

New Parent Support Leave and Pay (Paternity) Policy

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What is in this policy?	<p>This policy and procedure is designed to inform employees of their rights and entitlements when applying for and taking New Parent Support (Paternity) Leave and the process for requesting leave.</p> <p>University Hospitals Bristol and Weston NHS Foundation Trust's (The Trust's) Workforce Diversity & Inclusion Strategy sets out the ambition to be 'committed to inclusion in everything we do'. Ensuring dignity and respect for patients and staff is a core principle within this strategy, and promoting equality, diversity and human rights while challenging any form of inequality, discrimination and harassment is central to the Trust's Values.</p> <p>This Trust will not tolerate discrimination, harassment or bullying under any circumstances and particularly because of a protected characteristic. This is supported by the Trust's commitment to the Equality Act 2010 and its Public Sector Equality Duties as defined by the Act.</p> <p>Our Human Resources policies are written with this commitment as a guiding principle, to ensure that the policies and their application are inclusive and supportive to all of our staff.</p>
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Document Change Control				
Date of Version	Version Number	Lead for Revisions	Type of Revision	Description of Revision
21.06.11	1	Director of Workforce & Organisational Development	Major	Legislation Change
21.05.13	1.2	Director of Workforce & Organisational Development	Minor	Clarifications
01.04.15	2.1	Director of Workforce & Organisational Development	Major	Legislation Change
18.02.19	2.2	HR Consultant	Minor	Updated definition of Parent to include intended parent by surrogate arrangement.
July 2021	2.3	HR Specialist	Minor	Update to SPL occupational enhanced pay.

Sign off Process and Dates	
Groups consulted	Date agreed
Policy Group	03/08/2021
Policy Assurance Group	20/09/2021
Staff Partnership Forum	22/10/2021

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1. Introduction

This policy and procedure is designed to introduce the process to be followed when applying for New Parent Support (Paternity) leave. Employees taking time off because their partner is having a baby, becoming a parent through a surrogacy arrangement or adopting a child may be eligible for two weeks paid or unpaid New Parent Support Leave.

This policy and procedure should be read in conjunction with the national [NHS Terms and Conditions of Service Handbook](#).

2. Purpose

This policy and procedure is for the use of parents of newborn/newly adopted children or the intended parent (when having a baby through a surrogacy arrangement).

The implementation of this leave should be flexible within defined parameters to allow for individual circumstances, including the possibility of premature birth or early placement of a child in the case of adoption.

3. Scope

This policy relates to all permanent and temporary employees who are eligible for New Parent Support leave working for and on behalf of the Trust and provides guidance for the line managers of these employees.

4. Definitions

4.1 *A Parent/Partner:*

A 'Parent' is not defined solely based on the biological interpretation alone. A parent must be either of the following:

- The father
- The husband or partner of the mother (or adopter) - this includes same-sex partners
- The child's adopter
- The intended parent (if the employee is having a baby through a surrogacy arrangement)

4.2 *New Parent Support Leave:*

All employees are entitled to two weeks of ordinary New Parent Support leave which can be taken around the time of the birth or the placement of the child for adoption.

4.3 *Shared Parental Leave (SPL)*

Eligible employees are entitled to take up to 50 weeks' Shared Parental Leave (SPL) during the child's first year in their family. Up to 50 weeks of maternity or adoption leave may be converted to Shared Parental Leave and transferred to the other parent or shared between both parents which allows flexibility in terms of who is able to care for the child in its first year of life (see

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Maternity and Shared Parental Leave Policy and Adoption and Shared Parental Leave Policy [for](#) more information).

4.4 *Parental Leave*

Unpaid leave of up to 13 weeks that can be taken over a period of 5 year to care for a child. Please see the Trust's Flexible Working Policy [for](#) full details.

5. **Duties, Roles and Responsibilities**

5.1 *Role of the Manager*

- To outline the New Parent Support Leave policy and procedure when a request is made and signpost the Maternity/Adoption & Shared Parental Leave policy and procedure.
- To ensure correct documentation is provided in line with the policy and procedure.
- To complete the necessary administration in relation to pay during the period i.e. eforms.
- To plan and accommodate leave in line with service requirements.

5.2 *Role of the Employee*

- To request New Parent Support leave in line with the policy and procedure.
- To provide accurate documentation in terms of Mat B1 and the SC3 Ordinary Statutory Paternity Leave/ Ordinary Paternity Leave form.

6. **Policy Statement and Provisions**

- New Parent Support Leave will amount to two weeks, paid on the same basis as annual leave.
- New Parent Support Leave should be taken within 56 days of the birth or the first day of expected week of birth (whichever is later). In the case of adoption, leave should be taken within 56 days of the first day of placement.
- If more than one child is born or if more than one child is placed for adoption, the amount of leave remains as a maximum of two weeks.
- New Parent Support Leave can be used in combination with other leave entitlement only where the service provision is not affected detrimentally.
- New Parent Support Leave can be used in conjunction with Shared Parental Leave if eligible parents opt for this in line with the Shared Parental Leave Policy and Procedure.
- Members of staff wishing to use this policy and procedure should give their manager adequate notice to ensure appropriate support to the service.

7. New Parent Support Leave Procedure

7.1 *Eligibility for New Parent Support Leave*

All employees who are the parent/guardian of a newborn or newly adopted child are entitled to two weeks of paid or unpaid New Parent Support leave which can be taken around the time of the birth or the placement of the child for adoption.

In order to qualify the individual must:

- Be an employee.
- Meet the definition of Parent/Partner (section 4.1).
- Give the correct notice.

Staff are not eligible for New Parent Support Leave if they are receiving other paid leave e.g. Adoption or Maternity from the Trust, however New Parent Support Leave can be used in conjunction with Shared Parental Leave for eligible parents wanting to share the care of their baby.

7.2 *Occupational New Parent Support (Paternity) Leave Pay*

New Parent Support Leave pay will vary depending on length of service with the NHS and the Trust.

Eligibility for two weeks of Occupational New Parent Support leave pay will be 12 months' continuous service with one or more NHS employer at the beginning of the week in which the baby is due or by the matching week in the case of adoption.

New Parent Support Leave Pay is paid at the employee's usual rate of pay (in the same way as annual leave).

Where the employee has 26 weeks continuous service with the Trust and meets the criteria for Occupational New Parent Support leave, pay will include an element of Statutory Paternity Pay (SPP), which is effectively enhanced by the Trust to equal full pay.

7.3 *Statutory and Unpaid New Parent Support Leave pay*

Employees who are the parent/guardian of a newborn/newly adopted child and who are not eligible for Occupational New Parent Support leave pay may be eligible for Statutory Paternity pay provided they have 26 weeks' continuous service with the Trust, by the end of the 15th week before the expected date of birth (qualifying week) or by the end of the week in which the adopter/prospective adopter is notified of being matched with the child in the case of adoption.

If the baby is born prematurely before the 14th week of the expected week of birth, or the child is placed early in the case of adoption, and the employee would ordinarily meet the qualifying conditions, they will still be eligible to take the leave.

Where an employee who is the parent/guardian of a newborn/newly adopted child doesn't meet the continuous service criteria for Occupational or Statutory Paternity pay, they may take two weeks unpaid leave.

7.4 *Shared Parental Leave*

Eligible employees are entitled to apply for Shared Parental Leave (SPL) if they are having a baby or adopting a child. Employees can share up to 50 weeks of leave and up to 37 weeks of pay between them during the first year after the child is born or placed with the family.

SPL can be taken in blocks separated by periods of work, or taken all in one go. Parents can also choose to be off work together or to stagger the leave and pay and Parents can apply to take turns to care for their child or take time off together (please see Maternity and SPL/Adoption and SPL Policy and procedure for more detail).

It is not possible to restart Maternity or Adoption leave once it has been ended. Please see the Shared Parental Leave policy and procedure for more information and information about eligibility and pay.

7.5 *Notification*

To be eligible for New Parent Support Leave a member of staff should submit notification in writing to their line manager. This must be done in or before the 15th week prior to the expected date of birth or within 7 calendar days of receiving notice of a match to a child, in the case of adoption. The purpose of this is to allow the manager time to prepare the appropriate cover and support for the service.

A member of staff must complete the SC3 Ordinary Statutory Paternity Leave/ Ordinary Paternity Leave form and submit this to their manager. This form must be completed by the 15th week before the week the baby is due, or within 7 calendar days of receiving notice of a match in the case of adoption. Supporting paperwork from the adoption agency or a copy of the MATB1 form should be presented to the employees' line manager as proof of expected adoption or birth.

When agreed, the Manager should raise an Electronic E-form to confirm to payroll when the New Parent Support Leave will be taken. The Manager should ensure that the following information is on the E-form:

- Estimated week of childbirth / birth date
Or in the case of adoption
- Matching week/ date of the placement of child
- Start date of New Parent Support Leave
- Duration of New Parent Support Leave (one or two weeks – see Section 7.6 for more details)

Whether New Parent Support leave should be paid at Occupational or Statutory rate or whether leave should be taken as unpaid (where the employee doesn't meet the continuous service criteria for Occupational or Statutory pay).

7.6 *Duration of New Parent Support Leave*

Employees who meet the eligibility criteria can choose to take either one week or two consecutive weeks of New Parent Support leave. New Parent Support leave must be taken in a single block and cannot be taken as odd days or as two separate weeks.

New Parent Support Leave can start from the date of the child's birth or placement (whether this is earlier or later than expected) and must be completed within 56 days of the actual date of the birth/placement. Where the child is born or placed early, New Parent Support Leave must be taken within the period of the actual date of birth up to 56 days after the expected week of birth/placement.

For those staff who are part time New Parent Support leave is paid on a pro rata basis. For part-time employees a week's leave is the same amount of days that you normally work in a week. For example, if you work Mondays and Tuesdays, a week is two days.

7.7 *Still born/end of placement*

Should a child be stillborn after 24 weeks of pregnancy, or die during the possible partner leave period, the leave entitlement will still be available. This also applies should the adoption placement be terminated for whatever reason.

7.8 *Pay and effect upon contract*

Employees will continue to accrue annual leave during a period of New Parent Support leave. New Parent Support leave is not considered to be a break in service of any kind.

To ensure that appropriate pay is received, managers should raise a change of conditions e-form to inform payroll of the start and end date of New Parent Support Leave, specifying whether the employee is eligible for occupational or statutory pay or whether the period of leave should be unpaid.

In the event of a pay award or increment (pay step point) being implemented during the paid New Parent Support leave period, the New Parent Support leave pay due from the date of the pay award or pay step point should be increased accordingly. If such a pay award was agreed retrospectively the New Parent Support leave pay should be re-calculated on the same basis.

7.9 *Taking New Parent Support Leave*

A member of staff should advise their line manager of the expected date of birth/placement of their child as soon as they are able, and adhere to the minimum notice requirements as detailed previously.

Should the member of staff wish to change the date of commencement of their leave after having formally notified the manager, they will be required to provide the manager with 28 days' notice of this change, in advance of the amended date.

Managers should discuss with the member of staff, at least 21 days before the birth/placement, any wish to take leave that is additional to New Parent Support Leave, for example annual leave, Shared Parental Leave or Parental Leave.

Additional leave requests will be reviewed in line with the relevant policy and procedure e.g. the Adoption/Maternity & Shared Parental Leave Policy or Annual Leave policy and procedure and depending on the type of request, line managers should try to accommodate requests where possible, depending on service provision.

The member of staff should advise the line manager or person in charge of the shift as soon as possible on the day of the birth or placement (if they wish to commence New Parent Support Leave) that their New Parent Support Leave has started. This should be done verbally on the day, and confirmed in writing as soon as possible.

7.10 *Pay Progression*

An employee on maternity / adoption / shared parental leave will progress through their pay step on the date the pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met. If a pay-step review cannot be conducted prior to the pay-step date the pay-step point should be automatically applied in the individual's absence.

For staff on medical or dental contracts that are covered by this section the general principle will apply that there should be no detriment to pay progression or annual leave accrual as a result of taking maternity/adoption/shared parental leave.

7.11 *Pension Scheme contributions*

During paid New Parent Support Leave pension contributions are continued to be paid on both Occupational and Statutory Pay elements. The service for the duration of the leave is deemed continuous pensionable service.

8. References

[NHS Terms and Conditions of Service Handbook](#)

<https://www.gov.uk/parental-leave/overview>

<https://www.gov.uk/paternity-pay-leave/overview>

<http://www.acas.org.uk/index.aspx?articleid=1806>

9. Associated Internal Documentation

Flexible Working Policy

Adoption and Shared Parental Leave Policy

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Maternity and Shared Parental Leave Policy

Annual Leave Policy

Special Leave Policy

10. Appendix A – Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this Policy & Procedure.

Objective	Evidence	Method	Frequency	Responsible	Committee
Monitoring of HR Services calls and or grievances relating to New Parent Support Leave to identify learning.	Incident reports from calls or cases System.	Data extraction from case reporting system.	Quarterly, Annually and Ad hoc as required.	HR Services Leads/Divisional H&S (site/service) Advisors	Trust Health and Safety Committee/Divisional H&S Forums/HR Services.

11. Appendix B – Dissemination, Implementation and Training Plan

The following table sets out the dissemination, implementation and training provisions associated with this Policy.

Plan Elements	Plan Details
The Dissemination Lead is:	Head of HR Services
Is this document: A – replacing the same titled, expired policy, B – replacing an alternative policy, C – a new policy:	B
If answer above is B: Alternative documentation this policy will replace (if applicable):	Paternity and Partner Leave Policy
This document is to be disseminated to:	All staff
Method of dissemination:	Newsbeat HR Web.
Is Training required:	Not Applicable

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Plan Elements	Plan Details
The Training Lead is:	

Additional Comments
[DITP - Additional Comments]

12. Appendix C – Equality Impact Assessment (EIA) Screening Tool

Further information and guidance about Equality Impact Assessments is available here:

Query	Response
What is the main purpose of the document?	To inform employees and managers of the process for applying for New Parent Support Leave and eligibility for this statutory benefit.
Who is the target audience of the document?	Add <input checked="" type="checkbox"/> or <input checked="" type="checkbox"/>
Who is it likely to impact on? (Please tick all that apply.)	Staff Patients Visitors Carers Others

Could the document have a significant negative impact on equality in relation to each of these characteristics?	YES	NO	Please explain why, and what evidence supports this assessment in relation to your response.
Age (including younger and older people)		x	
Disability (including physical and sensory impairments, learning disabilities, mental health)		x	
Gender reassignment		X	
Pregnancy and maternity		X	
Race (includes ethnicity as well as gypsy travelers)		X	
Religion and belief (includes non-belief)		X	
Sex (male and female)		X	
Sexual Orientation (lesbian, gay, bisexual, other)		X	
Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)		X	
Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)		X	

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Will the document create any problems or barriers to any community or group? YES / NO

Will any group be excluded because of this document? YES / NO

Will the document result in discrimination against any group? YES / NO

If the answer to any of these questions is YES, you must complete a full Equality Impact Assessment.

Could the document have a significant positive impact on inclusion by reducing inequalities?	YES	NO	If yes, please explain why, and what evidence supports this assessment.
Will it promote equal opportunities for people from all groups?	x		
Will it help to get rid of discrimination?	x		
Will it help to get rid of harassment?		x	
Will it promote good relations between people from all groups?		x	
Will it promote and protect human rights?		x	

On the basis of the information/evidence so far, do you believe that the document will have a positive or negative impact on equality? (Please rate by circling the level of impact, below.)

Positive impact				Negative Impact		
Significant	<u>Some</u>	Very Little	NONE	Very Little	Some	Significant

Is a full equality impact assessment required? YES / NO

Date assessment completed: 28/07/21

Person completing the assessment: [REDACTED] HR Specialist

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