

**Paternity Policy**

# **Paternity (Maternity Support) Policy**

Source ID:	ID_049752
Version:	1.0
Date Due for Review:	25.07.2018

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Approving Committee / Group:	Partnership Committee
Date Approved:	25 July 2015
Date Ratified by Executive Committee:	25 <sup>th</sup> August 2015

Target Audience:	All Trust Staff
Category:	People & OD

## Paternity (Maternity Support) Policy

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## 1 Introduction

Paternity (Maternity Support) Leave is available to employees who are taking time off to look after a new born or newly adopted child and are the husband or partner of the mother or primary adopter. Paternity leave is also known as maternity support leave. Employees are entitled to take two weeks paternity leave. Leave can start on any day of the week. It can be taken in a single block of either one or two weeks. Employees who take paternity leave who have the appropriate qualifying service may be entitled to occupational and/or statutory paternity pay. Partners of women who give birth and partners of primary adopters can also take shared parental leave: for more information see the shared parental leave policy.

## 2. Definitions

**2.1 Statutory Paternity Pay (SPP):** The weekly rate of SPP is uplifted each year. If you are entitled to SPP during your paternity leave you will receive a weekly rate which is uplifted each year or 90% of average weekly earnings if your earnings are lower than the rate of SPP. To see the current rate of SPP see: [www.gov.uk/employers-paternity-pay-leave/entitlement](http://www.gov.uk/employers-paternity-pay-leave/entitlement)

**2.2 Occupational Paternity Pay during Paternity Leave:** If you are entitled to occupational paternity pay you will receive full pay during your paternity leave of up to two weeks. Full pay is based on average weekly earnings rules used for calculating occupational maternity pay entitlements.

**2.3 Partner:** An individual who lives with the biological mother/primary adopter of the child in an enduring family relationship but is not a relative e.g. parent, grandparent, sibling or aunt.

**2.4 Primary Adopter:** The member of the couple who is taking statutory adoption leave.

**2.5 Co-adopter:** The member of a couple who is jointly adopting a child but not taking statutory adoption leave and/or pay.

**2.6 Expected Week of Childbirth (EWC):** This is the week in which a baby is due, i.e. from the Sunday before the expected date of childbirth (EDC) to the Saturday after.

**2.7 Maternity Certificate (MATB1):** The certificate given by the doctor or midwife to confirm the date when the baby is due.

**2.8 Matching Certificate:** This is the letter an Adoption Agency provides to confirm an adoption. If appropriate, it must include the name and address of the agency, your name and address, the date on which you were notified that you had been matched with the child and the date on which the agency expects to place the child with you.

**2.9 Matching/Qualifying Week:** The week in which the adopter is notified by the adoption agency they have been matched with a child for placement. The matching week starts on a Sunday and ends on a Saturday.

**2.10 Official Notification:** Official notification is required when a child is adopted from outside the UK. It is the equivalent to the matching certificate and is usually issued on behalf of the Department of Health.

### **3. Paternity leave for the birth of a child**

#### **3.1 Paternity Leave - birth of a child**

All staff are entitled to take two weeks ordinary paternity leave where they are the biological father of the child OR the biological mothers' husband/civil partner or partner and have responsibility for the child's upbringing. The leave must be taken for the purpose of caring for the newborn child and support the child's mother.

Paternity leave can be taken at any time on or after the birth of a child, but must be taken within 56 days of the birth.

In order to apply for ordinary paternity leave the application form at appendix 1 must be completed and returned with a copy of the MATB1 form to the HR Service Centre at least 28 days before commencement of the leave. The biological mother can obtain a MATB1 form from her GP/registered midwife confirming the expected date of childbirth (EDC). Late notification will only be accepted if there is a good reason for delay.

#### **3.2 Paternity leave when a child is adopted**

All staff are entitled to take two weeks paternity leave when they are one of two parents jointly adopting a child or the partner of someone adopting a child individually and have responsibility for the child's upbringing. Paternity leave can only be taken for a newly placed child who is under the age of 18. Paternity leave can only be taken where the purpose of the leave is to care for the newly placed child and support the primary adopter.

In the case of UK adoptions, paternity leave can be taken from the date when the child is placed with the adopter but must be taken within 56 days from when the child is placed with the adopter. For overseas adoptions it can be taken from the date that the child enters UK but must be taken within 56 days of the child entering UK.

Paternity leave cannot be used to cover the period spent travelling overseas to arrange adoption or visit the child. You should talk to your line manager about leave arrangements to cover this period.

In order to apply for paternity leave for the birth of a child, the application form at appendix 1 must be completed and returned with a copy of the matching certificate (for adoptions within the UK) within 7 days of receipt or the official notification (for adoptions outside the UK) within 28 days of receipt. For adoptions outside the UK, evidence must be provided to demonstrate that the child has entered the UK. This can be a plane ticket or copies of entry clearance documents and must be provided within 28 days of the child entering UK. Late notification will only be accepted if there is a good reason for the delay.

### **4. Paternity Pay**

#### 4.1 Statutory Paternity Pay during Paternity Leave

If you have worked continuously for the Trust for at least 26 weeks ending with the 15<sup>th</sup> week before the baby is expected to be born AND you will still be working for the Trust when the baby is expected to be born, you are eligible for statutory paternity pay if your average weekly earnings are at least equal to the lower earnings limit for National Insurance contributions.

In the case of adoption you are eligible for statutory paternity pay if you have worked continuously for the Trust for at least 26 weeks ending EITHER with the matching week OR, for overseas adoptions, when official notification is received or the adoption leave is due to commence, whichever is later. You must be employed by the Trust when the leave begins.

#### 4.2 Occupational Pay during Paternity Leave

Employees are entitled to up to two weeks full pay. Full pay includes statutory paternity pay.

*Birth of a child:* To qualify for occupational paternity pay you must have twelve months continuous service with the NHS at the beginning of the week in which the baby is due. Full pay is calculated on the basis of the average weekly earnings in the eight-week period prior to the 15<sup>th</sup> week before the expected week of childbirth i.e. between weeks 15-23.

*Adoption of a child:* In the case of adoption within the UK, you must have twelve months continuous NHS service by the beginning of the matching week. For adoptions outside the UK you must have 12 months NHS service by the time the official notification has been received or the adoption leave is due to commence, whichever is later. Full pay is based on average earnings in the eight week period before the last payday before the matching week.

If you do not qualify for either occupational or statutory paternity pay, your paternity leave will be unpaid.

### 5. General Information about Paternity Leave

**Pension Contributions:** Contributions will be deducted from the rate of remuneration paid. On your return to work, you should contact the Payroll Department to agree how you will pay the contributions due that relate to any unpaid period. For further information or to alter your pension payment arrangements you should contact the pensions officer.

**Cessation of eligibility to take Paternity Leave:** If you are no longer eligible to take paternity leave, e.g. if your partner has returned to work and you have taken Shared Parental Leave, or you will not be caring for the child, you must inform your line manager as soon as possible.

**Early Birth:** If the baby is born earlier than the 14<sup>th</sup> week before it is due and, but for the birth occurring early, you would have been employed continuously for the 26 weeks, you will be deemed to have the necessary length of service.

**Still Birth:** Entitlements to paternity leave and pay remain the same if a baby is stillborn from 24 weeks of pregnancy or is born alive at any point during the pregnancy but later dies. If your partner gives birth to a stillborn child before 24 weeks of pregnancy, leave can be agreed under the special leave policy.

**Death of a child:** Entitlements for paternity leave and pay remain the same if a child dies during the paternity leave period.

**Time off for antenatal appointments:** Partners of pregnant women can attend up to two ante-natal appointments without pay. There is no continuous period of employment required to qualify. Your manager may request documentary evidence of an appointment. In this case you must provide a written declaration stating: the qualifying relationship you have; the purpose of taking the time off is to attend an antenatal appointment; the appointment has been made on the advice of a registered medical practitioner, midwife or nurse, and the date and time of the appointment. Where it is reasonable to do so, e.g. because of service pressures, your manager has the right to refuse time off.

**Cessation of Placement:** In the case of adoption, if the adopter is told before paternity leave has started that the child will not be placed with them, there is no entitlement to paternity leave or pay. If the child is placed and disruption occurs after the placement you are entitled to paternity leave and pay as planned.

**Multiple Births/Adoptions:** Employees are only eligible for one period of paternity leave even if more than one baby is born or more than one child is placed for adoption.

**Continuous Service:** Paternity leave does not affect continuous service with the Trust or the NHS. Your employment rights are protected while on paternity leave; this includes your right to pay rises; accrual of holiday and return to work.

**Annual Leave and Bank Holiday Accrual:** During paternity leave, normal annual leave and bank holiday entitlements are not affected. If, as a result of paternity leave, an employee has been unable to take their remaining/accrued leave, it can be carried forward to the next leave year providing that anything exceeding five days is taken prior to return to work or used as part of an agreed phased return to work. Arrangements must be made in agreement with your manager in line with the local procedures for booking leave.

**Parents who need more time off:** If you wish to take a period of unpaid parental leave or shared parental leave after your paternity leave, you should discuss this with your manager as early as possible and refer to the Trust's policies on Special Leave or Shared Parental Leave.

## Appendix 1

### Notification of Paternity (Maternity Support) Leave

Please return this form to the HR Service Centre, 1<sup>st</sup> Floor Education Centre, Charing Cross Hospital or Medical Personnel Department, St Mary's Hospital at least 15 weeks before the baby's due date/adoption placement date.

#### Personal Details

<b>First Name:</b>	<b>Surname:</b>
<b>Assignment Number:</b>	<b>Position Number:</b>
<b>Job Title:</b>	<b>Ward/ Department:</b>
<b>Grade:</b>	<b>Division:</b>
<b>Contact Telephone No:</b>	<b>Site:</b>
<b>Start Date of Employment with the Trust:</b>	

I wish to notify the Trust of my intention to take Paternity (Maternity Support) Leave

I declare that I am (tick **one** box):

The baby's biological or adopted father	
Married to the mother or the mother's partner or civil partner	
A nominated carer for the child	
<b>Due Date/Adoption Placement Date</b>	
The due date/adoption placement date is (as per MAT B1 form or adoption notification letter):	
I have attached a copy of the MAT B1 form or adoption notification letter (Yes/No):	

#### Ordinary Paternity (Maternity Support) Leave

I wish to take Paternity (Maternity Support) Leave on the following dates:

Start Date	End Date	No of Days	Start Date	End Date	No of Days
1.			2.		

I confirm that the information on this form is correct to the best of my knowledge and that I have read and will comply with the Trust's Paternity (Maternity Support) Policy.

<b>Employee's Signature:</b>	<b>Date:</b>
<b>Manager's Authorisation</b>	
<b>Name:</b>	<b>Signature:</b>
<b>Job Title:</b>	<b>Ext:</b>
	<b>Date:</b>

#### Input by Human Resources

<b>Name:</b>	<b>Signature:</b>	<b>Date:</b>
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Please note that you must additionally complete an HM Revenue & Customs SPP form in order for Payroll to process payment. The latest version of this form can be found on the Source.