



PATERNAL AND PARENTAL LEAVE POLICY

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|-------------------------|---|
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| Policy Author | Human Resources Officer |
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| Policy Valid to date: | 28 th February 2024 |

'During the COVID19 crisis, please read the policies in conjunction with any updates provided by National Guidance, which we are actively seeking to incorporate into policies through the Clinical Ethics Advisory Group and where necessary other relevant Oversight Groups'

DOCUMENT HISTORY

(Procedural document version numbering convention will follow the following format. Whole numbers for approved versions, e.g. 1.0, 2.0, 3.0 etc. With decimals being used to represent the current working draft version, e.g. 1.1, 1.2, 1.3, 1.4 etc. For example, when writing a procedural document for the first time – the initial draft will be version 0.1)

| Date of Issue | Version No. | Date Approved | Director Responsible for Change | Nature of Change | Ratification / Approval |
|-------------------|-------------|------------------|---|--|---|
| 19 June 2013 | | | Executive Director of Nursing and Workforce | Refresh of policy – no change | |
| 23 July 2013 | | | Executive Director of Nursing and Workforce | | Opened for consultation at Partnership Forum and JLNC |
| 27 August 2013 | | | Executive Director of Nursing and Workforce | Consultation extended due to problems with circulation | |
| 24 September 2013 | | | Executive Director of Nursing and Workforce | | Consultation closed – no comments or changes |
| 24 September 2013 | | | Executive Director of Nursing and Workforce | | Agreed at Policy Review Group |
| 14 October 2013 | 1.1 | | Executive Director of Nursing and Workforce | | Approved at TEC |
| 19 September 2016 | 1.2 | | Executive Director of Financial and Human Resources | Review of policy – updated to reflect statutory entitlements | Circulated to HR colleagues for professional review |
| October 2016 | 1.2 | | Executive Director of Financial and Human Resources | | Partnership Forum including JLNC members October 2016 and November 2016 |
| 13 December 2016 | 2.0 | 13 December 2016 | Executive Director of Financial and Human Resources | For Approval | Corporate Governance & Risk Sub-Committee |
| January 2020 | 2.1 | | Director of HROD | Review of policy | |
| 7 Jan 2020 | 2.1 | | Director of HROD | Endorsed at | Partnership Forum |
| 21 Feb 2020 | 3.0 | 21 Feb 2020 | Director of HROD | Policy approved via voting buttons at | Policy Management Sub-Committee |
| 29 Jan 2021 | 3.0 | 21 Feb 2020 | Director of People and Organisational Development | 12 month blanket policy extension due to covid 19 applied with author review date set 6 months prior to Valid to Date. | Quality & Performance Committee |
| 19 May 2021 | 3.0 | 21 Feb 2020 | Director of People and Organisational Development | Extended policy uploaded and linked back with new cover sheet | Corporate Governance |

NB This policy relates to the Isle of Wight NHS Trust hereafter referred to as the Trust

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1 Executive Summary

The Isle of Wight NHS Trust acknowledges its legal duties and obligations in the granting of Maternity Support (Paternity) Leave and Parental leave and pay. Paternity leave and pay entitles eligible employees to take paid leave when a child is born or adopted. Parental leave offers qualifying parents the right to take unpaid time off work to look after their children or make arrangements for their welfare.

This policy should be read in conjunction with the Shared Parental Leave Policy.

There are a number of other policies to support employees balance their work and family commitments including Maternity leave policy, Adoption leave policy, Special leave policy and Flexible working policy.

2 Introduction

The Trust strives to achieve a culture where employees receive equitable and reasonable treatment. The Trust will therefore:

- Recognise its legal responsibilities.
- Promote good employment practice.
- Treat all staff fairly, sensitively and consistently.
- Recognise the commitments that are faced by staff with children, by the provision of time off to assist them in fulfilling these commitments.
- Set out what is required from managers to ensure compliance of this policy and fair, consistent application.
- Review this policy and associated procedures regularly and in light of legal changes, which may impact on it.

3 Definitions

Maternity support (paternity) leave; All employees are entitled to two weeks' of ordinary maternity support (paternity) leave which can be taken around the time of the birth or the placement of the child for adoption. This will apply to the father of the child (including adoptive fathers), the mother's husband or partner (whether opposite or same sex), or nominated carer.

Parental leave should provide a non-transferable individual right to at least 18 weeks' leave. Leave is normally unpaid and is applicable to any employee in the NHS who has nominated caring responsibility for a child under age 18. Parental leave can be added to periods of maternity support (paternity) leave, maternity leave, adoption leave, and Shared Parental Leave.

Ante-natal care; Reasonable paid time off to attend ante-natal classes will also be given according to legislation. This also covers the right to unpaid time off to accompany a pregnant woman to appointments for eligible employees.

4 Scope

This policy applies to all staff employed by the Trust and those employed on fixed term contracts. This policy does not apply to individuals employed by agencies or other contractors.

5 Purpose

This policy provides employees with access to leave arrangements which support them in balancing their work responsibilities with their personal commitments. This policy should be read in conjunction with the Maternity Policy, Adoption Leave Policy, Shared Parental Leave Policy and the Special Leave Policy.

6 Roles and Responsibilities

6.1 Line Manager

Line managers must ensure that they have read and understood the requirements of this and other relevant policies (see section 13) in support of their team balancing the commitments of work with their family life.

Line managers must ensure that they respond to requests for leave in accordance with this policy.

In relation to Parental Leave requests, in the event that a request for Parental Leave is declined, the line manager must ensure that the reasons for this are outlined in writing and alternative dates are offered to the employee.

Line managers are responsible for ensuring that the correct notification to payroll via a change forms is completed in a timely manner. The change form must confirm the dates of the paternity/parental leave policy and confirm if this is paid or unpaid leave.

Line managers are responsible for ensuring that the period of leave is recorded on the MAPS Healthroster. How to Guides are published on the Intranet to support managers to do this.

6.2 Employees

Employees must ensure that they provide notification of their intention to take leave to their line manager in accordance with this policy.

Employees must provide the relevant documentation to confirm their eligibility of pay in accordance with this policy.

7 Policy detail

7.1 PATERNITY PAY

7.1.1 Entitlement to Statutory Paternity Pay (SPP)

The rate for SPP is the same as for Statutory Maternity Pay (SMP) and is set by the government. To qualify for SPP, employees must have completed 26 weeks continuous service with the NHS by the 15th week before the baby is due.

In the cases of adoption, the employee must have been employed continuously for at least 26 weeks by the 'matching week'. For adoption this is either:

- the end of the week you're matched with the child (UK adoptions)
- the date the child enters the UK or when you want your pay to start (overseas adoptions).

7.1.2 Entitlement to NHS Occupational Paternity Pay

Eligibility for the two weeks of occupational maternity support (paternity) 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.

There will be an entitlement to two weeks' occupational ordinary maternity support (paternity) pay. Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational maternity pay entitlements. The employee will receive full pay less any statutory paternity pay receivable. Only one period of occupational maternity support (paternity) pay is ordinarily available when there is a multiple birth.

Employees who are not eligible for the two weeks of occupational maternity support (paternity) pay may still be entitled to statutory paternity pay subject to meeting the qualifying conditions described in the relevant legislation

7.2 Paternity Leave entitlement

All employees are entitled to two weeks' of ordinary maternity support (paternity) leave which can be taken around the time of the birth or the placement of the child for adoption.

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

- the father of the child (including adoptive fathers)
- the mother's husband or partner (whether opposite or same sex),
- the intended parent/nominated carer (e.g. if you're having a baby through a surrogacy arrangement)

7.2.1 Maternity Support (Paternity) Leave entitlement (excluding adoption)

Paternity Leave can only be taken in blocks of one week which may be consecutive. Paternity Leave can't start before the birth. It must end within 56 days of the birth.

7.2.2 Maternity Support (Paternity) Leave entitlement for adoptions/surrogacy

Paternity Leave can commence;

- on the date of placement
- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only)
- the day the child's born or the day after if you're working that day (surrogate parents)

Leave must be taken within 56 days of the date of placement or the child's arrival in the UK (overseas adoptions).

7.3 Entitlement for leave to attend antenatal appointments

Employees may take time off to accompany their partner (or the surrogate mother) to 2 antenatal appointments. For employees who are adopting a child, they are eligible for time off to attend 2 adoption appointments after they have been matched with a child.

7.4 Notification – Maternity Support (Paternity) Leave

Employees are required to inform their line manager at least 15 weeks before the week the baby is expected, confirming the following:

- the baby's due date
- when you want your leave to start, eg the day of the birth or the week after the birth
- if you want 1 or 2 weeks' leave

Employees must provide the manager with a form SC3 Becoming a Parent which is available by contacting the Inland Revenue or from www.inlandrevenue.gov.uk.

The employee must also provide documentary evidence of the date the child is expected to be born or placed for adoption (e.g. a MAT B1 form or a Matching Certificate from an adoption agency).

An employee wishing to change the date of commencement of Paternity Leave must give 28 days' notice to their line manager of the intended start date. Employees are not required to give a precise date when you want to take leave (e.g. 1 February). Instead they can give the general time, e.g. the day of the birth or 1 week after the birth.

7.5 Still Birth

In the event that the baby is stillborn, the employee will still be eligible for Paternity Leave or pay if their baby is stillborn from 24 weeks of pregnancy.

Eligible employees can take unpaid parental leave to look after their child's welfare, e.g.

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family, such as visiting grandparents

The employees' rights are protected during parental leave.

7.6 Parental Leave Entitlement

Employees have the right to Parental Leave if all of these apply:

- they've been employed by the NHS for more than a year
- they're named on the child's birth or adoption certificate or they have or expect to have parental responsibility
- they're not a foster parent (unless they've secured parental responsibility through the courts)
- the child is under 18

Parental leave is unpaid. Employees are entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

Parental leave must be taken as whole weeks (e.g. 1 week or 2 weeks) rather than individual days unless your child is disabled. Employees do not have to take all the leave at once. A 'week' equals the length of time an employee normally works over 7 days.

7.7 Notification

Employees must give 21 days' notice before their intended start date. If they or their partner are having a baby or adopting, its 21 days before the week the baby or child is expected.

This notification must be in writing.

7.8 Delaying Parental Leave

There may be limited circumstances when parental leave has been requested but due to the needs of the service the requested dates cannot be accommodated. Line managers would need to demonstrate that there is a significant reason, which can be justified when declining a request for parental leave.

However, parental leave cannot be postponed when;

- it's being taken by the father or partner immediately after the birth or adoption of a child
- it means an employee would no longer qualify for parental leave, eg postponing it until after the child's 18th birthday

The Line Manager must confirm in writing within 7 days of the original request explaining the reasons that the parental leave request has been delayed. The line manager must suggest a new start date which must be within 6 months of the requested start date. The line manager cannot change the amount of leave being requested.

8 Return to work

Employees are entitled to return to work to the same post following Paternity and Parental Leave.

9 Consultation

This policy will be published on the draft policy site of the Trust Intranet. Partnership Forum, LNC and the HR and OD Performance Group will be key stakeholders in the consultation process. Communication will be included in the e-bulletin.

10 Training

This Paternity and Parental Leave Policy does not have a mandatory training requirement but the following non mandatory training is recommended:-

Leadership and management development modules

11 Monitoring Compliance and Effectiveness

This policy confirms the procedure that must be followed to enable staff to benefit from maternity leave and pay in line with their terms and conditions of employment.

12 Links to other Organisational Documents

Shared Parental Leave Policy
Maternity Leave Policy
Adoption Leave Policy
Special Leave Policy
Agenda for Change Terms and Conditions Handbook
Terms and Conditions – Medical Practitioners

13 References

www.gov.uk – Maternity Support (Paternity) Leave
www.gov.uk – Parental Leave
www.nhsemployers.org – Terms and Condition Handbooks

14 Appendices

Appendix A - Financial and Resourcing Impact Assessment on Policy Implementation

Appendix B - Equality Impact Assessment (EIA) Screening Tool

Financial and Resourcing Impact Assessment on Policy Implementation

NB this form must be completed where the introduction of this policy will have either a positive or negative impact on resources. Therefore this form should not be completed where the resources are already deployed and the introduction of this policy will have no further resourcing impact.

| | |
|-----------------------|--|
| Document title | Paternity and Parental Leave Policy |
|-----------------------|--|

| Totals | WTE | Recurring £ | Non Recurring £ |
|------------------------------------|------------|--------------------|------------------------|
| Manpower Costs | 0 | 0 | 0 |
| Training Staff | 0 | 0 | 0 |
| Equipment & Provision of resources | 0 | 0 | 0 |

Summary of Impact:

Risk Management Issues:

Benefits / Savings to the organisation:

Equality Impact Assessment

- Has this been appropriately carried out? **YES/NO**
- Are there any reported equality issues? **YES/NO**

If "YES" please specify:

Use additional sheets if necessary.

Please include all associated costs where an impact on implementing this policy has been considered. A checklist is included for guidance but is not comprehensive so please ensure you have thought through the impact on staffing, training and equipment carefully and that ALL aspects are covered.

| Manpower | WTE | Recurring £ | Non-Recurring £ |
|---------------------------|------------|--------------------|------------------------|
| Operational running costs | 0 | 0 | 0 |
| | | | |
| Totals: | 0 | 0 | 0 |

| Staff Training Impact | Recurring £ | Non-Recurring £ |
|------------------------------|--------------------|------------------------|
| | 0 | 0 |
| Totals: | 0 | 0 |

| Equipment and Provision of Resources | Recurring £ * | Non-Recurring £ * |
|---|----------------------|--------------------------|
| Accommodation / facilities needed | 0 | 0 |
| Building alterations (extensions/new) | 0 | 0 |
| IT Hardware / software / licences | 0 | 0 |
| Medical equipment | 0 | 0 |
| Stationery / publicity | 0 | 0 |
| Travel costs | 0 | 0 |
| Utilities e.g. telephones | 0 | 0 |
| Process change | 0 | 0 |
| Rolling replacement of equipment | 0 | 0 |
| Equipment maintenance | 0 | 0 |
| Marketing – booklets/posters/handouts, etc | 0 | 0 |
| | | |
| Totals: | 0 | 0 |

- Capital implications £5,000 with life expectancy of more than one year.

| | |
|---|--|
| Funding /costs checked & agreed by finance: | |
| Signature & date of financial accountant: | |
| Funding / costs have been agreed and are in place: | |
| Signature of appropriate Executive or Associate Director: | |



Equality Impact Assessment (EIA) Screening Tool

| | |
|---|---|
| Document Title: | Paternity and Parental Policy |
| Purpose of document | To inform employees and line managers of the statutory entitlements to Paternity and Parental Leave |
| Target Audience | <i>All employees</i> |
| Person or Committee undertaken the Equality Impact Assessment | <i>Senior HR Manager</i> |

1. To be completed and attached to all procedural/policy documents created within individual services.
2. Does the document have, or have the potential to deliver differential outcomes or affect in an adverse way any of the groups listed below?

If no confirm underneath in relevant section the data and/or research which provides evidence e.g. JSNA, Workforce Profile, Quality Improvement Framework, Commissioning Intentions, etc.

If yes please detail underneath in relevant section and provide priority rating and determine if full EIA is required.

| | | Positive Impact | Negative Impact | Reasons |
|---------------|-------------------------------|-----------------|-----------------|---|
| Gender | Men | ✓ | | <i>This policy confirms the organisations commitment to enabling staff to balance the commitments of work with their family life in a fair and consistent way ensuring compliance to employment legislation</i> |
| | Women | ✓ | | <i>As above</i> |
| Race | Asian or Asian British People | ✓ | | <i>As above</i> |
| | Black or Black British People | ✓ | | <i>As above</i> |

| | | | | |
|--|--|---|--|----------|
| | Chinese people | ✓ | | As above |
| | People of Mixed Race | ✓ | | As above |
| | White people (including Irish people) | ✓ | | As above |
| | People with Physical Disabilities, Learning Disabilities or Mental Health Issues | ✓ | | As above |
| Sexual Orientation | Transgender | ✓ | | As above |
| | Lesbian, Gay men and bisexual | ✓ | | As above |
| Age | Children | | | |
| | Older People (60+) | ✓ | | As above |
| | Younger People (17 to 25 yrs) | ✓ | | As above |
| Faith Group | | ✓ | | As above |
| Pregnancy & Maternity | | ✓ | | As above |
| Equal Opportunities and/or improved relations | | ✓ | | As above |

Notes:

Faith groups cover a wide range of groupings, the most common of which are Buddhist, Christian, Hindus, Jews, Muslims and Sikhs. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

3. Level of Impact

| | | | |
|--|--|------------|-----------|
| If you have indicated that there is a negative impact, is that impact: | | | |
| | | YES | NO |
| Legal (it is not discriminatory under anti-discriminatory law) | | | |
| Intended | | | |

If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.

| | |
|--|-------|
| 3.1 Could you minimise or remove any negative impact that is of low significance? Explain how below: | |
| | |
| 3.2 Could you improve the strategy, function or policy positive impact? Explain how below: | |
| | |
| 3.3 If there is no evidence that this strategy, function or policy promotes equality of opportunity or improves relations – could it be adapted so it does? How? If not why not? | |
| | |
| Scheduled for Full Impact Assessment | Date: |
| Name of persons/group completing the full assessment. | |
| Date Initial Screening completed | |

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