



PATERNITY POLICY & PROCEDURE

1	POLICY DRAFTED BY:	HR BUSINESS PARTNER
2	ACCOUNTABLE DIRECTOR:	DIRECTOR – QUALITY & INTEGRATED GOVERNANCE
3	APPLIES TO:	ISLINGTON CCG EMPLOYEES
4	COMMITTEE & DATE APPROVED:	Joint Partnership Group–30 January 2015 Executive Management Team – 11 March 2015
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DOCUMENT CONTROL

Date	Version	Action	Amendments

Paternity Policy & Procedure

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1. Introduction

Paternity leave (Maternity support) is provided to allow employees time away from work following the birth or adoption of a child and applies to biological and adoptive fathers, nominated carers and same sex partners.

This policy & procedure details Islington CCG's ordinary & additional paternity leave¹ & pay provisions.

2. Policies statement

Islington CCG's policies set out the organisation's standards and intentions, and are written with the aim of being as clear and comprehensive as possible. However, we operate in a dynamic and evolving work environment and attention should be paid to the spirit of the policy as well as the letter. Policies by themselves cannot guarantee effective behaviour or the delivery of key objectives. While they are designed to support the CCG, and the people working within it, our success depends on continuous, high quality effort by everyone the policy covers. Therefore thought must be given to good practice when applying or interpreting any of the CCG's policies, and you should read any guidance or supporting documentation that relates to this policy to help you do this. In addition, this policy should work in accordance with national and local guidance on child and adult safeguarding as applicable.

3. Purpose and Scope of the Policy

The aims of the policy and procedure are:

- To provide staff with a policy and procedure that sets out their rights to paternity leave and paternity pay
- To ensure equality at work by ensuring family rights are effective and fair for all employees
- To support employees to balance work and family life
- To maintain contact with staff and assist them in their return to work
- To provide guidance to managers responsible for implementing the policy and procedure
- To ensure employees are aware of their responsibilities and obligations to the CCG
- To attract and retain staff

4. Who this policy applies to

This policy applies to Islington CCG employees. The policy does not apply to contractors, agency staff or office holders.

¹ Additional paternity leave is available in relation to babies due before 05 April 2015. Please note that additional paternity leave is being abolished and replaced with shared parental leave. Shared Parental Leave is available if your baby is due, or in the case of adoption placed on or after 05 April 2015.

5 Definitions

The main terms used throughout this policy and procedure are:

- Ordinary Paternity Leave [OPL] – all employees are entitled to 2 weeks OPL.
- Additional Paternity Leave [APL] – eligible employees are entitled to take between 2 and 26 weeks APL.

6. Entitlement & Eligibility requirements for Ordinary Paternity Leave

6.1 All employees will be entitled to 2 weeks Ordinary Paternity Leave, regardless of length of service if they:

6.1.1 have, or expect to have, responsibility for the child’s upbringing and be making the request to help care for the child or to support the child’s mother; and

6.1.2 are the biological/adoptive father/carer of the child or the mother’s spouse, partner or civil partner

6.2 Employees can choose to take either one week or two separate or continuous weeks leave [not odd days]. Only two weeks leave is available irrespective of the number of children born as a result of the same pregnancy or the number of children placed together for adoption.

7. Eligibility requirements for Paternity pay during Ordinary Paternity Leave

The following table outlines the different types of paternity pay and the eligibility requirements for each type of paternity pay:

	Paternity Pay	Eligibility Requirements
7.1	<ul style="list-style-type: none"> ▪ 2 weeks full pay (less Statutory Paternity Pay) 	Employees with 12 months continuous NHS service at the beginning of the week in which the baby is due or the adopted child is due to be placed -Employees must meet the requirements outlined in section 6.
7.2	<ul style="list-style-type: none"> ▪ 2 weeks Statutory Paternity Pay, or 90% of average weekly earnings if this is less than SPP 	Employees with 26 weeks continuous NHS service by the 15 th week before the baby is due or the week in which notification of adoptive match occurs. -Employee has average weekly earnings at or above the lower earnings limit for national insurance contributions
7.3	<ul style="list-style-type: none"> ▪ No entitlement to pay 	Employees with less than 26 weeks continuous NHS Service

- 7.4 If the baby is born earlier than the fourteenth 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.
- 7.5 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.

8. Commencement of Ordinary Paternity Leave

- 8.1 Ordinary Paternity Leave must be taken within the first 8 weeks after the child's birth or placement date.
- 8.2 Ordinary Paternity 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.
 - any day of the week on or following the child's date of birth or placement.
 - the actual date of birth up to 56 days after the expected week of birth [if the baby is born early].
- 8.3 If the baby is born prematurely, an employee may not be able to give the CCG the required notice to take paternity leave. In such cases, they are required to complete the form in Appendix 1 as soon as is reasonably practicable.
- 8.4 If an employee has completed the form in Appendix 1 but their child is not born by the date they specified to commence paternity leave, they will need to change the date or opt to take leave from the actual date of birth. In such cases the employee should inform their line manager as soon as possible and complete a new form.

9 Notification Requirements

- 9.1 An employee must, wherever possible, give the CCG 15 weeks written notice of their intention to take ordinary paternity leave by providing the following information by completing the form in Appendix 1 and submitting it to their manager:
- 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.
- 9.2 In the case of adoption, an employee must give written notice of their intention to take ordinary paternity leave no later than 7 days after the date on which notification of the match with the child was given by the adoption agency. The written notice should be given by providing the following information by completing the form in Appendix 1 and submitting it to their line manager:
- the date the child is expected to be placed for adoption;

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- the date the employee intends to start ordinary paternity leave;
- the length of the intended ordinary paternity leave
- the date on which the adopter was notified of having been matched with the child

9.3 If an employee wishes to change the start date of their paternity leave, he/she must give 28 days written notice of the new dates by completing a new form in appendix 1.

10 Time off & Annual Leave

10.1 Employees will be entitled to reasonable time off to attend ante-natal classes or official meetings in the adoption process.

10.2 Annual leave will accrue during ordinary paternity leave.

10.3 Paid Special/Other leave may be granted where there are difficulties at the time of birth.

11 Additional Paternity Leave provisions

11.1 Additional Paternity Leave is available in relation to babies due before 05 April 2015. Please note that additional paternity leave is being abolished and replaced with shared parental leave. Please contact HR for further information.

11.2 Qualifying employees may take up to 26 weeks additional paternity leave within the first year of the child's life or after the child's placement for adoption providing the child's mother or the adopter who elected to take adoption leave has returned to work and has stopped receiving SMP, MA or SAP.

11.3 An employee may take only one period of additional paternity leave per pregnancy or adoption, regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

11.4 Leave must be taken as a single block in multiples of complete weeks. The minimum period of leave is 2 consecutive weeks and the maximum period is 26 weeks.

12 Eligibility requirements for Additional Paternity Leave

12.1 In order to be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- He/she must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, or married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, he/she must have been matched with the child for adoption. In both cases, he/she must be taking the leave to care for the child.

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- He/she must have a minimum of 26 weeks' NHS service, as at the end of the 15th week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child.
- He/she must remain in continuous employment until the week before the first week of additional paternity leave.
- The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay [SMP] or maternity allowance [MA]. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay [SAP]. The mother or primary adopter must have returned to work

13 Eligibility requirements for Additional Statutory Paternity Pay

13.1 Additional statutory paternity pay may be payable during some or all of the additional paternity leave, depending on the length and timing of the leave.

13.2 Additional Statutory Paternity Pay (ASPP) is only payable during the mother's/adopter's maternity/adoption pay period which is the 39 consecutive weeks in which SMP/MA/SAP would be payable if the mother/adopter had not returned to work. Any leave taken after this period ends will be unpaid.

13.3 An employee is entitled to additional statutory pay if they satisfy the criteria in section 12 and:

- his/her average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
- the mother is entitled to statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter is entitled to statutory adoption pay, and the mother or primary adopter has returned to work;
- the mother or primary adopter has at least two weeks of his/her maternity or adoption pay period that remains unexpired; and
- he/she gives proper notification in accordance with section 13.

14 Commencement of Additional Paternity Leave

The earliest that additional paternity leave can start is 20 weeks after the date the child is born or 20 weeks after the date of placement of the child for adoption. Leave must end no later than 12 months after that date.

15 Notification Requirements

15.1 An employee must ensure that the form in Appendix 2 is fully completed, including the sections to be completed by the mother/adopter of the child, and submitted to their manager at least 56 days before the date they wish their leave to start. The form is evidence that the employee meets the eligibility conditions and includes the following information:

- the week the baby was due or the week in which notification of the adoptive match occurred;
- the actual date of birth or placement of a child;
- the intended start and end dates of additional paternity leave;
- the employee's confirmation of eligibility;
- the mother's/adopter's declaration.

15.2 The employee will receive written confirmation within 28 days of receipt of the form in Appendix 2 of:

- their entitlements, both paid and unpaid
- their expected return date
- details of any annual leave that must be taken before paternity leave starts
- the need for them to give at least 28 days' notice if they wish to return to work before the given date

15.3 Within 28 days of receipt of the form in appendix 2, the employee may be requested to provide the name and business address of the mother's employer and/or a copy of the child's birth certificate. This must be provided within 28 days of the request being made. In the case of an adopted child, evidence of the name and address of the adoption agency, the date on which he/she was notified of being matched with a child and the date on which the agency expects to place the child for adoption may be requested.

15.4 An employee wishing to return to work earlier than the date previously notified must give at least 28 days' notice of the new return date.

16. Rights during Additional Paternity Leave

16.1 Annual leave will accrue during additional paternity leave. If the leave year is due to end during additional paternity leave the outstanding annual leave entitlement, less any agreed carryover, must be taken before paternity leave starts.

16.2 Pension contributions will be deducted from salary as normal during paid Paternity Leave and continue to be payable during unpaid leave. On return to work, arrears of contributions will be deducted by Salaries over an agreed period of time.

17. Return to work

17.1 The employee is entitled to return to the same job, on the same terms and conditions of employment, after ordinary and additional paternity leave.

17.2 Absence on Paternity Leave, whether paid or unpaid, counts as service towards the normal annual increment.

17.3 An employee has the right to apply to return to work on a part-time or flexible working basis. Applications should be made to their Line Manager in accordance with the Flexible Working Policy & Procedure.

18. Keeping in Touch

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- 18.1 Arrangements for keeping in touch during the period of additional paternity leave will be agreed between the individual and their manager prior to the start of leave.
- 18.2 Keeping in Touch (KIT) days allow employees to do a limited amount of work under their contract during the Paternity Pay Period without loss of SPP for the week. They are intended to facilitate a smooth return to work for parents returning from paternity leave and can include training or other activities which enable the employee to keep in touch with the workplace.
- 18.3 An employee may work a maximum of 10 KIT days without bringing their paternity leave to an end. Any days of work will not extend the paternity leave.
- 18.4 Working for part of any day will count as a whole KIT day.
- 18.5 The employee will be paid at their basic daily rate for the hours worked less appropriate paternity leave payment for KIT days worked
- 18.6 Any work must be by agreement and neither the employer nor the employee can insist upon it.
- 18.7 In certain circumstances, the CCG may consider the reimbursement of reasonable childcare costs in order to enable the employee to take up the opportunity to work KIT days.

19. Monitoring & Review

- 19.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

20 Associated Policies

Please refer to the following policies for further information:

- Maternity Policy & Procedure
- Adoption Policy & Procedure
- Ordinary Parental Leave Policy & Procedure
- Flexible Working Policy & Procedure

21. Breach of Policy

Unauthorised absence and/or the misuse of this policy & procedure will be managed under the Disciplinary Policy.

Appendix 1 Ordinary Paternity Leave Application Form
[to be completed by employee and given to the line manager to review and sign]

Personal Details				
Full Name				
Employee Number				
Department				
Line Manager				
Home Address				
Telephone Number				
Paternity Leave Dates				
Expected Date of Childbirth/Placement				
I intend to start my paternity leave on:				
The length of paternity leave I would like to take is:	1 week		2 weeks	
Expected date of return to work:				
Eligibility for Pay during Paternity Leave [please tick appropriate box]				
I have at least 52 weeks continuous NHS service at the beginning of the week in which the baby is due or the adopted child is due to be placed and am eligible to receive 2 weeks full paternity pay.	<input type="checkbox"/>			
I have 26 weeks continuous NHS service by the 15 th week before the baby is due or the week in which notification of adoptive match occurs and am eligible to receive 2 weeks statutory paternity pay or 90% of average weekly earnings if this is less than Statutory Paternity Pay	<input type="checkbox"/>			
I have less than 26 weeks continuous NHS service and am not eligible to receive paternity pay	<input type="checkbox"/>			
Declaration [you must tick all three boxes to receive paid paternity leave]				
I declare that I am the:	biological father of the child. Or the; Spouse/partner of a woman who has given birth. Or the; Child's adopter. Or the; Spouse/partner of the child's adopter			<input type="checkbox"/>
I will be responsible for the child's upbringing	<input type="checkbox"/>			
I will take time off work to support my partner/care for the child	<input type="checkbox"/>			
Signature of Employee:		Date:		
Signature of Manager:		Date:		
HR Approval:		Date:		

On completion please send the form to Darshna Pankhania, HR Business Partner

Appendix 2 Additional Paternity Leave Application Form
[to be completed by employee and given to the line manager to review and sign]
On completion please send the form to Darshna Pankhania, HR Business Partner

Personal Details			
Full Name			
Employee Number			
Department			
Line Manager			
Home Address			
Telephone Number			
Additional Paternity Leave Dates			
Expected Date of Childbirth/Placement	<i>If this date is on or after 05 April 2015, please refer to the Shared Parental Leave Policy.</i>		
Start/end dates of paternity leave	Start Date		End Date
Expected date of return to work:			
Eligibility for Additional Paternity Leave <i>[you must tick all boxes to be eligible to take additional paternity leave]</i>			
I declare that I am the: biological father of the child. Or the; Spouse/partner of a woman who has given birth. Or the; Child's adopter. Or the; Spouse/partner of the child's adopter			
I have 26 weeks continuous NHS service by the 15 th week before the baby is due or the week in which notification of adoptive match occurs and am eligible to receive 2 weeks statutory paternity pay or 90% of average weekly earnings if this is less than SPP			
I will be responsible for the child's upbringing			
I will take time off work to support my partner/care for the child			
I will remain in continuous employment until the week before the first week of additional paternity leave.			
The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay [SMP] or maternity allowance [MA] and the . Or; In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay [SAP].			
The mother or primary adopter must have returned to work			
Eligibility for Additional Paternity Pay <i>[you must tick all of the above boxes and the following boxes to receive paid paternity leave]</i>			
My average weekly earnings for the period of 8 weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions			
The mother/primary adopter is entitled to statutory maternity/adoption pay or maternity allowance and the mother/primary adopter has returned to work			
The mother/primary adopter has at least 2 weeks of his/her maternity/adoption pay period that remains unexpired			
I attach the signed declaration from the mother/primary adopter			
Signature of Employee:		Date:	
Signature of Manager:		Date:	
HR Approval:		Date:	

Appendix 3 Mother/Primary Adopter Declaration Form
 [to be completed by mother/primary adopter and submitted with the application form in Appendix 2]

Personal Details	
Full Name	
Employee Number	
Department	
Line Manager	
Home Address	
Telephone Number	
Name of Child's Mother/primary adopter	
Address of Mother/primary adopter	
Mother/primary adopter national insurance number	
Declaration by child's mother/primary adopter	
I, the child's mother/primary adopter have given notice to my employer that I am returning to work from my maternity/adoption leave	
I became entitled, by reference to becoming pregnant/adopting my child, to either statutory maternity/adoption pay or maternity allowance	
The start date of my statutory maternity/adoption pay period or my maternity allowance period, in respect of my child was:	
I intend to return to work from maternity/adoption leave on:	
I confirm that the employee named above is either: My child's father Not my child's father, but my spouse, partner or civil partner	
I confirm that the employee named above has or expects to have the main responsibility [apart from my responsibility] for the upbringing of my child	
The employee is, to my knowledge the only person exercising the entitlement to additional paternity leave and is the sole applicant for additional statutory paternity pay, in respect of my child	
I consent to CCG processing my information as contained in this form	
Signature of mother/primary adopter:	Date:

Employee: please attach this form to the form contained in appendix 2 and submit this to your line manager.

Equality Analysis Initial Assessment

Title of the change proposal or policy:

Paternity Policy & Procedure

Brief description of the proposal:

To ensure that the policy & procedure is fit for purpose, legally compliant, complies with NHS LA Standards and takes account of best practice.

Name(s) and role(s) of staff completing this assessment:

Darshna Pankhania, HR Business Partner

Date of assessment: 20 January 2015

Please answer the following questions in relation to the proposed change:

Will it affect employees, customers, and/or the public? Please state which.

Yes it will affect employees.

Is it a major change affecting how a service or policy is delivered or accessed?

No

Will it have an effect on how other organisations operate in terms of equality?

No

If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

Please return a copy of the completed form to the Equality & Diversity