

Paternity Leave Policy

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Ratified by: (Name of responsible Committee)	Senior Managers Meeting Remuneration Committee
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REVIEW AND AMENDMENT LOG

Version Number	Date	Author	Description of Change or reason for update
V1	Oct 18	MLCSU People Services Team	Review in two years or sooner in line with legislation Key Changes: Reference to Shared Parental leave removed – now HR21
V2	Sept 19	Demi Shaw	Policy reviewed and Review date updated

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PART 1

HR POLICIES PATERNITY LEAVE

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 CCG 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 Two types of leave are available, Ordinary Paternity Leave and Additional Paternity Leave.

Ordinary Paternity Leave

- 2.2 To qualify for up to two weeks ordinary paternity leave, with Occupational Paternity Pay, an employee must:
 - 2.2.1 have, or expect to have, responsibility for the child's upbringing;
 - 2.2.2 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;
 - 2.2.3 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.
- 2.3 Where an employee satisfies the conditions in 2.2 above, payment will be made at full salary, including regular payments and bonus, less any Statutory Paternity Pay (SPP), for up to two weeks.
- 2.4 An employee who satisfies the conditions in 2.2 above, except 2.2.3, will be entitled to SPP and leave provided they:
 - 2.4.1 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;
 - 2.4.2 will continue to be employed up to the date of birth or placement of a child;
 - 2.4.3 have average weekly earnings at or above the Lower Earnings Limit.
- 2.5 SPP is the same as the standard rate for Statutory Maternity Pay, or 90% of average weekly earnings if this is less than SPP.
- 2.6 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.

- 2.7 Employees can choose to take either one week, 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.
- 2.8 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.
- 2.9 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.
- 2.10 Employees will be entitled to reasonable time off to attend ante-natal classes or official meetings.
- 2.11 Annual leave will accrue during ordinary paternity leave.
- 2.12 Paid Special/Other leave may be granted where there are difficulties at the time of birth.

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 the HR team in conjunction with operational managers at the CCG and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

PART 2

1. PROCEDURE

Ordinary Paternity Leave

- 1.1 An employee must, wherever possible, give at least 28 days' notice of their intention to take ordinary paternity leave by completing Form PAT1 (Appendix 2).
- 1.2 The form 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.
- 1.3 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



Paternity Leave EIA

Appendix 2

Application for Ordinary Paternity Leave and Pay

Please complete this form and forward it to your manager at least 28 days before the expected date of childbirth/ date of adoption (or if this is not possible as soon as is reasonably practicable).

Name

Assignment Number

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Job Title

Organisation

I am expecting a baby/adopting a child on

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(date/week)

Child's actual date of birth/adoption

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RETURNING TO WORK FOLLOWING ORDINARY PATERNITY LEAVE

If you have more than 12 months service, complete this section

I wish to claim NHS contractual paternity leave and pay

I will begin my paternity leave on

--	--	--	--	--	--	--	--	--	--

(Date)

I wish to take

one week's leave* two week's leave* (*delete)

My anticipated date of return is

--	--	--	--	--	--	--	--	--	--

(Date)

If I wish to change the date that I will begin my paternity leave, I undertake to give my manager 28 days notice.

I understand that in the event of failure to return to duty as stated above, the organisation will reclaim all paternity payments received other than Statutory Paternity Payments due.

If you have less than 12 months service but have completed 26 weeks continuous service with one or more NHS employers then complete this section.

I wish to claim statutory paternity leave and pay.

I will begin my paternity leave on

--	--	--	--	--	--	--	--	--	--

(Date)

My anticipated date of return
is

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

(Date)

If I wish to change the date that I will begin my paternity leave, I undertake to give my manager 28 days notice.

Declaration

I can confirm that I meet the eligibility requirements for paternity leave as described in the CSU's Paternity Leave Policy.

Employee
Signature

Date

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PLEASE ALSO ATTACH AN SC3 FORM TO YOUR APPLICATION

This form is available on the BMS website / HR section

For Completion by the Employees Manager

Name

Job Title

Signature

Date

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For Salaries and Wages Use Only

Notification Week

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Ordinary Paternity
Period
Commences

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Ordinary Paternity
Pay Period Ceases

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