

# HUMAN RESOURCES POLICY

## PATERNITY LEAVE

<b>Policy Number:</b>	HR22
<b>Version Number:</b>	3.0
<b>Issued Date:</b>	July 2016
<b>Review Date:</b>	July 2019

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<b>Consultation Process:</b>	CCG Partnership Forum
<b>Formally Approved:</b>	CCG Ratification Process

<b>Policy Adopted From:</b>	BSA HR22 Paternity Policy
<b>Approval Given By:</b>	n/a

### Document History

Version	Date	Signi
1	April 2013	n/a
2	March 2015	Non
3	July 2016	Refe addi

### Equality Impact Assessment

Date	Issues
13.12.12	None

### Policy Validity Statement

This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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## **1. POLICY STATEMENT**

- 1.1 Paternity leave (Maternity support) is provided to allow employees time away from work following the birth or adoption of a child. This policy details the arrangements within the Organisation in relation to paternity leave and pay.
- 1.2 This policy will apply to biological and adoptive fathers, nominated carers and same sex partners.

## **2. PRINCIPLES**

- 2.1 Employees for whom this policy applies are entitled to Ordinary Paternity Leave.
- 2.2 The employee and the new mother may also be entitled to shared parental leave and pay. The HR39 Shared Parental Leave Policy applies to all eligible employees of the CCG who have babies and their Expected Week of Childbirth (EWC) is on or after 5 April 2015 and for children who are placed for adoption on or after that date.
- 2.3 Employees should refer to the HR19 Other Leave Policy for information concerning time off to attend ante-natal or adoption appointments.
- 2.4 Training and support will be provided to all Line Managers in the implementation and application of this policy

### **Ordinary Paternity Leave**

- 2.5 To qualify for up to two weeks ordinary paternity leave, with Occupational Paternity Pay, an employee must:
- 2.5.1 have, or expect to have, responsibility for the child's upbringing;

- 2.5.2 be the biological father of the child, or be the mother's spouse, partner or civil partner but not the father of the child, or be the adopter's spouse or partner;
- 2.5.3 have worked continuously for 12 months for one or more NHS employers by the beginning of the week in which the baby is due or the adopted child is due to be placed.
- 2.6 Where an employee satisfies the conditions in 2.5 above, payment will be made at full salary, including regular payments and bonus, less any Statutory Paternity Pay (SPP), for up to two weeks.
- 2.7 An employee who satisfies the conditions in 2.5 above, except 2.5.3, will be entitled to SPP and leave provided they:
- 2.7.1 have 26 weeks continuous service with one or more NHS employers, ending with the 15th week before the baby is due or the week in which notification of the adoptive match occurs;
- 2.7.2 will continue to be employed up to the date of birth or placement of a child; - check
- 2.7.3 have average weekly earnings at or above the Lower Earnings Limit.
- 2.8 SPP is the same as the standard rate for Statutory Maternity Pay, or 90% of average weekly earnings if this is less than SPP.
- 2.9 If the baby is born earlier than the fourteenth week before it is due and, but for the birth occurring early, the employee would have been employed continuously for 26 weeks, then the employee will be deemed to have the necessary length of service.
- 2.10 Employees can choose to take either one week's, or two separate or continuous weeks, leave (i.e. not odd days). Only two weeks leave is available irrespective of whether more than one child is born as a result of the same pregnancy or more than one child placed together for adoption.
- 2.11 Leave can start from:
- the date of the child's birth or placement (whether this is earlier or later than expected), **or**
- 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**
- a chosen date.
- 2.12 Leave can start on any day of the week on or following the child's date of birth or placement but must be completed:
- within 56 days of the actual date of birth or placement of the child, **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.
- 2.13 Employees will be entitled to reasonable time off to attend ante-natal classes or official meetings in the adoption process.
- 2.14 Annual leave will accrue during ordinary paternity leave.

- 2.15 Paid Special/Other leave may be granted where there are difficulties at the time of birth.
- 2.16 Pension contributions will be deducted from salary as normal during paid Paternity Leave and continue to be payable during unpaid leave. On return to work, arrears of contributions will be deducted by Salaries over an agreed period of time.
- 2.17 The employee is entitled to return to the same job, on the same terms and conditions of employment, after ordinary and additional paternity leave.
- 2.18 Absence on Paternity Leave, whether paid or unpaid, counts as service towards the normal annual increment.
- 2.19 An employee has the right to apply to return to work on a part-time or flexible working basis. Applications should be made to their Line Manager and will be given fair and objective consideration.

### **3. EQUALITY**

- 3.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

### **4. MONITORING AND REVIEW**

- 4.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

### **5. ASSOCIATED DOCUMENTATION**

- 5.1 The following documentation is linked to this policy:

HR19 Other Leave Policy  
HR39 Shared Parental Leave Policy

### **6. PROCEDURE**

#### **Ordinary Paternity Leave**

- 6.1 An employee must, wherever possible, give at least 28 days notice of their intention to take ordinary paternity leave by completing form PAT1 (Appendix 1) and submitting it to their manager.
- 6.2 Form PAT1 is evidence that the employee meets the eligibility conditions and includes the following information:
- the week the baby is due or the child is expected to be placed;
  - whether one week or two consecutive weeks is requested;
  - the date ordinary paternity leave is to start;
  - the employee's confirmation of eligibility.

- 6.3 In the event of a still birth, if the birth takes place after the 24<sup>th</sup> week of pregnancy the employee will be entitled to the same amount of ordinary paternity leave and pay as if the baby had been born alive.

**Appendix 1**

**Paternity Leave Application Form**

## **Appendix 2 - Equality Analysis Initial Assessment**

### **Title of the change proposal or policy:**

Paternity Leave

### **Brief description of the proposal:**

To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHS LA Standards and takes account of best practice.

### **Name(s) and role(s) of staff completing this assessment:**

Theresa Gavin – HR Management Trainee

**Date of assessment:** 13<sup>th</sup> December 2012

### **Please answer the following questions in relation to the proposed change:**

**Will it affect employees, customers, and/or the public? Please state which.**

Yes it will affect all employees.

**Is it a major change affecting how a service or policy is delivered or accessed?**

No

**Will it have an effect on how other organisations operate in terms of equality?**

No

**If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:**

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

Please return a copy of the completed form to the Equality & Diversity Manager

HYPERLINK "[http://www.slam.nhs.uk/media/373445/nhs\\_rgb.jpg](http://www.slam.nhs.uk/media/373445/nhs_rgb.jpg)"  
**North of England Clinical Commissioning Groups**