

## HUMAN RESOURCES POLICY

### PATERNITY LEAVE

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<b>Approval Given By:</b>	n/a

#### Document History

Version	Date	Significant Changes
1	April 2013	n/a
2	March 2015	None
3	July 2016	Reference to shared parental leave added and additional paternity leave removed.
4	June 2019	Pay progression included to reflect amended national pay progression framework.

#### Equality Impact Assessment

Date	Issues
13 December 2012	None
10 September 2019	Policy to be available in alternative formats.

#### 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.

## **CONTENTS**

<b>1.0</b>	<b>POLICY STATEMENT</b>	<b>3</b>
<b>2.0</b>	<b>PRINCIPLES</b>	<b>3</b>
<b>3.0</b>	<b>EQUALITY STATEMENT</b>	<b>5</b>
<b>4.0</b>	<b>MONITORING AND REVIEW</b>	<b>5</b>
<b>5.0</b>	<b>ASSOCIATED DOCUMENTATION</b>	<b>5</b>
<b>6.0</b>	<b>PROCEDURE</b>	<b>5</b>
<b>Appendix 1</b>	<b>PATERNITY APPLICATION FORM</b>	<b>7</b>
<b>Appendix 2</b>	<b>EQUALITY IMPACT ASSESSMENT</b>	<b>9</b>

## **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.

### **Ordinary Paternity Leave**

- 2.4 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.
- 2.5 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.
- 2.6 An employee who satisfies the conditions in 2.5 above, except 2.5.3, will be entitled to SPP and leave provided they:
  - 2.6.1 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;
  - 2.6.2 will continue to be employed up to the date of birth or placement of a child; - check
  - 2.6.3 have average weekly earnings at or above the Lower Earnings Limit.

- 2.7 SPP is the same as the standard rate for Statutory Maternity Pay, or 90% of average weekly earnings if this is less than SPP.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 Employees will be entitled to reasonable time off to attend ante-natal classes or official meetings in the adoption process.
- 2.13 Annual leave will accrue during ordinary paternity leave.
- 2.14 Paid Special/Other leave may be granted where there are difficulties at the time of birth.
- 2.15 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.
- 2.16 An employee on paternity will progress through their pay step on the date a pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirms the standards for pay progression would not be met. If a meeting cannot be conducted prior to the departure, the pay step should be applied automatically in the employee's absence.

- 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.

## Paternity Leave Application Form

<b>APPLICATION FOR PATERNITY LEAVE &amp; PAY</b>			
This form should be used for staff who are making an application for Paternity Leave & Pay in accordance with the organisations Paternity Leave Policy. You will need to provide the MATB1 certificate or matching notification with this application form.			
<b>Employee Details</b>			
<b>Employee Name:</b>			
<b>Payroll Number:</b>			
<b>CCG Name:</b>			
<b>Department:</b>			
<b>Job Title:</b>			
<b>Contract Type:</b> (perm / fixed term / etc)			
<b>Contract End Date:</b>			
<b>Start Date with CCG:</b>			
<b>NHS Continuous Service Date:</b>			
<b>Working Hours:</b>			
<b>Eligibility for Paternity Leave</b>			
<b>I have ticked the boxes below to confirm my eligibility; I understand that I must meet all of the criteria listed below in order to be eligible for Paternity Leave and Pay.</b>			
I am the baby's biological father, or the mother's husband or partner (including same sex partners), or one member of a couple who are jointly adopting a child			
I have responsibility for the child's upbringing			
I will take time off to support the primary carer and care for the child			
<b>Paternity Leave Dates</b>			
My partner is expecting a baby on:			
<b>OR</b>			
We are adopting a child and our expected date of placement is:			
<b>Please note that you paternity leave cannot start before the birth or placement of your child.</b>			
I wish to apply for	1 or 2	weeks paid paternity leave to start on:	
Further details of Leave:			
<i>Please note that Paternity Leave can only be taken as one or two consecutive weeks, no odd days are allowed. All the leave must be completed within 56 days of the actual date of birth or in the event of the birth occurring early, the leave must be completed within 56 days after the expected date of birth. Only one period of leave can be taken regardless of the number of children born from the same pregnancy or placement.</i>			

<b>Eligibility for Paternity Leave</b>
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**I have ticked the boxes below to confirm my eligibility for Paternity Leave. I understand that I must meet all of the criteria listed below in order to be eligible for Paternity Leave.**

I am the baby's biological father, or the mother's husband or partner (including same sex partners), or one member of a couple who are jointly adopting a child	
I have responsibility for the child's upbringing	
I will take time off to support the primary carer and care for the child	

<b>Eligibility for Paternity Pay</b>
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**Please tick one of the options below**

Length of Service	Tick	Pay Entitlement
I have 12 months continuous service with NHS employers by the beginning of the EWC or placement date.		Up to two weeks full pay (which included Statutory Paternity Pay)
I have 26 weeks continuous service with NHS employers at the 15 <sup>th</sup> week prior to the EWC / placement date.		Up to two weeks Statutory Paternity Pay
I have less than 26 weeks continuous service with NHS employers at the 15 <sup>th</sup> week prior to the EWC / placement date.		No pay entitlement

<b>Employee Agreement</b>
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I confirm that the information provided on this form is accurate.

Name:	
Signature:	
Date:	

<b>Manager Agreement</b>
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Name:	
Signature:	
Date:	

Once completed and signed, please return this form to Human Resources by email to: [necsu.ccgsupport@nhs.net](mailto:necsu.ccgsupport@nhs.net)

<b>FOR HUMAN RESOURCES ONLY</b>
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Date Received:		Checked by:	
Signed:		Date:	
Date sent to payroll:			

## Equality Impact Assessment

<p><b>What impact will the new policy/system/process have on the following:</b></p>
<p><b>Age - Consider and detail age related evidence. This can include safeguarding, consent and welfare issues</b></p> <p>Appropriate methods of communication of the Policy have also been carefully considered to ensure they reach all ages of the workforce. Email and the internet can be accessed by all users in the workplace.</p>
<p><b>Disability - Consider and detail disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities</b></p> <p>The disability status of the workforce across the region is largely unknown therefore relevant tools could be made available to staff that potentially do have a disability that the organisations are unaware of. The policy should be able to be communicated in alternative methods as required for those with a disability and/or visual impairment such as braille, large font, interpreters etc.</p>
<p><b>Gender reassignment (including transgender) - Consider and detail evidence on transgender people. This can include issues such as privacy of data and harassment.</b></p> <p>The policy does not include content or vocabulary that could cause offense or discriminate against any staff members who have undergone or are undergoing gender reassignment or that identify as transgender.</p>
<p><b>Marriage and civil partnership - Consider and detail evidence on marriage and civil partnership. This can include working arrangements, part-time working, and caring responsibilities.</b></p> <p>The content of this policy does not include content or vocabulary that discriminates against staff that may be married or in a civil partnership.</p>
<p><b>Pregnancy and Maternity - Consider and detail evidence on pregnancy and maternity. This can include working arrangements, part-time working, and caring responsibilities.</b></p> <p>The policy does not discriminate against staff that are currently pregnant or on maternity leave and can be accessed while on maternity leave or any other leave of absence via the organisation's website.</p>
<p><b>Race - Consider and detail race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers.</b></p> <p>The policy does not include vocabulary or content that discriminates against staff on the grounds of race.</p>
<p><b>Religion or belief - Religion is defined as a particular system of faith and worship but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</b></p> <p>The policy does not discriminate against staff that hold any particular religion or belief.</p>

<p><b>Sex/Gender - Consider and detail evidence on men and women. This could include access to services and employment.</b></p> <p>The Policy does not discriminate between staff that are men or women.</p>
<p><b>Sexual orientation - Consider and detail evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers.</b></p> <p>The content of this policy and vocabulary used does not discriminate against staff based on their sexual orientation.</p>
<p><b>Carers - Consider and detail evidence on part-time working, shift-patterns, and general caring responsibilities.</b></p> <p>The content of this policy and vocabulary used does not discriminate against staff who have carer responsibilities.</p>
<p><b>Other Identified Groups and Health Inequalities - Consider and detail evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers). What is the potential impact of your work on health inequalities?</b></p> <p>Other groups have been considered however as the policy is for staff there are no additional impacts on health inequalities.</p>

### Action Plan

Ref no.	Potential Challenge/ Negative Impact	Protected Group Impacted (Age, Race etc)	Action(s) required	Expected Outcome	Owner	Timescale/ Completion date
1	Staff unable to access policy due to particular characteristic	Age, disability	Have a process in place for alternative formats provided if required. As part of reasonable adjustments on appointment or during employment any policy should be adapted by the CCG	All staff can access and use the policy. NECS HR or Equality Team can be contacted for any requests.	Jenna McGuinness, HR Manager	On receipt of individual request