

## **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 new rules concerning statutory paternity leave as a consequence of the Maternity and Parental Leave etc Regulations (NI) 1999 (as amended).

### **Further Advice**

2. Further information on paternity rights is available from the Employment Rights page of the Department for Employment and Learning's (DEL) website, [www.delni.gov.uk](http://www.delni.gov.uk)

### **Enquiries**

3. Any enquiries regarding these arrangements should be made to [*insert contact*]

### **Pension Position**

4. Any enquiries regarding a teacher's pension position should be made to Teachers' Pensions Branch (Tel: 028 71 319000).

5. 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.

6. If a teacher chooses not to pay contributions during unpaid leave, that period will not count as reckonable for pension purposes. A teacher who wants to cover a period of unpaid leave for pension purposes may avail of the facility to pay Current Added Years by paying the full contribution i.e. the combined teacher's and employer's contribution.

## **CONDITIONS OF SERVICE FOR SCHOOL TEACHERS IN NORTHERN IRELAND**

### **TEACHERS' PATERNITY LEAVE SCHEME**

1. Following the birth of a child or the placement of a child for adoption, teachers who are eligible under paragraph 3 have the right to take either 1 or 2 weeks paid statutory paternity leave to care for the child or support the mother or, in the case of adoption, the adopter or other adopter.

#### **Effective Date.**

2. These provisions apply to teachers whose children are born, or where an approved adoption agency notifies the adopter of a match with a child, on or after 6 April 2003.

#### **Eligibility.**

3. 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 partner or be the adopter's spouse or partner; and
  - have completed 26 weeks' continuous service as a teacher with one or more employing authority leading into the fifteenth week before the baby is due or the adopter is notified of being matched with a child.
4. 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.**

5. Eligible teachers may take their statutory paternity leave in blocks of either one week or two consecutive weeks, but not odd days.

6. Under the existing arrangements teachers may apply for up to 3 days' paid paternity leave, granted at the discretion of the Board of Governors.
7. It is not possible to avail of the statutory and discretionary leave and pay provisions separately.

### 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.
8. Subject to paragraph 9, 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.
  9. 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.

10. 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.**

11. During their paternity leave, subject to paragraph 14, eligible teachers will be entitled to Statutory Paternity Pay (SPP).
12. 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.
13. 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.
14. 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.**

15. 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 for an adoptive parent) 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.
16. 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.
  17. Requests for up to 3 days' discretionary paid leave should be made to the school principal in the normal manner.

### **Contractual Benefits.**

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

### **Return to Work After Paternity Leave.**

19. Teachers are entitled to return to the same job following paternity leave.

### **Other Provisions.**

20. 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.
21. 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.

### **Protection from Detriment and Dismissal.**

22. Teachers are protected from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave. Teachers who believe they have been treated unfairly may invoke the Grievance Procedure. However, if the matter is not resolved, as an exception to the normal rules of the Grievance Procedure, the teacher may complain to an industrial tribunal.