

Paternity/Partner Leave Policy and Procedure

Document Data			
Document Type:	Policy and Procedure		
Document Reference:	7809		
Document Status:	Approved		
Document Owner:	Head of Employee Relations		
Executive Lead:	Director of People		
Approval Authority:	Trust Partnership Forum		
Review Cycle:	24		
Date Version Effective From:	18.02.19	Date Version Effective To:	18.02.21

What is in this policy?

This policy and procedure is designed inform employees of their rights and entitlements when applying for and taking Paternity and Partner Leave and the process for requesting leave.

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.

Sign off Process and Dates	
Groups consulted	Date agreed
Managers	05/11/2018
HRBPs	03/12/2018
Payroll	10/12/2018
Employee Services	03/12/2018
Policy Assurance Group	30/05/2019
Trust Partnership Form	01/03/2019

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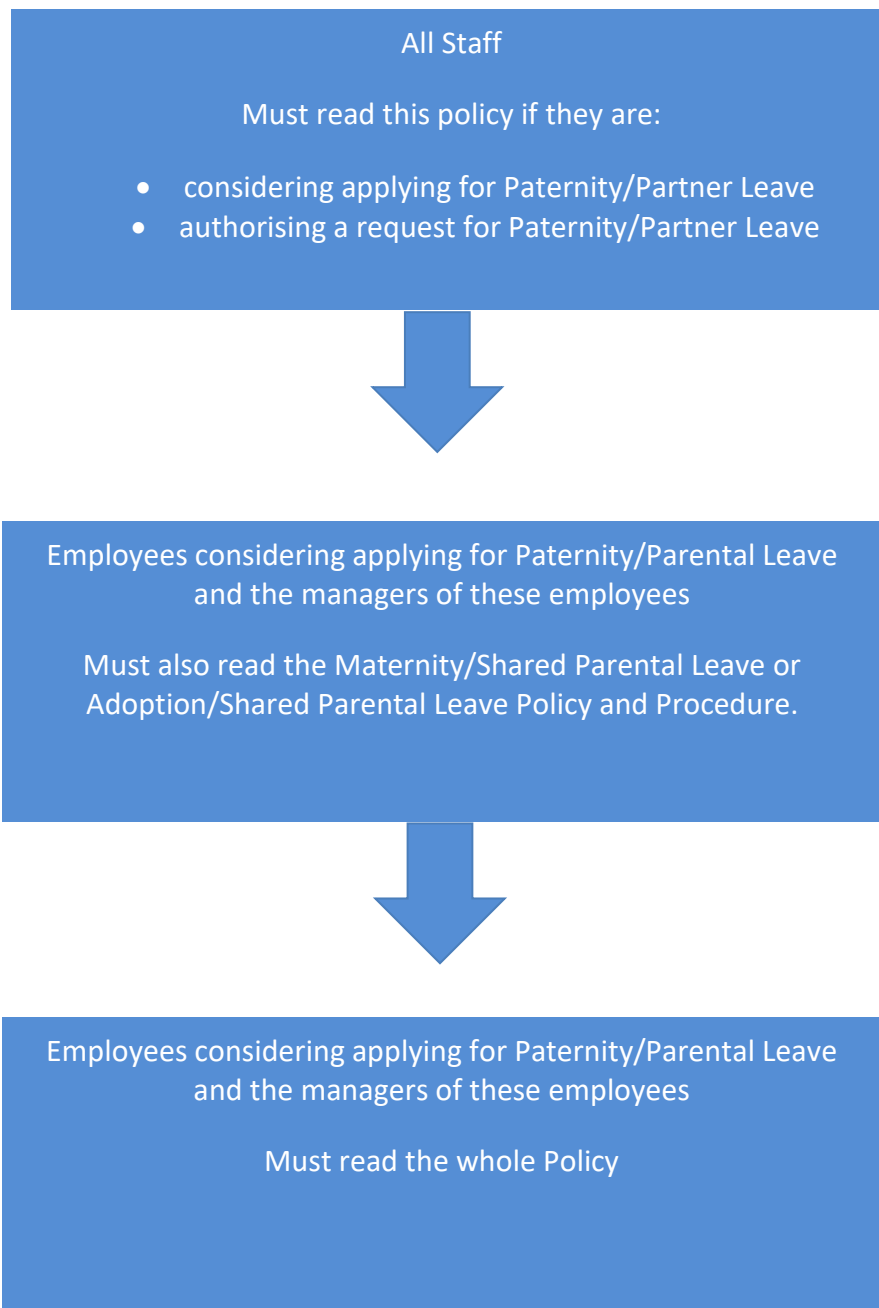
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Do I need to read this Policy?



1. Introduction

This policy and procedure is designed to introduce the process to be followed when applying for Paternity/Partner 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 2 weeks paid or unpaid Paternity/Partner Leave.

This policy and procedure should be read in conjunction with the national [Agenda for Change 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 Paternity/Partner leave and 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 *Paternity/Partner Leave:*

All employees are entitled to two weeks of ordinary paternity/partner 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

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which allows flexibility in terms of who is able to care for the child in its first year of life (See Maternity/SPL Policy and Adoption/SPL Policy for more information).

4.4 *Parental Leave*

13 weeks' unpaid leave that can be taken over a period of 5 years to care for a child. Please see the Trust's Flexible Working Policy and Procedure for full details.

5. **Duties, Roles and Responsibilities**

5.1 *Role of the Manager*

- To outline the Paternity/Partner Leave policy and procedure when a Paternity/Partner Leave 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 Paternity/Partner leave in line with the policy and procedure.
- To provide accurate documentation in terms of Mat B1 and the Partner Declaration Form(s).

6. **Policy Statement and Provisions**

- Paternity/Partner Leave will amount to two weeks, paid on the same basis as annual leave.
- Paternity/Partner 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 2 weeks.
- Paternity/Partner Leave can be used in combination with other leave entitlement only where the service provision is not affected detrimentally.
- Paternity/Partner 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. Paternity/Partner Leave Procedure

7.1 *Eligibility for Paternity/Partner Leave*

All employees who are the parent/guardian of a newborn or newly adopted child are entitled to two weeks of paid or unpaid Paternity/Partner 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 Paternity/Partner Leave if they are receiving other paid leave e.g. Adoption or Maternity from the Trust, however Paternity/Partner Leave can be used in conjunction with Shared Parental Leave for eligible parents wanting to share the care of their baby.

7.2 *Occupational Paternity/Partner Leave Pay*

Paternity/Partner Leave pay will vary depending on length of service with the NHS and University Hospitals Bristol NHS Foundation Trust.

Eligibility for two weeks of occupational paternity/partner 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.

Paternity/Partner Leave Pay is paid at the employees 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 Paternity/Partner 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 Paternity/Partner Leave pay*

Employees who are the parent/guardian of a newborn/newly adopted child and who are not eligible for Occupational Paternity/Partner leave pay may be eligible for Statutory Paternity/Partner Leave pay provided they have 26 weeks' continuous service with the UH Bristol NHS Foundation 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/Partner leave pay, they may take 2 weeks unpaid leave.

7.4 *Shared Parental Leave*

Eligible employees are entitled to apply for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) 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. Parents who are eligible for enhanced Maternity or Adoption pay should consider the financial implications of ending their maternity/adoption leave early where they are being paid enhanced occupational maternity or adoption pay. Please see the Shared Parental Leave policy and procedure for more information and information about eligibility.

7.5 *Notification*

To be eligible for Paternity/Partner 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 Ordinary Paternity 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 Ordinary Paternity/Partner Leave
- Duration of Ordinary Paternity/Partner Leave (one or two weeks – see Section 7.6 for more details)

Whether Paternity/Partner 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 Paternity/Partner Leave

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

Paternity/Partner 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, Paternity/Partner 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 Paternity/Partner 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 2 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 Paternity/Partner leave. Paternity/Partner 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 Paternity/Partner 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 paternity/partner leave period, the paternity/partner leave pay due from the date of the pay award or increment (pay step point) should be increased accordingly. If such a pay award was agreed retrospectively the paternity/partner leave pay should be re-calculated on the same basis.

7.9 Taking Paternity/Partner 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 Paternity/Partner 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 Paternity/Partner Leave) that their Paternity/Partner Leave has started. This should be done verbally on the day, and confirmed in writing as soon as possible.

7.10 *Pay Increments*

Absence during Paternity/Partner Leave, Shared Parental Leave and/or Parental Leave, whether paid or unpaid will count towards the normal annual increment and for the purposes of any service qualification period for additional annual leave in accordance with the 'Agenda for Change' Terms and Conditions.

Medical and dental staff on Paternity/Partner Leave, whether paid or unpaid, will also receive normal increments or pay progressions.

7.11 *Pension Scheme contributions*

During paid Paternity / Partner 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

National AFC 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

[Maternity and Shared Parental Leave Policy](#)

[Adoption and Shared Parental Leave Policy](#)

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[Annual Leave Policy](#)

[Flexible Working and Parental Leave Policy](#)

10. Appendix A – Monitoring Table for this Policy

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

Employee Services will undertake an annual review of the number of cases of Partner/Paternity Leave.

Employee Services will carry out a random survey to establish whether employees who have been on Partner/Paternity leave feel they were treated fairly and consistently in line with the policy & procedure and whether further improvement can be made to the procedure/policy.

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 Employee Relations
Is this document: A – replacing the same titled, expired policy, B – replacing an alternative policy, C – a new policy:	A
If answer above is B: Alternative documentation this policy will replace (if applicable):	[DITP - Existing documents to be replaced by]
This document is to be disseminated to:	Newsbeat HR Web.
Method of dissemination:	Newsbeat HR Web.
Is Training required:	Not Applicable
The Training Lead is:	Employee Services

Additional Comments
[DITP - Additional Comments]

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

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

<http://nww.avon.nhs.uk/dms/download.aspx?did=17833>

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

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.

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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	<u>NONE</u>	Very Little	Some	Significant

Is a full equality impact assessment required? YES / NO

Date assessment completed: 18/02/19

Person completing the assessment: Laura Williams, HR Consultant

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