

Paternity Leave Policy

Date	Version
March 2016	7.2
Purpose	
The purpose of this policy is to outline the entitlement and process in regards to Paternity Leave and Shared Parental Leave.	
Who should read this document?	
All Trust employees	
Key messages	
This document provides information around entitlement and the claiming process for Paternity Leave and Shared Parental Leave.	
Accountabilities	
Production	Richard Maguire HRBP
Review and approval	Director of Human Resources and Organisational Development
Ratification	Director of Human Resources and Organisational Development
Dissemination	Deputy Director of Human Resources
Compliance	Director of Human Resources and Organisational Development
Links to other policies and procedures	
Leave Policy Parental Leave Policy Maternity Leave Policy Adoption Leave Carers Policy	
Version History	
4.1	14/07/06 JSNC
4.2	16/07/09 Reformatted, EIA, Dissemination Plan & Checklist included
5	March 2011 Trust Commitment to Valuing People amended in line with the Equality Act 2010. Electronic policy paths updated
6.1	24/01/2014 Updated and agreed by JSNC
7	March 2016 Minor update to incorporate Shared Parental Leave
7.1	November 2018 Extended to April 2019 by HR SMT
7.2	August 2019 Extended to February 2020 by Richard Maguire & Lisa White
Last Approval	
January 2014	
Due for Review	
Extended to February 2020	

The Trust is committed to creating a fully inclusive and accessible service. By making equality and diversity an integral part of the business, it will enable us to enhance the services we deliver and better meet the needs of patients and staff. We will treat people with dignity and respect, promote equality and diversity and eliminate all forms of discrimination, regardless of (but not limited to) age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity.

**An electronic version of this document is available on Trust Documents.
Larger text, Braille and Audio versions can be made available upon request.**

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1 Introduction

- 1.1 Plymouth Hospitals NHS Trust is committed to family friendly policies and work practices. If you are a father to be or will share the responsibility with a partner for bringing up a child, you may have the right to Statutory Paternity Leave and Pay. This includes those who are adopting a child.

2 Purpose and Responsibilities

- 2.1 Ordinary Paternity Leave allows those who are eligible, 2 weeks leave, either as one block or 2 separate weeks.
- 2.2 Shared Parental Leave (SPL) is designed to enable parents to share leave and to take time off work in a more flexible way.

3 Process

3.1 Eligibility

You must be taking time off to look after the child and be one of the following, the:

- father
- husband or partner of the mother (or adopter)
- child's adopter

There are extra conditions you need to meet to qualify for ordinary or additional leave.

3.2 Ordinary Paternity Leave

You must:

- Be an employee.
- Have worked for your employer continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week') or the end of the week of the adoption matching date.
- Give the Trust 15 weeks' notice prior to the babys expected birth date.

3.3 Shared Parental Leave

3.5 Introduction

- 3.6 Shared Parental Leave (SPL) is designed to enable parents to share leave and to take time off work in a more flexible way. For parents of children born or matched for adoption on or after the 5th April 2015, they will be able to choose how they share the care of their child during the first year after birth. Mothers will still take at least the initial two week following the birth, following that they can choose to end the maternity leave and the parents can opt to share the remaining leave as flexible parental leave.

- 3.7 SPL and pay will be available to birth mothers and adopters and the child's father/the mother's or adopter's partner. "Partner" means a person who the mother or adopter is married to or in a civil partnership with; or a partner who the mother or adopter is living with. SPL and pay will also be available to the intended parents in surrogacy arrangements where they qualify for adoption leave and/or pay.
- 3.8 SPL and pay will be created where an eligible mother or adopter chooses to bring their maternity or adoption pay or maternity allowance to an end early. This is called "curtailing" maternity or adoption leave. The untaken weeks or maternity or adoption leave can be taken as SPL if the mother/adopter or their partner is eligible for this – up to a maximum of 50 weeks.

3.9 Eligibility

- 3.10 If an employee decides not to take her full maternity leave entitlement, she and the father/partner will be able to opt in to shared parental/maternity leave.
- Employees must have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week').
 - Employees must remain continuously employed until the week before any shared parental/maternity leave starts.
 - The mother has curtailed her entitlement to Maternity Leave or has returned to work.
 - They already have or expect to have main responsibility for caring for the child
 - The mother is entitled to statutory maternity leave.

In addition, the other parent must:

- Have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week.
- Have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week.

3.11 Entitlement

- 3.12 If an employee is eligible and they or their partner end maternity or adoption leave and pay (or Maternity Allowance) early, then they can:
- Take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL).
 - Take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP).
- 3.13 The maximum amount of leave that can be shared between the parents is 50 weeks. The leave can be taken 12 months following the birth of the child, but cannot begin earlier than two weeks following the child's birth.
- 3.14 A mother must take a minimum of 2 weeks' maternity leave following the birth.

- 3.15 ShPP is paid at the rate of £139.58 a week from 5th April 2015 or 90% of an employee's average weekly earnings, whichever is lower.
- 3.16 The employee must notify their line manager and the HR Team if they wish to apply for shared parental leave.

4 Template Letters

- 4.1 For ordinary paternity leave, employees must complete form [SC3](http://www.hmrc.gov.uk/forms/sc3.pdf) (www.hmrc.gov.uk/forms/sc3.pdf).
- 4.2 For Shared Parental Leave applications, please contact the HR Team.

5 Overall Responsibility for the Document

- 5.1 The Director of People in conjunction with the HR&OD Committee is responsible for ratifying this document. The Director of People has overall responsibility for the dissemination, implementation and review of this policy.

6 Consultation and Ratification

- 6.1 The design and process of review and revision of this policy will comply with the Development and Management of Trust Wide Documents.
- 6.2 The review period for this document is set as default of five years from the date it was last ratified, or earlier if developments within or external to the Trust indicate the need for a significant revision to the procedures described.
- 6.3 Non-significant amendments to this document may be made, under delegated authority from the Executive Director, by the nominated author. These must be ratified by the Executive Director and should be reported, retrospectively, to the approving group or committee.
- 6.4 Significant reviews and revisions to this document will include a consultation with named groups, or grades across the Trust. For non-significant amendments, informal consultation will be restricted to named groups, or grades who are directly affected by the proposed changes

7 Dissemination and Implementation

- 7.1 Following approval and ratification, this policy will be published in the Trust's formal documents library and all staff will be notified through the Trust's normal notification process, currently the 'Vital Signs' electronic newsletter.
- 7.2 Document control arrangements will be in accordance with The Development and Management of Trust Wide Documents.
- 7.3 The document author(s) will be responsible for agreeing the training requirements associated with the newly ratified document with the named Executive Director and for working with the Trust's training function, if required, to arrange for the required training to be delivered.

8 Monitoring Compliance and Effectiveness

- 8.1 Monitoring of this policy and its processes will be undertaken within Directorates by Line Managers, to ensure compliance, with any concerns escalated to the HR Directorate. This policy will be reviewed every five years or sooner where employment law or practice requires it, by the HR and Organisational Development Directorate and staff side.
- 8.2 The standards and Key Performance Indicators identified with the implementation of this policy are the NHSLA, Standards as determined by the Care Quality Commission.

9 References and Associated Documentation

GOV.UK

Core Information				
Document Title	Paternity Leave Policy			
Date Finalised	March 2016			
Dissemination Lead	Richard Maguire, HR Business Partner			
Previous Documents				
Previous document in use?	Yes			
Action to retrieve old copies.	Will remove previous document and replace with updated version			
Dissemination Plan				
Recipient(s)	When	How	Responsibility	Progress update
All staff		Vital Signs / StaffNET	Document Control	

Review		
Title	Is the title clear and unambiguous?	Yes
	Is it clear whether the document is a policy, procedure, protocol, framework, APN or SOP?	Yes
	Does the style & format comply?	Yes
Rationale	Are reasons for development of the document stated?	Yes
Development Process	Is the method described in brief?	Yes
	Are people involved in the development identified?	Yes
	Has a reasonable attempt has been made to ensure relevant expertise has been used?	Yes
	Is there evidence of consultation with stakeholders and users?	Yes
Content	Is the objective of the document clear?	Yes
	Is the target population clear and unambiguous?	Yes
	Are the intended outcomes described?	Yes
	Are the statements clear and unambiguous?	Yes
Evidence Base	Is the type of evidence to support the document identified explicitly?	Yes
	Are key references cited and in full?	Yes
	Are supporting documents referenced?	Yes
Approval	Does the document identify which committee/group will review it?	Yes
	If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?	Yes
	Does the document identify which Executive Director will ratify it?	Yes
Dissemination & Implementation	Is there an outline/plan to identify how this will be done?	Yes
	Does the plan include the necessary training/support to ensure compliance?	Yes
Document Control	Does the document identify where it will be held?	Yes
	Have archiving arrangements for superseded documents been addressed?	Yes
Monitoring Compliance & Effectiveness	Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?	Yes
	Is there a plan to review or audit compliance with the document?	Yes
Review Date	Is the review date identified?	Yes
	Is the frequency of review identified? If so is it acceptable?	Yes
Overall Responsibility	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	Yes

Core Information	
Manager	Richard Maguire
Directorate	HR
Date	January 2014
Title	HR Business Partner
What are the aims, objectives & projected outcomes?	This policy is designed to ensure staff have an understanding and awareness of their entitlement to Paternity Leave.
Scope of the assessment	
Collecting data	
Race	There is no evidence to suggest there is a disproportionate impact on Race. However, data collection of those staff affected by the policy will be monitored via workforce data reports produced on ESR.
Religion	There is no evidence to suggest there is a disproportionate impact on religion or belief or non-religion. However, data collection of those staff affected by the policy will be monitored via workforce data reports produced on ESR and feedback from staff via formal and informal consultation.
Disability	There is no evidence to suggest there is a disproportionate impact on disability. However, data collection of those staff affected by the policy will be monitored via workforce data reports produced on ESR.
Sex	There is no evidence to suggest there is a disproportionate impact on sex. Paternity Leave is available to fathers and those in same sex partnerships. Data collection of those staff affected by the policy will be monitored via workforce data reports produced on ESR.
Gender Identity	There is currently no data collected on Gender Identity but this will be monitored through feedback.
Sexual Orientation	There is no evidence to suggest there is a disproportionate impact on sexual orientation. However, data collection of those staff affected by the policy will be monitored via workforce data reports produced on ESR.
Age	There is no evidence to suggest there is a disproportionate impact on age. However, data collection of those staff affected by the policy will be monitored via workforce data reports produced on ESR and feedback.
Socio-Economic	No negative impacts identified.
Human Rights	The policy is in line with statutory and legislative requirements.
What are the overall trends/patterns in the above data?	There are no trends/patterns at this point.

Specific issues and data gaps that may need to be addressed through consultation or further research				
Involving and consulting stakeholders				
Internal involvement and consultation	Policy Sub Group.			
External involvement and consultation	ACAS guidance.			
Impact Assessment				
Overall assessment and analysis of the evidence	Individuals overall statutory entitlement to Paternity Leave maintained.			
Action Plan				
Action	Owner	Risks	Completion Date	Progress update