

TEACHERS' PATERNITY LEAVE SCHEME

1. This Scheme is the result of an agreement reached between Management and Teachers' Sides of the Teachers' Salaries and Conditions of Service Committee (Schools). It reflects rules concerning statutory paternity leave as a consequence of relevant legislation.
2. This scheme applies to all teachers to provide leave to care for their child or support the mother/adopter following the birth or placement for adoption (subject to eligibility), irrespective of pay or weekly working hours.

Further Advice

3. Further information on paternity rights is available from the NI Direct website: www.nidirect.gov.uk/employment.
4. Any enquiries regarding these arrangements should be made to the relevant employing authority.

Pension Position

5. Any enquiries regarding a teacher's pension position should be made to Teachers' Pensions Branch (Tel: 028 7131 9000).
6. Where a teacher's contributable salary is reduced due to paternity leave, the teacher's contributions are based on the reduced rate of salary paid. Employer contributions during such a period of leave are paid on the rate of pensionable pay as if no reduction has been made.
7. From 1 April 2007 the facility to purchase additional service (current added years) to cover periods of unpaid leave for pension purposes was withdrawn. However, teachers may purchase additional pension benefits in blocks of £250 up to a maximum of £5,500.

CONDITIONS OF SERVICE FOR SCHOOL TEACHERS IN NORTHERN IRELAND

TEACHERS' PATERNITY LEAVE SCHEME

Unpaid Time off to Accompany to Ante-Natal Appointments:

A teacher who has a qualifying relationship with a pregnant woman or her expected child is entitled to be permitted to take time during working hours in order that he or she may accompany the woman when she attends by appointment at any place for the purposes of receiving ante-natal care subject to the following:

- the appointment must be made on the advice of a registered medical practitioner, registered midwife or registered health visitor;
- the right to take time off for this purpose is limited to no more than two occasions; and
- on each occasion, the maximum time off during working hours is 6 and a half hours

The teacher must provide a declaration stating the following to avail of the entitlement;

- that he or she has a qualifying relationship with a pregnant woman or her expected child;
 - that his or hers purpose in taking time off is for the purpose of accompanying the woman to ante-natal appointments;
 - that the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered health visitor;
- and
- the date and time of the appointment.

Unpaid Time off to Attend Adoption Appointments

A teacher who has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with the teacher and another person jointly and has elected to exercise the right to take unpaid time off in connection with the adoption, will be entitled to be permitted to take time off during working hours in order that he or she may attend by appointment at any place for the purpose of having contact with the child or for any other purpose connected with the adoption subject to the following:

- the appointment must have been arranged by, or at the request of , the adoption agency which made the notification;
- the teacher is not entitled to exercise this right on or after the date of the child's placement for adoption with the teacher;
- the right to take time off for this purpose is limited to no more than two occasions; and
- on each occasion, the maximum time of during working hours is 6 and a half hours

The Teacher, if requested must provide the following

- a signed declaration that he or she has elected to take unpaid time off to attend an adoption appointment in connection with the adoption; and
- a document showing the date and time of the appointment and that it has been arranged as above.

Paternity Leave

1. Following the birth of a child or the placement of a child for adoption, teachers who are eligible under paragraph 2 have the right to take either 1 or 2 weeks' paid statutory paternity leave to care for the child or support the mother or adopter.

2. **Eligible** Teachers must satisfy the following conditions in order to qualify for paternity leave. They must:
 - have or expect to have responsibility for their child's upbringing;
 - be the biological father of the child or the mother's husband or partner¹ (including same-sex partner or civil partner) or be the adopter (in the case of joint adoption) or adopter's spouse or partner (including same-sex partner or civil partner) or prospective adopter's husband or partner (including same-sex partner or civil partner (in the case of fostering to adopt) or the Parental Order Parent's or intended Parental Order Parent's husband or partner (including same sex partner or civil partner); and
 - have completed 26 weeks' continuous service as a teacher with one or more employing authority at the end of the fifteenth week before the baby is due or the end of week the adopter is notified of being matched with a child². In the case of fostering to adopt as soon as reasonably practicable.
3. Schools can ask teachers to provide a self-certificate (see below for further details) as evidence that they meet these eligibility conditions.

Length of Paternity Leave

4. Eligible teachers may take their statutory paternity leave in blocks of either one week or two consecutive weeks, but not odd days.
5. Under the existing arrangements teachers may apply for up to 3 days' paid paternity leave, granted at the discretion of the Board of Governors.
6. It is not possible to avail of the statutory and discretionary leave and pay provisions separately.

1 A partner who lives with the adopter of the child in an enduring family relationship but is not a relative of the adopter under Regulation 2 of The Additional Paternity Leave Regulations (NI) 2010.

2 in the case of overseas adoption, the teacher must have 26 weeks' continuous service at the end of the week in which 'Official Notification' is received or commencing with the week in which employee's employment with the employer began.

Examples

(i) A teacher may be granted up to 3 days' leave and pay at the discretion of the Board of Governors without choosing to avail of the statutory provision.

(ii) A teacher may avail of one week statutory paternity leave and pay which may include the 3 discretionary days.

(iii) A teacher may avail of 2 consecutive weeks' statutory paternity leave and pay, which may include the 3 discretionary days.

(iv) It is not possible to avail of the 1 or 2 consecutive weeks' statutory paternity leave and separately of the discretionary days at a different time.

7. Subject to paragraph 8, teachers can choose to start their leave:

- from the date of the child's birth or from the date of the child's placement, if adopted (whether this is earlier or later than expected); or
- from a chosen number of days or weeks after the date of the child's birth or placement (whether this is earlier or later than expected); or
- from a chosen date.

8. Leave can start on any day of the week on or following the child's birth or placement but must be completed:

- within 56 days of the actual date of birth of the child or date of placement; or
- if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

9. Only one period of leave is available to teachers irrespective of whether more than one child is born as a result of the same pregnancy or more than one child is placed with the adopter.

Statutory Paternity Pay

10. During their paternity leave, subject to paragraph 13, eligible teachers will be entitled to Statutory Paternity Pay (SPP).
11. Statutory Paternity Pay is paid for either 1 or 2 consecutive whole weeks as the teacher has chosen. As such, a teacher who applies for and is granted 5 working days' leave, for example, Monday to Friday, would only be paid their 3 days' discretionary leave and would not be eligible for SPP. The rate of Statutory Paternity Pay is the same as the standard rate of Statutory Maternity Pay.
12. Where the Board of Governors grants up to 3 days' discretionary leave with full salary this will be offset against any payments made by way of statutory paternity pay.
13. Teachers who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes do not qualify for SPP. Such teachers should contact their local Social Security Office or Inland Revenue Office for further information on any financial support which may be available to them.

Notice of Intention to Take Paternity Leave

14. Teachers are required to inform their school of their intention to take paternity leave by the fifteenth week before the baby is expected or within 7 days of the adopter being notified by their adoption agency that they have been matched with a child, unless this is not reasonably practicable. They must complete and submit Form SC3 (Form SC4 where it is a UK adoption and Form SC5 where it is an overseas adoption) through the school principal, to Teachers Pay and Administration Branch, Department of Education, 75 Duke Street, Londonderry (Tel: 028 71 319000), as evidence of their entitlement to SPP and paternity leave and to advise:
 - the week the baby is due or when the child is expected to be placed;
 - whether they wish to take 1 or 2 weeks' leave; and
 - when they want their leave to start.

15. Teachers may change their mind about the date on which they want their leave to start, providing they give at least 28 days' notice, unless this is not reasonably practicable, to their school principal who will immediately inform Teachers Pay and Administration Branch.
16. Requests for up to 3 days' discretionary paid leave should be made to the school principal in the normal manner.

Shared Parental Leave and Statutory Shared Parental Pay

17. A teacher who is eligible for Paternity Leave could have the right to shared parental leave and statutory shared parental pay. Please refer to the Teachers' Shared Parental Leave Scheme (TNC 2015/5).

Other Rights and Obligations Relating to Paternity Leave

Continuous Service

18. Continuous service is not broken by school holidays provided that the teacher continues to be employed up to the start of a holiday period and resumes work immediately after it whether or not with the same employing authority.
19. A period of paternity leave shall count for the purposes of the award of any points awarded for experience to which the teacher may be entitled.

Contractual Benefits

20. Teachers are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to salary, throughout their ordinary or additional paternity leave.

Protection from Detriment and Dismissal

21. Teachers are protected from suffering unfair treatment or dismissal for taking, or seeking to take paternity leave, shared parental leave or time off to accompany to ante-natal appointments or time off to attend adoption appointments. Teachers who believe they have been treated unfairly may invoke the Grievance Procedure.