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PATERNITY LEAVE POLICY

1. POLICY STATEMENT

- 1.1 This document outlines the Paternity Leave Policy and Procedure for The East of England Ambulance Service NHS Trust (the Trust). In line with the provisions of the Employment Act 2002 and subsequent regulations, the Trust recognises the important role a father or partner can play in the upbringing of a child. Therefore, it offers all eligible employees statutory paternity leave and pay.
- 1.2 The Trust also operates an enhanced NHS contractual paternity leave and pay scheme. This is an enhanced contractual scheme, open to members of staff who meet some additional criteria not required under statutory arrangements.
- 1.3 This policy has been written in partnership by management and staff side.

2. SCOPE

- 2.1 This policy applies to employees who have responsibility for bringing up a child i.e. the biological father, the mother's husband or partner (including same sex couples) or one member of a couple who have jointly adopted a child.

3. ACCESS TO THE PROCEDURE

- 3.1 All employees are entitled to access to this policy which is located in the HR Policies and Procedures Folders and/or on the Trust's Intranet. Copies are also available from the Human Resources Department and any employee can seek guidance from line management, their trade union representative or the Human Resources Department.
- 3.2 Employees and Managers may also wish to consult related Trust policies such as Flexible Working Arrangements, Special Leave, Maternity Leave and Adoption Leave.

4. ROLES AND RESPONSIBILITIES

- 4.1 The Human Resources Department is responsible for keeping the provisions within this policy in line with employment legislation, best practice people management principles and NHS guidelines.
- 4.2 Managers, HR staff and trade union representatives are responsible for

providing advice and guidance to employees on the application of this policy and procedure.

4.3 Management and trade union representatives are responsible for bringing any mutually beneficial improvements to this policy to the attention of the Trust.

4.4 Employees are responsible for obtaining information and advice regarding their entitlements and for providing such information and documentation as is necessary in order to secure these entitlements.

5. NOTIFICATION REQUIREMENTS

5.1 An employee is required to notify the Trust of their intention to take paternity leave using the relevant Paternity Leave Notification Form at Appendix 1 (birth) or Appendix 2 (adoption), by the Notification Week, which is:

- The 15th week before the Expected Week of Childbirth (EWC) in the case of pregnancy (or if this is not practicable, as soon as possible thereafter and at least 28 days before the leave commences);
- Within 7 days of being notified by their adoption agency that they have been matched with a child, in the case of adoption.

5.2 The employee will need to inform their line manager of:

- The week their baby is due OR when the child is expected to be placed with them;
- When they want to start their paternity leave and to provide either a copy of (a) a MATB1 form in the case of pregnancy or (b) a Matching Certificate in the case of adoption;
- The duration of leave to be taken.

5.3 The employee can change the date they wish to start their paternity leave providing they give 28 days notice, unless this is not reasonably practicable.

6. ELIGIBILITY

6.1 An employee will be eligible for paternity leave if they satisfy all of the following conditions:

- They are the biological father, the mother's husband or partner (including same sex couples) or one member of a couple who have jointly adopted a child;
- They have worked for the NHS for a minimum of 26 weeks by the Notification week;
- They have or expect to have responsibility for the upbringing of the child;
- They have given the correct notice.

7. PATERNITY LEAVE

7.1 Eligible employees are entitled to one continuous period of up to two weeks paternity leave.

7.2 Paternity leave attracts some level of pay for eligible employees.

- 7.3 Paternity pay could be:
- Statutory Paternity Pay (SPP) (See Section 8)
 - NHS Contractual Paternity Pay (see Section 9)
- 7.4 Only one period of leave is available in the event of a multiple birth arising from the same pregnancy.
- 7.5 Paternity leave can only be taken after the actual onset of labour or actual date of placement of a child as applicable.
- 7.6 It must be taken within 56 days of the actual childbirth or placement of a child. The employee may chose whether to take the leave:
- On or following the child's birth (whether this is earlier or later than expected);
 - From the date of the child's placement;
 - From a chosen date after the date of the child's birth or placement.
- 7.7 Reasonable paid time off to attend ante-natal classes or official meetings will also be given.

8. ELIGIBILITY FOR STATUTORY PATERNITY PAY

- 8.1 During the period of Paternity leave, an employee will be eligible for Statutory Paternity Pay (SPP) if they satisfy all of the following conditions:
- They have worked continuously for the NHS for a minimum of 26 weeks before the notification week;
 - They have weekly average earnings in the eight weeks prior to the notification week of at least the lower earnings limit for National Insurance Contributions;
 - They have met the notification rules as detailed above.
- 8.2 The mechanism for SPP mirrors that of Statutory Maternity Pay in that it is paid at a standard rate set by the government or at 90% of full pay, whichever is the lower.
- 8.3 Full pay is calculated using the average earnings in the eight weeks prior to the notification week.

9. ELIGIBILITY FOR NHS CONTRACTUAL PATERNITY PAY

- 9.1 During the paternity leave period, an employee will be entitled to NHS Contractual Paternity Pay if they satisfy all of the following conditions:
- They have twelve months continuous service with one or more NHS employers at the beginning of the Notification Week;
 - They have met the notification rules as detailed above.
- 9.2 The rate of NHS Contractual Paternity Pay is full pay less any statutory paternity pay receivable.

10. RETURN TO WORK

- 10.1 An employee has the right to return to the same job following paternity leave of no more than two weeks.
- 10.2 If, however, an employee takes two or more consecutive periods of statutory leave (for example parental leave), they will be entitled to return to the same job or, if this is not reasonably practicable for the Trust, another job which is both suitable and appropriate.

11. CONTRACTUAL RIGHTS

- 11.1 During paternity leave an employee retains all of their contractual rights except remuneration.

12. PENSIONS

- 12.1 Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

13. POLICY REVIEW

- 13.1 This policy will be reviewed on an annual basis or amended in the light of new employment legislation and/or relevant case law.

Paternity Leave Notification in respect of the Birth of a Child

Name of employee:	
Job title:	
NHS Continuous Service Start Date:	
Employee Number:	
<p><u>Declaration:</u> I confirm that I meet all three of the following criteria:</p> <ol style="list-style-type: none"> 1. I am either <ul style="list-style-type: none"> - the baby's biological father - married to, or in a civil partnership with the mother - living with the mother in an enduring family relationship, but am not an immediate relative 2. I have responsibility for the child's upbringing 3. I will take time off work to support the mother/adoptive parent and care for the child. <p><u>Notice:</u> I hereby give notice of my intention to take one week's/two weeks' paid paternity leave. (Delete as appropriate)</p>	
I would like my paternity leave to start on:	
I will be returning to work on:	
<p>The leave requested relates to the birth of a baby which is due on/was born on:</p> <p>(please give both dates or delete as appropriate)</p>	
Signed:	
Dated:	
<p>To qualify for Paternity Leave you must return this form to your Line Manager at least 15 weeks before the expected week of the child's birth. You must also attach a copy of your partners MATB1 form. Your Paternity Leave can only start from or after the actual onset of labour.</p>	

Paternity Leave Notification in respect of the Adoption of a Child

Name of employee:	
Job title:	
NHS Continuous Service Start Date:	
Employee Number:	
I hereby give notice of my intention to take one week's/two weeks' paid paternity leave (Delete as appropriate)	
I would like my paternity leave to start on:	
I will be returning to work on:	
The leave requested relates to the adoption of a child who is expected to be placed for adoption on/was placed for adoption on: (please give both dates or delete as appropriate)	
The date on which my partner and I were notified by the adoption agency of having been matched with the child was:	
Signed:	
Dated:	
To qualify for Paternity Leave you must return this form to your Line Manager no later than seven days after the date on which notification of the match with the child was given by the adoption agency. You must also attach a copy of your Matching Certificate. Your Paternity Leave can only start from on or after the actual date of placement of the child.	