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| **Human Resources** | **HR22 Paternity Leave Policy** |

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| **Version Number** | | **Date Issued** | **Review Date** |
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| **Prepared By:** | Beth Coombes |
| **Consultation Process:** | North of England Commissioning Support (NECS) in partnership with CCG management and Trade Union organisations via the HR Policy Working Group and the CCG Partnership Forum. |
| **Formally Approved:** | July 2022 |
| **Approved By:** | ICB Board |

**EQUALITY IMPACT ASSESSMENT**

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| **Date** | **Issues** |
|  | To be completed, as outlined in the agreed 2022/23 HR EIA review schedule. |

**POLICY VALIDITY STATEMENT**

Policy users should ensure that they are consulting the currently valid version of the documentation. The policy will remain valid, including during its period of review. However, the policy must be reviewed at least once in every 3-year period.

**ACCESSIBLE INFORMATION STANDARDS**

If you require this document in an alternative format, such as easy read, large text, braille or an alternative language please contact [necsu.icbhr@nhs.net](mailto:necsu.icbhr@nhs.net)

**Version Control**

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| **Version** | **Release Date** | **Author** | **Update comments** |
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**Approval**

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| **Role** | **Name** | **Date** |
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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 organisation 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 that 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 organisation 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 24th 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**

**Equality Impact Assessment**

Equality Impact Assessments will be updated to include statistical data. Equality Impact Assessments will be updated and included in each Human Resource policy, as per the agreed 2022/23 HR EIA review schedule