



Paternity Leave Policy & Procedure

Document Number	
Version:	V1.0
Approved by:	SMT
Date approved:	2/2/2018
Name of originator/ author:	HR Policy & ER Manager
Date issued:	8/2/2018
Date next review due:	2/2/2021
Target audience:	All Staff
Replaces:	New Policy

Contents

1 Objectives	3 Error! Bookmark not defined.
2 Scope	3 Error! Bookmark not defined.
3 Principles	4
4 Definitions	4 Error! Bookmark not defined.
5 Roles and Responsibilities	4
Error! Bookmark not defined. 6 Paternity Leave	5
7 Paternity Pay	6
8 Notification Requirements	7
9 Leave for Ante Natal Appointments	8
10 Contractual Rights	8
11 Return to work	8
12 False Declaration	9
13 Competence	9
14 Monitoring	9
15 Audit and Review	9
16 Equality Impact Appraisal	9
17 Associated Documentation	9
18 References	10

Appendix A Paternity Leave Notification Form

Appendix B Change of Paternity Leave Notification Form

Document Control

Equality Analysis Record

1 Objectives

- 1.1. This document outlines the Paternity Leave Procedure for South East Coast Ambulance Service NHS Foundation Trust (the Trust). The Trust recognises the important role a father or partner can play in the upbringing of a child and offers all eligible employees their paternity leave and pay entitlements in line with Agenda for Change National Terms and Conditions Handbook, Employment Act 2002 and the Works and Families Act 2006, the Paternity and Adoption Leave (Amendment) Regulations 2014 and the Children and Families Act 2014.
- 1.2. Working parents represent a considerable proportion of the Trust's workforce but many may find it difficult to balance the demands of work and childcare. The Trust has developed a number of policies which have the potential to encourage a greater number of fathers to play a more equal role in bringing up their children whilst maintaining an effective work performance and the continued provision of high quality services.
- 1.3. The purpose of this policy is to ensure statutory and contractual requirements are met in respect of Paternity Leave. It also aims to provide a consistent and equitable approach to the management of Paternity Leave.
- 1.4. It also aims to inform staff of their entitlements when on Paternity Leave.

2 Scope

- 2.1. The policy applies to all Trust staff who have the responsibility for bringing up a child. This can be the biological father, the mother's husband or partner (including same-sex couples) or one member of a couple who have jointly adopted a child or have a surrogacy arrangement for a child.
- 2.2. This policy should be read in conjunction with other Trust Policies and Procedures which provide opportunities for flexible working and special leave, in particular:
 - Special Leave Policy
 - Flexible Working Policy
 - Maternity Policy & Procedure
 - Adoption Policy & Procedure
 - Shared Parental Leave Policy & Procedure

3 Principles

- 3.1. The Trust seeks to eliminate unlawful discrimination against colleagues, potential employees, patients or clients on the grounds of sex, marital status, disability, sexual orientation, gender identity, age, race, ethnic or national origin, religion, pregnancy/ maternity, political opinion, or trade union membership and to promote equality of opportunity and good relations between employees and clients.
- 3.2. Employees must at all times indicate an acceptance of these principles and fulfil their responsibilities with regard to equality legislation and the Trust's Equality Diversity and Inclusion Policy and protocols.
- 3.3. Overall, policies on parental leave should be inclusive and coherent, and employers should train managers to ensure they understand their responsibilities in delivering their organisation's policies in supporting working parents.
- 3.4. Employees may be entitled to Paternity Leave and Pay if their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement.

4 Definitions

Notification Week - the end of the 15th week before the Expected Week of Childbirth or, in the case of adoption, within 7 days of being notified by the adoption agency that they have been matched with a child.

5 Roles and Responsibilities

5.1. Employees

- 5.1.1 To read the Policy and meet the requirements in respect of applications and timescales; ensuring that they are aware of the implications on their terms and conditions, including their pay, arising from Paternity Leave.
- 5.1.2 To notify the Trust of their partner's pregnancy or potential adoption at the earliest opportunity, in order for the Trust to be able to plan for their absence at the appropriate time.
- 5.1.3. To provide the required documentation at the appropriate time in order to secure their statutory and contractual entitlements.
- 5.1.4. To maintain agreed and professional contact with their line manager during the Paternity Leave and notifying them of any changes to personal circumstances which could affect their planned return to work, if applicable.

5.2. **Line Manager**

- 5.2.1. To be aware of the statutory and contractual entitlements for eligible employees as set out within this procedure.
- 5.2.2. To maintain contact with the employee during their Paternity Leave if required and as at agreed times
- 5.2.3. To complete appropriate documentation to ensure that the Paternity Leave is effectively managed through ESR and payroll.

5.3. **Human Resources**

- 5.3.1. To advise managers and staff on the content of the policy and to support a consistent approach to decision making.
- 5.3.2. To monitor application of the Policy.
- 5.3.3. To ensure the Procedure is in line with employment legislation, best practice and NHS guidelines.

6 Paternity Leave

- 6.1. An employee is eligible for paternity leave if they satisfy all of the following conditions:
 - They are the biological father, the mother's husband or partner (including same-sex couples) or one member of a couple who have jointly adopted a child.
 - They have worked for the NHS for a minimum of 26 weeks by the Notification week
 - They have or expect to have responsibility for the upbringing of the child
 - They have given the correct notice
- 6.2. Employees who meet the eligible criteria as detailed above are entitled to either one continuous period of up to 2 weeks' paternity leave, or 2 separate periods of 1 week. Paternity leave must be taken in minimum blocks of 1 week.
- 6.3. A 'week' equals the length of time an employee normally works over 7 days. For example, if an employee works 3 days a week, one 'week' of

parental leave equals 3 days. If an employee works irregular weeks' the number of days in a 'week' is the total number of days they work a year divided by 52.

6.4. Only one period of paternity leave is available in the event of a multiple birth arising from the same pregnancy; employees may be able to take some annual leave before.

6.5. Paternity leave cannot commence until the actual onset of labour or actual date of the adoption placement.

6.6. Employees will need to take their paternity leave within 56 days of the actual date of birth of the child.

6.7. A period of Paternity leaves when adopting a child can start:

- On the date of placement.
- An agreed number of days after the date of placement.
- On the date the child arrives in the UK or an agreed number of days after (for overseas adoption).
- The day the child is born or the day after for surrogate parents.

6.8 Shared Parental leave

6.8.1 As of 1 April 2015, parents can choose to care for a child during their first year of birth or adoption using Shared Parental Leave. Further information on Shared Parental Leave and Shared Parental Pay can be found in the Trust's Shared Parental Leave Policy and Procedure.

7 Paternity Pay

7.1. NHS Contractual

7.1.1. An employee will be entitled to NHS Contractual Paternity Pay during their Paternity Leave if they satisfy all of the following conditions:

- They have 12 months continuous NHS service at the beginning of the Notification week.
- They have met the notification requirements including notification of the date they wish to commence Paternity Leave.

7.1.2. The rate of NHS Contractual Paternity Pay is full pay less any statutory paternity pay receivable.

7.2. **Statutory**

7.2.1. An employee will be eligible for Statutory Paternity Pay (SPP) if they satisfy all of the following conditions:

- They employee has at least 26 weeks continuous NHS service at the beginning of the Notification Week.
- Their average weekly earnings in the 8 weeks prior to the Notification week is at least the lower earnings limit for National Insurance Contributions.
- They have met the notification requirements

7.2.2. The rate of SPP is as set by the government or 90% of full pay (as calculated using the average weekly earnings in the 8 weeks prior to the notification week), whichever is the lower amount.

8 Notification Requirements

8.1. Employees are encouraged to notify the Trust of their partner's pregnancy or likely adoption placement at the earliest opportunity. This enables managers to plan accordingly.

8.2. In order to receive their entitlements, an employee is required to formally notify the Trust of their intention to take Paternity Leave. This must be done by the end of the 15th week before the Expected Week of Childbirth or, in the case of adoption, within 7 days of being notified by the adoption agency that they have been matched with a child. This is called the 'notification' week.

8.3 It is anticipated that the majority of employees would be able to comply with this requirement. If not, they must have acceptable mitigating circumstances, such as premature birth. Such cases would be looked at on their own merits.

8.4. The employee must complete the Paternity Leave Notification form (Appendix 1) by the 'notification' week at the latest. The employee must also inform the Trust of the amount of leave they wish to take.

8.5. However, the Trust recognises that the actual date that paternity leave will commence needs to be flexible and, potentially, can commence at short-notice. It is essential that employees maintain contact with their manager and keep them informed of any developments regarding the

commencement of their paternity leave. Once the employee returns to work, they must complete the Change of Paternity Leave form (Appendix 2).

8.6. Once the Trust receives the employee's Paternity Leave Notification form they will respond in writing within 28 days. This letter will provide the following details:

- Confirmation that the employee is entitled to Paternity Leave and also confirm the employee's paid entitlements
- The expected commencement date of the period of Paternity Leave (however, the Trust does recognise that this will need to be flexible).

9 Leave for Antenatal Appointments

9.1. Partners of a pregnant woman are entitled to unpaid time off during working hours to accompany her to 2 ante-natal appointments. This includes the intended parents if they're having a baby through a surrogacy arrangement.

9.2. For further periods beyond this, employees may be able to use annual leave, unpaid leave, TOIL or other flexible working option, as agreed by their line manager.

10 Contractual Rights

10.1. During ordinary paternity leave, an employee retains all of their contractual rights, except remuneration.

10.2. Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

11 Return to Work

11.1. If an employee returns after Paternity Leave, they have the right to return to the same role under their original contract and on no less favourable terms and conditions.

11.2. On the staff member's return to work, Line Managers should, where appropriate, have a further private discussion to determine the support for

the individual and their needs (e.g. need for flexible working on a short/long-term basis, shared parental leave or special leave provisions such as parental leave).

12 False Declarations

- 12.1. If a member of staff is found to have abused their right to time off, they may be referred to HR for the matter to be investigated and dealt with through the Trust's Disciplinary Procedure. If the breach is so serious as to amount to a dishonest act and cause a financial loss to the Trust the matter may be referred to the Local Counter Fraud Specialist for investigation, which may lead to a criminal sanction.

13 Competence

- 13.1. Advice on the application of this policy to both line managers and staff will be provided by the HR department.

14 Monitoring

- 14.1. Human Resources (HR) will monitor the application of the policy and procedure through feedback from staff and managers. HR will use the information to monitor the implementation of the policy and management of cases. Feedback, legislature and changes to terms and conditions will be used to inform and improve policies, as well as provide recommendations for improving working practices. HR will provide relevant reports, based on this data, as required.

15 Audit and Review

- 15.1. The policy and procedures contained within these documents will be in place for three years following approval of a review and amendments. An earlier review can take place should exceptional circumstances arise resulting from this policy; in whole or in part, being insufficient for the purpose and/or if there are legislative changes.

16 Equality Impact Appraisal

- 16.1 The policy has undergone an Equality Impact Appraisal and has not identified any discriminatory impact when adhering to this policy.

17 Associated Documentation

- Annual Leave Policy
- Maternity Policy and Procedure

- Adoption Policy
- Flexible Working Policy and Procedure
- Grievance Policy and Procedure
- Disciplinary Policy and Procedure
- Agenda for Change Terms and Conditions Handbook
- Anti-Fraud and Bribery Policy

18 References

- Employment Act 2002
- Agenda for Change: NHS terms and condition of service handbook

Appendix A

Paternity Leave Notification Form

Name:		Employee / Payroll No:	
Base:		Line Manager:	
NHS Continuous Service Date:			
Expected date of childbirth/placement:			
Intended date of commencement of Paternity Leave:			
Number of weeks requested (delete as appropriate):		One/two continuous weeks/two separate weeks	
<p>I confirm that I am</p> <ul style="list-style-type: none"> • the biological father, the mother's husband or partner (including same-sex couples) or one member of a couple who have jointly adopted a child. • I have or expect to have responsibility for the upbringing of the child 			
Signature:		Date:	
Line Manager Signature:		Date	

Please return form to: sickness&maternity@secamb.nhs.uk

Appendix B

Change of Paternity Leave Notification Form

Name:		Employee / Payroll No:	
Base:		Line Manager:	
NHS Continuous Service Date:			
Expected date of childbirth/placement:			
Original Intended date of commencement of Paternity Leave:			
New Intended date of commencement of Paternity Leave:		One/two continuous weeks/two separate weeks	
Signature:		Date:	
Line Manager Signature:		Date	

Please return form to: sickness&maternity@secamb.nhs.uk

Document Control

Manager Responsible

Name:	
Job Title:	HR Policy & ER Manager
Directorate:	HR Directorate

Committee/Working Group to ratify	Senior Management Team	
Version No. 1.0	Final	Date: 2/2/2018

Draft/Evaluation/Approval (Insert stage of process)

Person/Committee	Comments	Version	Date
SMT	Approved	V1	2/2/2018
Joint Partnership Forum	For Approval		
LCFS	For review	V1.0	14/11/2017

Circulation

Records Management Database	Date: 8/2/2018
Internal Stakeholders	
External Stakeholders	N/A
Active from (30 days after above signature):	Date:

Review Due

Manager		
Period	Every three years or sooner if new legislation, codes of practice or national standards are introduced	Date: 2/2/2021

Record Information

Security Access/Sensitivity	
Publication Scheme	Yes
Where Held	Records Management database
Disposal Method and date:	

Supports Standard(s)/KLOE

	NHS Litigation Authority (NHSLA)	Care Quality Commission (CQC)	Auditors Local Evaluation (ALE)	IG Toolkit	Other
Criteria/KLOE:					

Equality Analysis Record

<p>1. Trust policies, procedures and guidelines must not be contrary to the requirements of the Equality Duty within the Equality Act:</p> <p><input type="checkbox"/> Eliminate discrimination, harassment and victimisation;</p>	<ul style="list-style-type: none"> • Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; • Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. 	<p>When designing the processes in your document, have you taken care not to contravene the Equality Act?</p> <p>Yes. The principles of this policy and procedure include mandatory fair treatment of all employees and responsibilities for this are clearly set out.</p>
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<p>2. When considering whether the processes outlined in your document may adversely impact on anyone, is there any existing research or information that you have taken into account?</p>	<p>For example:</p> <ul style="list-style-type: none"> • Local or national research • National health data • Local demographics • SECamb race equality data • Work undertaken for previous EAs 	
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<p>3. Do the processes described have an impact on anyone's human rights?</p>	<p>If so, please describe how (positive/negative etc): No impact</p>
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4. What are the outcomes of the EA in relation to people with protected characteristics?			
Protected Characteristic	Impact Positive/Neutral/Negative	Protected Characteristic	Impact Positive/Neutral/Negative
Age	Neutral	Race	Neutral
Disability	Neutral.	Religion or belief	Neutral
Gender reassignment	Neutral.	Sex	Positive, Likely to have greater impact on men as data shows more likely to access policy
Marriage and civil partnership	Neutral	Sexual orientation	Positive, applies equally to all groups
Pregnancy and maternity	Neutral	Date the EA was undertaken: 22nd November 2017	

<p>5. Mitigating negative impacts:</p>

If any negative impacts have been identified, an Equality Analysis Action Plan must be completed and attached to the EA Record. A template for the action plan is available in the Equality Analysis Guidance on the Trust's website. Please contact inclusion@secamb.nhs.uk for support and guidance.