Paternity Leave Policy

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<th>Head of HR – Employee Relations</th>
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<td>Responsible Lead Executive Director:</td>
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<td>Endorsing Body:</td>
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<td>Staff Governance Committee</td>
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Paternity Leave Policy

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CONSULTATION AND DISTRIBUTION RECORD

Contributing Author / Authors

- Ann Marie Campbell – Head of HR – Employee Relations

Consultation Process / Stakeholders:

- Liz Airns - GMB
- Elaine Anderson – HR Manager
- Tom Bryce – General Manager
- Margo Cranmer – Unison
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- Christine Jack – Operational Manager
- Cathy McGinty - Unison
- Gwen Macintyre – Senior Nurse
- Annette Shorts – Senior OH Nurse Advisor
- Sylvia Stewart - Unite
- Tom Wilson - RCN

Distribution:

- NHS Lanarkshire intranet: Firstport

CHANGE RECORD

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<th>Date</th>
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<td>Jan `07</td>
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<td>1</td>
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<td>Ann Marie Campbell</td>
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<tr>
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PATERNITY LEAVE POLICY

1. INTRODUCTION

NHS Lanarkshire recognises that fathers or those with equivalent responsibilities desire to spend time with family during a period of time following the birth/adoption of a child. This policy recognises and supports the needs of the individual at this eventful time and specifies the arrangements for paternity leave.

2. AIM, PURPOSE AND OUTCOMES

The policy is designed to inform employees of the eligibility criteria, entitlement to and the process for applying for paternity leave. The policy aims to implement best practice in the processing of applications and management of employees who wish to take paternity leave.

3. SCOPE

3.1 Who is the Policy intended to Benefit or Affect?

The policy applies to all directly employed staff with NHS Lanarkshire, irrespective of age, sex, disability, ethnicity/race, marital or civil partnership status, sexual orientation, religion or belief, pregnancy or maternity or gender reassignment.

This policy will apply to biological and adoptive fathers, nominated carers, and same sex partners. Paternity Leave is also available to adoptive parents where a child is matched or newly placed with them for adoption.

NHS Lanarkshire takes care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure, and confidential. In order to find out more about current data protection legislation and how we process your information, please visit the Data Protection Notice on our website at www.nhslanarkshire.scot.nhs.uk or ask a member of staff for a copy of our Data Protection Notice.

3.2 Who are the Stakeholders?

Directly employed staff of NHS Lanarkshire.

4. PRINCIPAL CONTENT

4.1 ENTITLEMENT TO PATERNITY LEAVE AND PAY

Your entitlement to Paternity Leave and Pay is dependant on your length of service with the NHS.

Employees must have, or expect to have, responsibility for the child’s upbringing and be the biological father of the child, or the mother’s husband or partner (this may include the male or female partner in the case of same-sex couples) and expect to have responsibility for the child’s upbringing.
PATERNITY LEAVE POLICY

Less than 26 weeks continuous service

Employees with less than 26 weeks continuous NHS service, at the beginning of the 15th week (starting on a Sunday) before the baby is due (ie the Qualifying Week), will be entitled to two working weeks’ unpaid leave.

In the case of Adoption, the Matching week is used instead of the Qualifying week.

More than 26 weeks’ continuous service but less than one year’s continuous service

Employees will be entitled to two working weeks’ paid leave during which you will receive Statutory Paternity Pay (SPP).

If an employee leaves employment prior to the birth of child/placement for adoption there will be no entitlement to Statutory Paternity Pay (SPP). If an employee’s contract ends after the baby is born/child is placed for adoption then the employee will still be entitled to SPP.

In the case of Adoption, the Matching week is used instead of the Qualifying week.

One or more year’s continuous service

If you have one or more year’s continuous NHS service at the beginning of the week the baby is due you will be entitled to two working weeks paid leave.

In the case of Adoption, the Matching week is used instead of the Qualifying week.

NOTE:
To qualify for Statutory Paternity Pay you must have 26 weeks’ or more continuous service with NHS Lanarkshire at the beginning of the 15th week before the baby is due (i.e the Qualifying Week). You must also meet the following criteria:

- Have average earnings on or before the Saturday of the Qualifying Week, you must have at least the weekly National Insurance lower earnings limit; and
- Continue to be employed by NHS Lanarkshire up to the child’s date of birth

4.2 PROCEDURE FOR APPLYING FOR PATERNITY LEAVE

4.2.1 Employees are required to give written notice of their intention to commence Paternity Leave (Appendix 1) as soon as reasonably practicable, no later than 28 days before the due date specifying:-

- the expected date of the baby’s birth
- the period of leave to be taken i.e. one or two consecutive weeks
- the date from which leave will be taken
- that the employee is the baby’s biological father; or married to the mother; or living with the mother in an enduring family relationship but not an immediate relative; and
- that the purpose of the leave is to care for the child or to support the mother
4.2.2 Employees will have the right to vary the date originally notified by giving 28 days notice, in writing. If an employee does not give 28 days’ notice without good reason, the employer may delay the start of paternity leave and SPP until the full 28 days have passed.

4.2.3 Eligible employees can choose to take either one week or two consecutive weeks. The leave approved must be utilised as a full block and cannot be taken over two separate periods. This leave needs to be taken within eight weeks of the birth of a child or placement of a child for adoption. The entitlement as detailed above will be on a pro-rata basis for part-time staff.

4.3 PRE-BIRTH/PRE-ADOPTION/ANTE-NATAL APPOINTMENTS ETC.

Requests for pre-birth leave e.g attendance at ante-natal classes will be considered in accordance with the Special Leave Policy. Requests for Pre-Adoption leave will be considered in accordance with the Adoption and Fostering Policy.

4.4 STILLBIRTHS

Entitlement to paid leave depends on the employee’s length of service. If a stillbirth occurs the father will be entitled to paid leave (if eligible) if their baby is stillborn after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will be entitled to paid paternity leave in the usual way.

4.5 MULTIPLE BIRTHS

Entitlement to paternity leave for twins, triplets etc is the same as for a single birth.

4.6 ADOPTION

When a child is adopted, the employee, if they are the primary carer, will have access to leave under the Adoption Leave Policy. The provisions for paternity leave will however also be available to the parent who is not the primary carer. Leave and pay will be available to eligible employees when a child up to the age of 18 is newly placed for adoption.
4.7 SHARED PARENTAL LEAVE (SPL)

SPL is a new legal entitlement for eligible parents of babies due, or children placed for adoption. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child’s first year.

The amount of leave available is calculated using the mother’s entitlement to maternity/adoption leave, which allows them to take up to 52 weeks’ leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL. This means their partner could begin to take SPL while the mother is still on maternity/adoption leave.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave.

Staff will find that having early conversations regarding leave intentions will be beneficial, enabling them and their manager to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated.

Staff will remain entitled to take maternity, paternity, adoption and parental leave. However, an eligible mother or adopter may now choose to reduce their maternity/adoption leave early and opt into SPL.

For further information refer to Shared Parental Leave PIN / Policy.

4.8 BANK WORKERS & SESSIONAL WORKERS

In accordance with the Statutory Regulations, bank workers and sessional workers are entitled to Statutory Maternity Pay only. Payment will be made by NHS Lanarkshire dependent upon your earnings and length of service at 11 weeks prior to the expected week of childbirth.

Workers do not have an entitlement to time off for Antenatal/Postnatal care.

4.9 RESOLUTION OF DISAGREEMENTS

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a grievance. However, it may be preferable in such circumstances for either the manager or member of staff to seek advice on resolving the matter from the Human Resources Department

5. ROLES AND RESPONSIBILITIES

Employees must
- Ensure they are familiar with the policy and procedures
- Comply with the policy, seeking clarification where required
- When considering applying for paternity leave, do so timeously
Managers must
- Ensure they communicate with staff about the policy
- Give due consideration to applications and process timeously
- Consistently implement the policy at their local level
- Keep accurate records

Staff Side Representatives must
- Support the principles and procedures in the policy
- Act in accordance with NHS Lanarkshire’s Partnership Agreement

Human Resources Staff must
- Provide expert advice and support on the application of the policy
- Monitor and review the policy

6. RESOURCE IMPLICATIONS

None identified, additional to costs of occupational/statutory pay.

7. COMMUNICATION PLAN

The policy and process will be communicated via the NHSL internet and intranet. Articles referring to the policy will be carried in the staff briefs. The policy will also be discussed at management team meetings.

8. QUALITY IMPROVEMENT – Monitoring and Review

This policy will be monitored by the HR directorate and reviewed in conjunction with the Joint Policy Forum and the Human Resources Forum.

9. EQUALITY AND DIVERSITY IMPACT ASSESSMENT

This policy meets NHS Lanarkshire’s EDIA

10. SUMMARY OF POLICY

This advises of entitlement to and payment of paternity leave and details the process to be followed to utilise this leave.

11. REFERENCES

The Maternity and Parental Leave etc. Regulations 1999
Work Life Balance
General Data Protection Regulations 2018
**APPLICATION FOR PATERNITY LEAVE/PAY**

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<tr>
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<td>Tel. No. ........................</td>
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<tr>
<td>No. of Hours worked per week ..............................................................</td>
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<tr>
<td>Date of Commencement with NHSL .........................................................</td>
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<tr>
<td>Expected Week of Confinement (Starting on a Sunday) ........................................</td>
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<td>or Matching Date of Adoption ...............................................................</td>
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I wish to apply for Ordinary Paternity Leave/Pay on the conditions contained in the Paternity Leave Policy. I confirm the dates of leave requested are from........................................ to ........................................

I enclose a copy of form **MAT B1** giving the expected date of confinement

OR

I enclose a copy of Adoption Certification

You must be able to tick all three boxes below to get Ordinary Statutory Paternity Pay and paternity leave. I declare that

- I am
- the baby’s biological father, or
  - married to the mother, or
- living with the mother in an enduring family relationship, but am not an immediate relative
- I have responsibility for the child’s upbringing
- I will take time off work to support the mother or care for the child.

Signature of Employee.................................................. Date..................

Signature of Head of Department ................................. Date..................

PRINT NAME: ............................................................