

Family Friendly Policies

Section e – Paternity leave policy and procedure

Author	Tim Widdowson, SECSU HR Business Partner		
Version	1		
Version date	May 2016		
Implementation/Approval date	May 2016		
Review date	May 2019		
Review body	CCG Management Team		
Policy reference no.			
Version	Author	Date	Reason for review

Contents

1.0	Introduction	3
2.0	Scope.....	3
3.0	Principles.....	3
3.1	Ordinary Paternity Leave	3
4.0	Shared Parental Leave.....	4
5.0	Procedure.....	5
6.0	Equality Statement	5
	Appendix a – Paternity Leave Form PAT1	6
	Appendix b - Equality & Equity Impact Assessment & EDS2 Checklist	7

1.0 Introduction

The term “family friendly” is used to describe working practices that acknowledge and aim to support the needs of staff in achieving a home and work life balance. NHS Lewisham CCG strives to make working for staff with, or starting a family, as easy as possible. To this end we have a number of policies for family situations:

- Adoption leave – section a
- Maternity leave – section b
- Parental leave – section c
- Shared parental leave – section d
- Paternity leave – section e

The policies have been reviewed in consideration of the:

- Employment Rights Act 1996, as amended by the Employment Relations Act 1999
- Employment Act 2002;
- Maternity and Parental Leave Regulations 1999;
- Work and Families Act 2006;
- Equality Act 2010;
- Additional Paternity Leave Regulations 2010;
- Children and Families Act 2014;
- Paternity and Adoption Leave (Amendment) Regulations 2014
- The Shared Parental Leave Regulations 2014

Paternity leave 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.

This includes those who are adopting a child to choose how to share time off work after their child is born or placed for adoption. This could mean that the mother or adopter shares some of the leave with their partner, perhaps returning to work for part of the time and then resuming leave at a later date.

Additional paternity leave and pay will no longer be available for babies due after 5 April 2015 as shared parental leave will replace it.

2.0 Scope

This policy may apply to biological and adoptive fathers, nominated carers and same sex partners employed by NHS Lewisham CCG with a responsibility for bringing up a child.

3.0 Principles

3.1 Ordinary Paternity Leave

To qualify for up to two weeks ordinary paternity leave, with Occupational Paternity Pay (OPP), an employee must:

- 3.1.1 have, or expect to have, responsibility for the child’s upbringing;
- 3.1.2 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;
- 3.1.3 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.

- 3.2 Where an employee satisfies the conditions in 3.1 above, payment will be made at full salary, including regular payments and bonus, less any Statutory Paternity Pay (SPP), for up to two weeks.
- 3.3 An employee who satisfies the conditions in 3.1 above, except 3.1.3, will be entitled to SPP and leave provided they:
- 3.3.1 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;
 - 3.3.2 will continue to be employed up to the date of birth or placement of a child;
 - 3.3.3 have average weekly earnings at or above the Lower Earnings Limit.
- 3.4 SPP is the same as the standard rate for Statutory Maternity Pay, or 90% of average weekly earnings if this is less than SPP.
- 3.5 If the baby is born earlier than the 14th 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.
- 3.6 Employees can choose to take either one week's, 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.
- 3.7 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.
- 3.8 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.
- 3.9 Ante-natal appointments – Fathers and partners of pregnant women are entitled to unpaid time off to attend two ante-natal appointments.
- 3.10 Annual leave will accrue during ordinary paternity leave.
- 3.11 Paid Special/Other leave may be granted where there are difficulties at the time of birth.

4.0 Shared Parental Leave

- 4.1 **Shared Parental Leave** is a new right that will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. This could mean that the mother or adopter shares some of the leave with her partner, perhaps returning to work for part of the time and then resuming leave at a later date.

The options to use the new shared parental leave rights will apply for parents who meet the eligibility criteria, where a baby is due to be born on or after 5 April 2015, or for children who are placed for adoption on or after that date (refer to shared parental leave policy and procedure)

5.0 Procedure

5.1 Ordinary Paternity Leave

An employee must, wherever possible, give at least 28 days' notice of their intention to take ordinary paternity leave by completing form PAT1 and submitting it to their manager.

5.1.1 Form PAT1 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.

5.2 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.

6.0 Equality Statement

We are committed to a policy of equality in all our employment practices in accordance with the Equality Act 2010 and Human Rights Act 1998 which consolidates existing equality legislation relating to the protected characteristics and strive to eliminate unfair discrimination, harassment, bullying and victimisation. NHS Lewisham CCG will not unlawfully, unfairly or unreasonably discriminate or treat individuals less favourably on the grounds of age, disability, gender reassignment, marriage & civil partnerships, pregnancy & maternity, race, religion or belief, sex and sexual orientation.

Appendix a – Paternity Leave Form PAT1

Full name:		Lewisham CCG start date:	
Department:		Continuous NHS service date:	
Personal no:		<input type="checkbox"/> Work:	
Home address:		<input type="checkbox"/> Home:	

To be entitled to paternity leave you must meet the criteria in the following areas:

I am the baby's biological father, or married to the mother, or living with the mother in an enduring relationship, but am not an immediate relative

- I have responsibilities for the child's upbringing
- I will take time off work to support the mother or care for the child

Date the baby is due:	
I wish to start my paternity leave on:	
I wish to be away from work for:	One week / two weeks (delete as appropriate)

Signature:		Date:	
------------	--	-------	--

Appendix b - Equality & Equity Impact Assessment

This is a checklist to ensure relevant equality and equity aspects of proposals have been addressed either in the main body of the document or in a separate equality & equity impact assessment (EEIA)/ equality analysis. It is not a substitute for an EEIA which is required unless it can be shown that a proposal has no capacity to influence equality. The checklist is to enable the policy lead and the relevant committee to see whether an EEIA is required and to give assurance that the proposals will be legal, fair and equitable.

The word proposal is a generic term for any policy, procedure or strategy that requires assessment.

	Challenge questions	Yes/No	What positive or negative impact do you assess there may be?
1.	Does the proposal affect one group more or less favourably than another on the basis of:		
	<ul style="list-style-type: none"> • Race 		
	<ul style="list-style-type: none"> • Pregnancy and Maternity 		
	<ul style="list-style-type: none"> • Sex 		
	<ul style="list-style-type: none"> • Gender and Gender Re-Assignment 		
	<ul style="list-style-type: none"> • Marriage or Civil Partnership 		
	<ul style="list-style-type: none"> • Religion or belief 		
	<ul style="list-style-type: none"> • Sexual orientation (including lesbian, gay bisexual and transgender people) 		
	<ul style="list-style-type: none"> • Age 		
	<ul style="list-style-type: none"> • Disability (including learning disabilities, physical disability, sensory impairment and mental health problems) 		
2.	Will the proposal have an impact on lifestyle? (e.g. diet and nutrition, exercise, physical activity, substance use, risk taking behaviour, education and learning)		
3.	Will the proposal have an impact on social environment? (e.g. social status, employment (whether paid or not), social/family support, stress, income)		
4.	Will the proposal have an impact on physical environment? (e.g. living conditions, working conditions, pollution or climate change, accidental injury, public safety, transmission of infectious disease)		

5.	Will the proposal affect access to or experience of services? (e.g. Health Care, Transport, Social Services, Housing Services, Education)		
----	--	--	--

By using evidence and insight to assess and grade our equality performance, NHS Lewisham CCG can generate much of the information we will require to demonstrate compliance with the PSED. The checklist is to enable the policy lead and the relevant committee to see if a particular policy or project will provide the relevant evidence to assist NHS Lewisham CCG meet the set out EDS goals to achieve better outcomes for patients and staff. Please assess your policy, project or service against the following: