

# Paternity Leave and Pay policy

## 1 Introduction

- 1.1 The following outlines employees' entitlement to paternity leave and paternity pay.

## 2 Aim

- 2.1 The aim of this policy is to enable employees to take up to two weeks leave to care for a new born child (or children) or support the mother. It may also be used to care for a child or children newly placed for adoption or to support the adopter.
- 2.2 Please note that 'week' means the employee's contractual week. Paternity leave and pay will be taken, and paid, in hours. The time taken off work must be one continuous period of either one or two weeks.
- 2.3 Presuming employees take two week's paternity leave (and they qualify for the full pay entitlement - see Section 4) they will receive the contractual rate of pay i.e. for 2 x 37.5 for all staff on AfC contracts.
- 2.4 Those who qualify for the statutory scheme will be subject to the same provisions as above except they would only receive the Statutory Paternity Pay rate (See section 4).
- 2.5 Leave will be calculated on a pro-rata basis for those who work part-time.

## 3 Legal / statutory position

- 3.1 The policy takes into account the provisions of the Paternity and Adoption Leave Regulations 2002. It is also in line with the Agenda for Change: NHS Terms and Conditions of Service Handbook.

## 4 Procedure

- 4.1 Who is eligible for the leave and what is the entitlement?
- 4.2 An employee who is a biological or adoptive father, nominated carer or same sex partner.
- 4.3 To qualify for the Trust's full provision of two weeks' paternity leave on full pay, the employee must have at least 12 month's service with the Trust, or another NHS employer, at the expected date of the baby's birth or

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placement for adoption (NB Discretion may be applied in recognising continuous service with other public sector organisations).

- 4.4 Staff who do not qualify for the full provision as outlined above may instead qualify for the statutory provision of two weeks' Paternity Leave at the Statutory Paternity Pay (SPP) rate.
- 4.5 To qualify for the statutory provision the employee should have at least 26 weeks continuous service with the Trust or another NHS employer by the start of the 14<sup>th</sup> week before the expected week of childbirth (EWC) or the week in which an approved adoption match is notified to the adoptive parent(s).
- 4.6 If the baby is born earlier than the 14<sup>th</sup> week before it is due and, but for the birth occurring early, the employee would have been employed continuously for 26 weeks (at the start of the 14<sup>th</sup> week before the EWC) then s/he would have been deemed to have completed the necessary length of service.
- 4.7 In the case of adoption, the husband, wife or partner (see above) who has chosen not to take adoption leave will be eligible for paternity leave.
- 4.8 Employees with less service will be entitled to up to 2 weeks' unpaid leave. All other aspects of this procedure will apply.

4.9 Other considerations

- 4.10 If the child is stillborn after 24 weeks of pregnancy the employee is still eligible to take paternity leave.
- 4.11 Employees can take only one period of leave even if more than one baby is born as a result of the pregnancy.

4.12 What leave are employees entitled to?

- 4.13 The maximum leave period is two weeks. Paternity leave cannot be taken as either odd days or as two separate weeks. The right to Paternity Leave is in addition to the Parental Leave entitlements.
- 4.14 Paternity leave can be taken at any time from the date of the child's birth and must be completed within 56 days of the birth. If the child is born earlier than expected the employee can take leave at any time from the actual date of birth and complete the period of leave within 56 days of the first day of the expected week of birth.

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4.15 In the case of adoption, leave can be taken at any time from the date of placement but must be completed within 56 days of the placement. If the adoptive parent has chosen to take leave from the date of placement and the child is placed earlier or later than expected, the employee can still expect to take leave from the placement date and complete her/his leave within 56 days of the child's placement.

#### 4.16 How to apply

4.17 Employees are required to apply for Paternity Leave and Pay at least 28 days before the baby is due or within 7 days of being notified of a 'match' for adoption. If this is not reasonably practicable then they should apply as soon as possible after this date. Applications should be made on the 'Request for Special Leave' form (LA51a).

4.18 To receive full benefits of the LAS Paternity pay scheme, employees should attach a copy of the mother's MATB1 form, or, in cases of adoption, the application must include a copy of the matching certificate.

4.19 If the employee is a partner of the adoptive parent and therefore not listed as an adoptive parent he or she must provide evidence of the relationship between themselves and the partner for example a joint utilities bill.

4.20 In cases where the employee is the nominated carer a letter will be required from the mother confirming that this is the case together with a copy of the Mat B1 maternity certificate.

4.21 Managers are responsible for checking the validity of requests and to forward the Request for Special Leave form (together with attached documents) to their HR officer.

4.22 The HR officer will confirm receipt of the application (see appendix 1) including the proposed dates to be taken as Paternity Leave. This will be done within 14 days of receipt.

4.23 Employees must let their manager know as soon as possible if there are any changes to the planned leave date. The final leave dates should be communicated to the HR officer in order that the pay variation form (LA 231) may be completed and sent to payroll.

4.24 The paternity leave must also be recorded on the Weekly absence return form (LA187/191).

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4.25 Employees' terms and conditions of service

4.26 All other terms and conditions of employment remain unchanged.

4.27 Pension contributions

4.28 The LAS will continue to pay the employer's contributions during the period of paternity leave. Employees' contributions will be deducted on their return to work.

4.29 False claims

4.30 Paternity leave and pay will be granted within the above provisions. Any alleged false claims for paternity leave and pay will be investigated under the Disciplinary Procedure and may result in action up to and including dismissal.

4.31 Related policies

4.32 Employees may also wish to refer to the Parental Leave and Ante natal leave policies.

4.33 Childcare voucher scheme

4.34 The LAS operates a childcare voucher scheme. Staff should contact their HR Advisor for further information.

**5 Any questions**

5.1 For any clarification or advice regarding the policy employees should contact their HR Advisor.

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## Appendix 1

### HR response to paternity leave request

Dear...

#### Application for paternity leave

I am pleased to confirm that your application for paternity leave has been approved.

Your paternity leave period is planned to take place between... and .... You will be expected to return to work on...

You will be paid...

I appreciate that the exact dates of your paternity leave may be subject to change however I would be grateful if you could, as far as possible, keep your manager and myself informed as to any likely changes.

Please note that the LAS will continue to make pension payments during the period of your leave, your contributions will be deducted following your return to work.

If you have any questions please contact me.

Yours sincerely,

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## Appendix 2

### Paternity Leave – in brief

	Employee has 12 months+ service at expected birth date.	Employee has less than 12 months service But has 26 weeks continuous service by the start of the 14 <sup>th</sup> week before baby is due.	Employee has less than 26 weeks continuous service by the start of the 14 <sup>th</sup> week before the bay is due.
<b>ENTITLEMENT</b>	2 weeks @ Full Pay, taken and paid in hours (a week being the contractual week - 37.5 hours for staff on AfC contracts. Must be a continuous period.	2 weeks Statutory Paternity Pay, @ £108.85 per week. (a week being the contractual week - 37.5 hours for staff on AfC contracts. Must be a continuous period.	2 weeks Unpaid leave (a week being 37.5 hours for staff on AfC contracts). Must be a continuous period.
<b>APPLICATION</b>	Employee must apply at least 28 days before the baby is born on Request for Special Leave Form (LA51a), attaching a copy of the mother's MATB1 form.	Employee must apply at least 28 days before the baby is born on Request for Special Leave Form (LA51a), attaching a copy of the mother's MATB1 form.	Employee must apply at least 28 days before the baby is born on Request for Special Leave Form (LA51a), attaching a copy of the mothers MATB1 form.
<b>TAKEN BY</b>	Within 56 days of birth	Within 56 days of birth	Within 56 days of birth
<b>ACTION</b>	<p>Managers check validity of the request and forward the Request for Special Leave Form + attachments to the HR Officer.</p> <p>HR Officer writes to employee to confirm receipt.</p> <p>Employees to keep their manager updated with any changes to planned date.</p> <p>Final Leave dates communicated to the HR Officer who will notify payroll.</p> <p><b>MUST BE RECORDED ON STATION ON THE LA187/191)</b></p>	<p>Managers check validity of the request and forward the Request for Special Leave Form + attachments to the HR Officer.</p> <p>HR Officer writes to employee to confirm receipt.</p> <p>Employees to keep their manager updated with any changes to planned date.</p> <p>Final Leave dates communicated to the HR Officer who will notify payroll.</p> <p><b>MUST BE RECORDED ON STATION ON THE LA187/191)</b></p>	<p>Managers check validity of the request and forward the Request for Special Leave Form + attachments to the HR Officer.</p> <p>HR Officer writes to employee to confirm receipt.</p> <p>Employees to keep their manager updated with any changes to planned date.</p> <p>Final Leave dates communicated to the HR Officer who will notify payroll.</p> <p><b>MUST BE RECORDED ON STATION ON THE LA187/191)</b></p>

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