner of a pregnant woman is the 15th week before the week in which the baby is due (the expected week of childbirth).

10.2 The qualifying week for adopters (UK adoptions) is the week in which the prospective adopter is notified that they have been matched for adoption with a child.

10.3 The qualifying week for adopters (overseas adoptions) is the date the child enters the UK or the date when you want the paternity leave to start.

10.4 The qualifying week for those in a surrogacy arrangement is the 15th week before the week in which the baby is due (the expected week of childbirth).

11. The spouse, civil partner or partner of the pregnant woman

11.1 To qualify for Statutory Paternity Pay as the spouse, civil partner or partner of the pregnant woman an employee must:

- earn on average at least £129 a week
- give the correct notice
- have worked for the Trust continuously for at least 26 weeks up to the qualifying week
- provide proof that their partner is pregnant (MAT B1).

11.2 If an employee has less than 26 weeks continuous service by the end of the qualifying week or if their earnings are below the national insurance lower earnings limit, they will not be entitled to SPP.

11.3 If an employee does not qualify for SPP their payroll provider can provide them with a SPP1 form outlining why they are not eligible. The employee should then contact the Department for Work and Pensions to ascertain if they are eligible for other welfare benefits.

12. The spouse, civil partner or partner of an adopter

12.1 To qualify for statutory paternity pay, the adopter must:

- be classed as an employee
- have at least 26 weeks continuous service at the "qualifying week"
- continue to be employed by the same school until the date on which the child is placed
- have earned on average at least the lower earnings level (see section 7) in the 8 weeks period leading up to the week in which they were notified they had been matched with the child they are adopting have elected to receive statutory paternity pay, be married to, the civil partner or the partner of the adopter and have the main responsibility for the care of the child (together with the other parent).

12.2 If an employee has less than 26 weeks continuous service, by the end of the qualifying week or if their earnings are below the national insurance lower earnings limit they will **not be** entitled to SPP.

12.3 If they do not qualify for SPP your payroll provider will provide them with a SPP1 form outlining why they are not eligible. They should then contact the Department for Work and Pensions to ascertain if they are eligible for other welfare benefits.

13. A parent who will be named on a Parental Order when in a surrogacy arrangement

- be classed as an employee
- have at least 26 weeks continuous service at the "qualifying week"
- be responsible for the child (with their partner)
- have worked for the school continuously for at least 26 weeks by the end of the 'qualifying week' (the 15th week before the baby is due).
- The Trust may ask for a written statement to confirm the employee's intention to apply for a parental order in the 6 months after the child's birth. The employee must sign this in the presence of a legal professional.

14. Antenatal Appointments

14.1 The right to unpaid time off to attend two antenatal appointments exists for the child's father or the expectant mother's spouse or civil partner. The unpaid time off is limited to six and a half hours for each appointment.

15. Death of a baby and still-births

15.1 If a baby dies or is still-born after 24 weeks of pregnancy, the employee will still qualify for paternity leave and pay.

15.2 Where death occurs before 24 weeks (miscarriage), sympathetic consideration will be given to the circumstances and special leave or sick leave may be granted. Each case will be examined on its merits.

16. Bereaved partner's paternity leave

16.1 Employees who suffer the bereavement of their child's primary carer (the child's mother, primary adopter, or primary carer in a surrogacy arrangement) will have a statutory right to Bereaved Partner's Paternity Leave (BPPL). This is a day-one right, meaning no minimum length of service is required.

16.2 Eligible employees may take up to 52 weeks of unpaid leave to care for their child, provided the leave is taken within the first year following the child's birth or placement.

16.3 An employee qualifies for BPPL if, at the date of the bereavement:

- They are the child's father, or
- The spouse, civil partner or partner of the deceased mother or primary adopter, or
- The spouse/partner of the primary adopter, or
- The primary parental order parent in surrogacy arrangements; and
- They have the main responsibility for the child's upbringing; and

They intend to take leave for the purpose of caring for the child following the bereavement

16.4 Notice requirements depend on how soon after the bereavement leave is taken: for leave beginning within eight weeks' notice may be given orally or in writing; for leave starting later at least one week's written notice is required.

All notices must include the date of the bereavement, the intended start date of leave and the child's date of birth or adoption placement (or date of entry into Great Britain for overseas adoptions)

16.5 During BPPL, employees benefit from protections comparable to other statutory family leave regimes:

- They are protected from unfair dismissal connected to taking or seeking to take BPPL.
- They are protected from detriment for reasons relating to BPPL.
- Employees may take up to 10 Keeping-in-Touch (KIT) days by agreement.
- Employees who are at risk of redundancy must be offered any available suitable alternative employment, in line with the enhanced redundancy protections given to other family leave groups.

Appendix 1

Private & Confidential

Request for Maternity Support Leave/Paternity Leave

This form should be completed and returned to the Headteacher (or Director) in the 15th week before the expected week of childbirth

I would like to apply for:

- **Maternity/Paternity Support Leave** - Five days leave with full pay (pro rata for part time employees) to be taken any time within 56 days after the birth once in any 9-month period.

OR

- **Paternity Leave** - a statutory entitlement to two weeks' paternity leave with statutory paternity pay *(£194.32, April 2026 or* 90% of their average weekly earnings, whichever is lower), to be taken in one- or two-week blocks.

You may only apply for one of the above two schemes

Surname: _____ First Name: _____

School: _____ Post: _____

Period for which leave of absence is required:

From: _____ To: _____

State relationship to expectant mother: _____

Supporting Documents
Copy of Mat B1 of expectant mother (Maternity Support Leave or Paternity Leave)

Is enclosed with this form ☐ Will be given to you shortly ☐

Letter from expectant mother is enclosed with this form ☐
(Maternity Support Leave)

Signed:_____ Dated: _____

Request for Maternity Support Leave/Paternity Leave

For completion by Trust:

School: _____

Name of Applicant: _____

The following leave has been granted:

Five days paid Maternity/Paternity Support Leave from _____ to _____(dates)

OR

Paternity leave from _____ to _____ (dates)

Second week Paternity leave from _____ to _____ (dates)

Signed: _____ Print Name: _____ (Headteacher)

Dated: _____

Address of expectant mother ……..

……..

……..

To Whom It May Concern

I …… (name of expectant mother), certify that …….. (name of nominated carer and state nature of relationship husband/partner/other relative/friend) will be my prime carer following the birth of my child expected on ……. (date) and will assist me in the care of my child. I confirm that no other person has been nominated as my prime carer.

Signed: _____

Dated: _____