



The Bishop Konstant Catholic Academy Trust

Learning Communities, Inspired by Faith

Trust Paternity and Nominated Carer Policy & Procedure 2023/2024



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POLICY DOCUMENT	Trust Paternity and Nominated Carer Policy & Procedure
Legislation/Category: Academy Schools	Legally Required
Lead Member of Staff:	Trust Head of HR
Approved by:	BKCAT Trust Board
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Review Frequency:	2 years

Mission Statement

All policies are written in line with our Trust Mission statement:

With Jesus Christ at the centre of the life of the Trust, we seek to provide learning communities offering the highest possible standards of education. We are committed to working in partnership and trust for the common good. We strive to encourage and empower children and young people to recognise and realise their God-given potential and to discern their vocation in life. As learning communities inspired by faith, we celebrate achievement, offering each other challenge and support, as together we follow Christ in self-giving love and service.



Change Control

Version	Date	Author	Changes
1.2	June 2023	Trust HR Officer	Updated with and checked for any legislative changes 2023
1.1			
1.0			



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1. Introduction

This document provides information and guidance to managers and employees with regard to the Trust's Paternity and Nominated Carer Policy & Procedure.

2. Scope

This Policy & Procedure applies to all Bishop Konstant Catholic Academy Trust employees, including teachers and others working in community schools under the direction of a Governing Body.

Employees that have transferred to the Trust in accordance with TUPE will be subject to the statutory provisions reflected within this Policy & Procedure; however, if they have retained on transfer, terms and conditions relating to an entitlement to Paternity or Nominated Carer Leave and Pay which differs to that contained within this Policy & Procedure, then those terms and conditions will continue to apply until any agreement is reached with those employees to adopt this Policy & Procedure.

Agency workers with continuous service of 12 weeks or more are entitled to the provisions for Antenatal and Adoption Appointments as set out in section 4.

3. Data Protection

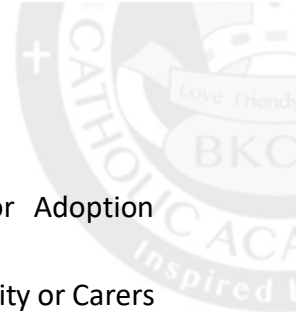
The Trust processes personal information/data collected in the application of this Paternity and Nominated Carer Leave Policy & Procedure in accordance with its legal obligations set out in the Data Protection Act 2018 and the General Data Protection Regulations 2016, which are confirmed within the Trust's Data Protection Policy.

Information/data specifically obtained to address issues raised under this Paternity and Nominated Carer Leave Policy & Procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of addressing these issues. Inappropriate access or disclosure of an employee's personal information/data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy immediately. It may also constitute a matter which will be considered in accordance with the Trust's Disciplinary Policy.

4. Responsibilities

Line Managers

- Must approve requests for Antenatal or Adoption Appointments in accordance with the employee's eligibility;
- Must bring this Policy & Procedure to the attention of employees, when aware that it might be relevant to their circumstances;



- Must update Payroll records to correctly record time off for Antenatal or Adoption appointments;
- Must ensure that the Leave Request Form is submitted to their Designated Paternity or Carers Leave Contact (DPCLC) in accordance with payroll deadlines to effect the start and end of Paternity or Nominated Carer Leave; and
- Must ensure that Payroll is notified of changes in circumstances (for example if the employee's Paternity or Nominated Carer Leave start date has changed).

Employees:

- Must comply with the notice and evidence requirements in this Policy & Procedure (see section 5);
- Should, if they are adopting jointly, consider with their partner at the earliest possible stage which of them is to be the Primary Adopter to take advantage of Adoption Leave and paid Adoption Appointments and which is to be the Secondary Adopter and take Paternity Leave and unpaid Adoption Appointments; and
- Should seek advice from their DPCLCS if they have any queries about this Policy & Procedure.

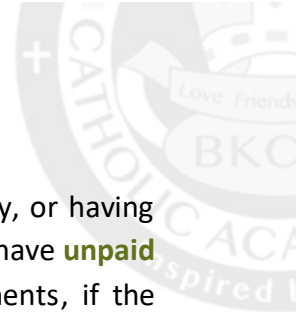
5. Antenatal or Adoption Appointments

Employees (and agency workers with 12 weeks continuous service) may have time off for Antenatal or Adoption Appointments as follows:

- The father of an expected child or the partner¹ or spouse of an expectant mother may have **unpaid** time off to attend up to 2 Antenatal Appointments
- Where a couple are jointly adopting a child through a UK Adoption Agency, one of the couple (the Primary Adopter²) may have **paid** time off to attend up to 5 Adoption Appointments that have been arranged by or at the request of the Adoption Agency. The other (the Secondary Adopter) may have **unpaid** time off to attend up to 2 such Adoption Appointments. It is important for the couple to consider at this stage which of them will be the Primary Adopter and take Adoption Leave and which of them will be the Secondary Adopter and take Paternity Leave. This is because the person who takes paid time off to attend Adoption Appointments cannot subsequently take Paternity Leave; whoever is planning to take Paternity Leave is only entitled to a maximum of 2 occasions of unpaid leave for such appointments

¹ partner is defined as a person, whether of a different sex or of the same sex, who lives with the mother or adopter and with the child in an enduring family relationship but is not the mother or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew

² Primary Adopter means in the case of a child adopted by one person, the person by whom the child has been or is to be adopted or, in the case where two people adopt the child jointly, whichever of them has elected to be the Primary Adopter for the purposes of taking Adoption Leave (the other will be the Secondary Adopter).



- Someone having a child through surrogacy arrangements and intending to apply, or having already applied with their partner, for a Parental Order in respect of the child may have **unpaid** time off to attend with the surrogate mother up to two Antenatal Appointments, if the surrogate mother agrees.

The maximum time off work permitted in respect of each Antenatal or Adoption Appointment is 6.5 hours.

Employees should provide as much notice as possible of appointment times and, where able, make their appointments near the start or end of the day or such other times to minimise disruption to service delivery.

Appointments (except the initial Antenatal Appointment) must be supported by documentation confirming the appointment date and time (and for Adoption Appointments that the appointment has been arranged by or at the request of the UK Adoption Agency).

DPCLC must record absences for Antenatal or Adoption Appointments onto the Payroll system as appropriate. It is important that DPCLC selects the appropriate option for this according to the circumstances of the adopter – either paid or unpaid leave as described above.

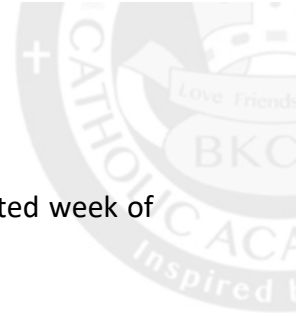
6. Paternity and Nominated Carer Leave and Pay

The purpose of Paternity Leave is to assist in the care of the child and to provide support to the mother, Primary Adopter or Primary Parental Order Parent at or around the time of the birth or adoption. Usually this support is provided by the father of the child, Secondary Adopter, Secondary Parental Order Parent or the spouse or partner of the mother / Primary Adopter / Primary Parental Order Parent.

Nominated Carer Leave is intended for any other person providing support to a mother, Primary Adopter or Primary Parental Order Parent who is not the father of the child, Secondary Adopter, Secondary Parental Order Parent spouse or partner of the mother, Primary Adopter or Primary Parental Order Parent, e.g. other family members.

Only one person may take Paternity or Nominated Carer Leave to support a mother, Primary Adopter or Primary Parental Order Parent around the time of birth or adoption. If there are multiple births from the same pregnancy or more than one child is being adopted at the same time, only one period of Paternity or Nominated Carer Leave is permitted.

Employees are entitled to take Paternity or Nominated Carer Leave following the child's date of birth or placement or arrival in the UK. The leave must end within 56 days of the date of birth or placement or arrival in the UK. If, however, the child is born early, Paternity or Nominated Carer Leave can be



taken between the period from the actual date of birth up to 56 days after the expected week of childbirth (EWC).

Paternity Leave and Pay – Eligibility and Entitlement

To qualify for Paternity Leave and Pay, the employee must be:

- the father of the child, or married to or be the partner of the expectant mother; or
- the Secondary Adopter or Secondary Parental Order Parent, who would have been eligible for Adoption Leave and Pay had they not agreed that their partner would take Adoption Leave and Pay; or the spouse or partner of a Main Adopter.

The employee must also:

- be taking time off to care for the child and/or support the mother, Primary Adopter or Primary Parental Order Parent;
- have been working for the Trust for at least 26 weeks by the “qualifying week”³;
- have or expect to have the main responsibility, other than the mother, Primary Adopter or Primary Parental Order Parent for the upbringing of the child;
- provide the necessary notice;
- not have already taken Shared Parental Leave in respect of the child or children; and
- if applicable, have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for National Insurance (in order to qualify for payment of Statutory Paternity Pay (SPP) in the second week).

Employees can choose to take a single block of either 1 or 2 weeks’ Paternity Leave.

An employee’s eligibility for Paternity Leave and Pay is unaffected if the child is stillborn after 24 weeks of pregnancy or was born and subsequently died.

Nominated Carer Leave and Pay – Eligibility and Entitlement

In a situation where there is no eligibility for Paternity Leave or Pay in relation to a child or children, there is an option for the expectant mother, Primary Adopter or Primary Parental Order Parent to nominate a carer to be their primary provider of support (sometimes referred to as maternity support leave). The employee who is nominated as the carer must:

- be taking time off work to care for the child and/or support the mother, Primary Adopter or Primary Parental Order Parent; and

³ For Maternity and Parental Order Parents - the qualifying week is the end of the 15th week before the baby is due. For Adoption – the qualifying week is the week in which the child is matched to the adopter



- have worked for the Academy Trust for at least 26 weeks by the qualifying week

Employees will **not** qualify for Paternity Leave or Nominated Carer Leave and Pay in relation to adoptions where the person they are supporting is:

- becoming a special guardian or kinship carer;
- adopting a family member or stepchild; or
- adopting privately, for example without permission from a UK Adoption Agency

Nominated Carer Leave is for a maximum period of 1 week.

Employees should discuss with their manager the approximate timeframe when they intend to take their Paternity or Nominated Carer leave.

Notification Requirements

Employees are required to give notice of their intention to take Paternity or Nominated Carer Leave by the appropriate date below:

- The 15th week before the EWC, unless this is not reasonably practicable, in which case notice should be given as soon as reasonably practicable;
- Within 7 days of the Primary Adopter being notified by the UK Adoption Agency that they have been matched with a child, unless this is not reasonably practicable, in which case notice should be given as soon as reasonably practicable; or
- Within 28 days of the Primary Adopter receiving official notification (overseas adoptions).

Employees are required, as part of the notification process, to complete the Leave Request Form and return it to their line manager, stating:

- The week the baby is due or when the adopted child is expected to be placed;
- If applicable, the date on which the Primary Adopter was notified of having been matched with the child;
- Whether they intend to take 1 week's leave, or (for Paternity Leave only) 2 weeks' leave;
- When they intend to take their Paternity or Nominated Carer Leave;
- That they are taking Paternity or Nominated Carer Leave to care for the child and/or support the child's mother, Primary Adopter or Primary Parental Order Parent;
- That they are the father, or married to or the partner of the child's mother, Primary Adopter or Primary Parental Order Parent, or that they have been nominated by the mother as their primary provider of support around the time of the birth or adoption;
- If applicable, that they expect to have responsibility for the upbringing of the child (Paternity Leave only).



Pay Eligibility

Paternity Pay

Week 1: Full pay (offset by any SPP paid)

Week 2: SPP, which is the **lower** of either 90% of the employee's average gross weekly earnings or standard rate SPP

Nominated Carer Pay

Week 1: Full pay

In addition, employees are required to complete and return (together with the Leave Request Form) one of the following forms available on the www.gov.uk website:

- Applying for paternity leave for a birth parent – Form SC3
- Applying for paternity leave for adoption or intended parent in surrogacy arrangement – Form SC4
- Applying for paternity leave for overseas adoption – Form SC5

A Parental Order Parent⁴ (in surrogacy arrangements) is also required to provide a declaration to the effect that they have applied, or intend to apply, for a Parental Order within 6 months of the child's birth.

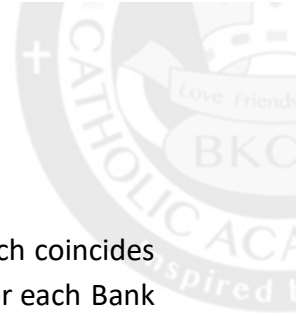
An employee claiming Paternity Leave and Pay who is adopting a child must confirm in writing that their partner is claiming Adoption Leave and/or Pay or provide a copy of their partner's Form SC6.

DPCLC must submit the Leave Request Form to Payroll giving the Paternity or Nominated Carer Leave start date in time for the payroll deadline for the month in which the Leave begins. Failure to submit this information in a timely manner may result in incorrect payments being made to the employee. Where it is not possible to give advance notification of the Paternity or Nominated Carer Leave start date, managers must notify Payroll as soon as possible.

If an employee wishes to change the start date of their Parental or Nominated Carer Leave (and start date of SPP where applicable), they may do so by giving 28 days' notice, unless it is not reasonably practicable to give such notice, in which case the employee must give as much notice as possible.

DPCLC will enter the Paternity or Nominated Carer Leave onto Payroll. Managers will be able to view the absence information on Payroll.

⁴ See <https://www.gov.uk/become-a-childs-legal-parent> for information about who can apply and how to apply.



Employees who are absent from work due to Paternity or Nominated Carer Leave which coincides with a Bank Holiday will receive a compensatory day (pro rata for part time workers) for each Bank Holiday that falls during their Paternity or Nominated Carer Leave.

Further Periods of Paternity or Nominated Carer Leave

The fact that an employee is on Paternity or Nominated Carer Leave does not change their rights in relation to further periods of Paternity or Nominated Carer Leave and Pay relating to other children. The normal rules for the employee to qualify for Paternity or Nominated Carer Leave and Pay will apply.

Only one period of Paternity or Nominated Carer Leave is permitted for a multiple birth or for any number of children being adopted under one matching certificate.

7. Returning to Work from Paternity or Nominated Carer Leave

Employees are entitled to return to work after Paternity or Nominated Carer Leave to the job in which they were employed before their Paternity or Nominated Carer Leave.

If an employee is unfit to return to work due to medical reasons on the date they were due to return to work from Paternity or Nominated Carer Leave, this will still be treated as a return to work from Paternity or Nominated Carer Leave. The Trust's Sickness Absence Policy will thereafter apply for that period of sickness absence.

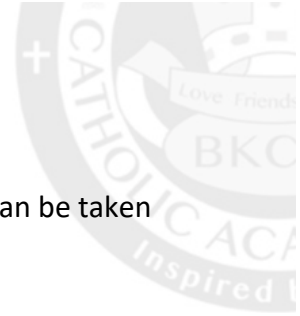
Not Returning to Work

Where an employee decides that they do not wish to return to work from Paternity or Nominated Carer Leave, and would like to resign from their employment, they may do so by giving the appropriate contractual notice.

DPCLC must then complete the leavers information on Payroll in order that the necessary action can be taken on the Payroll system.

8. Accessing Shared Parental Leave and Pay

A new mother, Primary Adopter or Primary Parental Order Parent may choose to end their Maternity or Adoption Leave early and convert the balance of this leave to Shared Parental Leave, provided both partners in the relationship are eligible. This Shared Parental Leave can then be shared between the mother, Primary Adopter or Primary Parental Order Parent and their partner. It therefore allows an employee taking Paternity Leave the opportunity to share in the childcare.



Any untaken Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance can be taken as Statutory Shared Parental Pay (subject to eligibility).

A new mother, Primary Adopter or Primary Parental Order Parent choosing to end their Maternity or Adoption Leave early and convert the balance of this leave to Shared Parental Leave must give 8 weeks' notice of this.

Where an employee is considering taking Paternity Leave and Shared Parental Leave, they must take their Paternity Leave first. This is because an employee cannot take Paternity Leave in respect of a child if they have already taken Shared Parental Leave for that child.

For full details see the Trust's Shared Parental Leave Policy.

9. Associated Documents

Trust's Adoption Policy & Procedure

Trust's Maternity Policy & Procedure

Trust's Shared Parental Leave Policy & Procedure

