



**PATERNITY POLICY & PROCEDURE 2021**

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**Federation/FSU**

**Paternity Policy and Procedure**

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### **1. Introduction**

The Federation/FSU is committed to supporting best practice in relation to paternity. This policy and procedure outline paternity leave entitlements and how employees should arrange this period of leave.

This policy and procedure apply to all staff who have a contract of employment with the Federation/FSU.

### **2. Purpose and Key Aims**

The policy aims to promote a consistent and supportive approach to paternity across Federations/FSU and to increase awareness about the provisions available for staff and compliance with legislative requirements.

It sets out the contractual and statutory paternity rights to which staff are entitled, both before and after the birth of a child.

Queries regarding the application of this policy and procedure should be directed to Leads/line managers and Human Resources (HR).

### **3. Roles and Responsibilities**

**Line Managers/Leads**

It is the responsibility of Leads/Line Managers to:

* Acknowledge any request for leave under this Policy and consider such requests in line with business needs and authorise the appropriate forms and forward to HR
* Maintain appropriate and reasonable levels of contact with the employee during leave
* Make arrangements in respect of an employee’s return from leave under this policy
* Approve requests to attend ante natal appointments.
* Discuss and agree how annual leave will be used both before and after paternity leave

**Employees**

It is the responsibility of the employee to:

* Familiarise themselves with this policy and comply with its provision
* To notify their Line Manager and HR, in writing, of any request for leave, any change in dates and their confirmed return date by completing the paternity leave form

**Human Resources (HR)**

It is the responsibility of HR to:

* Ensure appropriate documentation is sent to the employee including confirmation of paternity pay entitlement and leave dates and liaise with payroll on this.
* Provide advice or guidance to staff and managers as requested on any aspect of paternity leave.

### **4. Eligibility**

**Paternity leave following the birth of a child**

You will meet the eligibility criteria for paternity leave if you:

* are the child’s father, the mother’s husband or partner (whether of the same or different sex) or one partner in a couple who are both entitled to apply for, and propose to apply for, a parental order for the child
* have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the 15th week before the expected week of childbirth (EWC)
* will be or expect to be responsible for the child’s upbringing, where you are the father, or expect to be mainly responsible for the child’s upbringing where you are the mother’s husband or partner but not the father of the child
* have given the required notice of your intention to take leave
* have not previously taken shared parental leave for the same child.

**Paternity leave following adoption**

You will be eligible for paternity leave and pay on the adoption of a child if you:

* will be or expect to be mainly responsible for the child’s upbringing
* are married to the child’s adopter or the partner of the child’s adopter (whether of the same or different sex)
* have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the week the matching notification is given to the child’s adopter
* have given the required notice of your intention to take leave and, where requested, have provided evidence
* have not previously taken shared parental leave for the same child.

**Paternity Pay**

The type of paternity pay that an employee will get depends on how long they have been working for the Federation/FSU; this is detailed in Section 8 of the Procedure.

### **5. Contractual and other benefits prior to and during Paternity Leave**

Apart from pay, the employee will continue to receive any contractual benefits which they would normally receive if they were at work, throughout their paternity leave period.

**Antenatal care**

The father or partner of the pregnant woman may take time off work to attend 2 antenatal appointments with the expectant mother; this is unpaid. This time off should be agreed with your Line Manager/Lead in advance.

**Continuity of service**

Where an employee returns to work following paternity leave (paid or unpaid) the period of absence due to paternity leave will not affect their recognised continuous service for employment rights and service-related benefits. Where relevant, the employee will be entitled to receive an increment on their salary in accordance with their normal incremental date.

**Pension**

If an employee is a member of the HSC Pension scheme, the Federation/FSU will continue to make its usual contribution for the whole of the time they are receiving Occupational or Statutory Paternity Pay.

Further information about pension arrangements whilst on paternity leave is available from the Payroll and the HSC Pensions website, please see [Membership, Contributions and Pay – HSC Pension Service (hscni.net)](http://www.hscpensions.hscni.net/membership-contributions-and-pay/)

**Annual leave**

An employee will continue to accrue annual leave during paternity leave. Prior to starting paternity leave, the employee must discuss arrangements for using annual leave with their manager/Lead.

Staff who are on paternity leave on a Public/Statutory or Customary holiday can take the day(s) of holiday at a mutually convenient time on their return to work (i.e., agreed with their line manager).

### **6. Shared Parental Leave**

Following paternity leave, you may be entitled to take further periods of leave under the shared parental leave scheme. Full details on shared parental leave, including how to apply, can be requested from the HR department.

Once a period of shared parental leave has been taken in respect of a child, paternity leave cannot be taken for the same child.

### **7. Returning to work**

Following two weeks’ paternity leave, you have the right to come back to the same job role. The act of requesting or taking paternity leave will not cause you to suffer any disadvantage in the workplace.

If you wish to change your working hours following paternity leave, the Federation/FSU will consider each request on its individual facts in line with the Federation/FSU’s Flexible working policy. A copy of this policy is available from the HR department. Your line manager will fully consider your request and aim, wherever possible, to accommodate the change. The business needs will be assessed as part of this consideration and requests may be turned down where this as a business reason to do so. Requests should be submitted as far in advance as possible to allow the full consideration process to take place as early as possible.

### **8. Paternity Leave and Pay**

**Paternity Leave**

Paternity leave lasts for a fixed period of one week or two consecutive weeks. You may not take individual days or separate weeks as paternity leave. Leave can be chosen to start:

* from the birth date or date of adoption (whether this date is sooner or later than anticipated) or
* on a specific day after the birth date or date of adoption (whether this day is sooner or later than anticipated) or
* from a specific date that is after the first day of the EWC (in birth cases and not adoption) or
* on a specific date, arranged in advance, that is after the expected placement date (in adoption cases).

Paternity leave must be taken:

* on or following the child's birth, but must be completed within eight weeks of the actual date of birth (or eight weeks after the expected date of birth if the baby is born early)
* from the date of the child's placement, but must be completed within eight weeks of the date of placement

If the same pregnancy results in more than one child being born, or more than one child is adopted in the same arrangement, the entitlement to paternity leave does not increase and only one period of leave can be taken.

**Paternity Pay**

You may be entitled to receive statutory paternity pay (SPP) from the Federation/FSU for the period of paternity leave. SPP is paid at a specific rate set by the government each tax year, or at 90 per cent of your average weekly during the relevant period, whichever is lower. For details of the current SPP rate, please contact the HR department.

In order to meet the eligibility criteria for SPP, average weekly earnings for the relevant period must be equal to or higher than the specific lower earnings limit set by the government each tax year.

The relevant period is:

* the period of eight weeks which ends immediately before the 14th week before the EWC (in birth cases) or
* the period of eight weeks which ends immediately before the week where the matching notification was given to the child’s adopter (in adoption cases).

Dependent on your individual circumstances, you may be entitled to receive additional financial support. You should attend your local social security office (Department for Work and Pensions) to receive further information on this.

**Federation/FSU** **Occupational Paternity Pay (OPP)**

**Eligibility for Occupational Paternity Pay**

An employee working full-time or part-time will be entitled to pay under the Federation/FSU occupational paternity pay scheme if;

* they have \*12 months’ continuous service at the beginning of the expected week of childbirth.

\*please note service with one or more HSC/Federation/FSU recognised employers for reckonable service will be considered. A break in service of three months or less will be disregarded (though not count as service). Staff should detail any continuous service they consider relevant on their application for maternity leave **(Appendix A).**

**Eligible staff will receive the following Occupational Paternity Pay**

* Employees will receive 2 weeks paid at full pay. Where OPP is paid it includes the entitlement to SPP.

**Statutory Paternity Pay**

If ineligible for the above OPP, you can apply for Statutory Paternity Pay. To qualify for Statutory Paternity Pay, all of the following must apply:

* you must be the biological father or adopter of the child or be the mother's (or adopter's) husband, partner or civil partner or have or expect to have responsibility for the child's upbringing
* you must have continued to work for the same employer without a break for at least 26 weeks by the 15th week before the baby is due, or employed up to and including the week your wife, partner or civil partner was matched with a child
* you must continue to work for that employer without a breakup to the date the child is born or placed for adoption
* you must be earning an average of at least £120 a week (before tax)

SPP can start from any day of the week in accordance with the date the employee starts paternity leave and is payable irrespective of whether or not the employee intends to return to work after Paternity leave.

To claim Statutory Paternity Pay you must tell your employer when you plan to take leave by the 15th week before your baby is due, or within seven days of your wife, partner or civil partner being told by the adoption agency that they've been matched with a child.

If you change your mind you must give 28 days' notice wherever possible or as agreed with your line manager.

Your Line Manager/Lead may ask you for self-certificate form SC3 (becoming a parent) that confirms you're entitled to the pay.

### **9. Notification Requirements**

**Paternity leave following the birth of a child**

Unless not reasonably practicable, your intention to utilise a period of paternity leave must be notified to the Federation/FSU during or before the 15th week before the EWC. Your Line Manager/Lead must be informed, using the Paternity Leave Application of the following:

* the anticipated week of birth
* whether you intend to use one or two weeks’ leave
* the date you wish the leave to begin.

As soon as reasonably practicable after birth, you must notify us of the actual date of birth in writing.

If wish to change the date of your paternity leave after giving notice, you must provide an additional written notice requesting a variation to the leave. This notice must be provided at least 28 days in advance of the new start date of the leave period where possible. Where this is not possible, the new date should be agreed with your line manager.

**Paternity leave following the adoption of a child**

Unless not reasonably practicable, your intention to utilise a period of paternity leave must be notified to the Federation/FSU within seven days of the date the matching notification is given to the child’s adopter. Where this is not reasonably practicable, the notification must be provided to the Federation/FSU as soon as possible. Your Line Manager/Lead must be informed of:

* the date the matching notification was given to the child’s adopter
* the expected date of placement
* whether you intend to use one or two weeks’ leave
* the date you wish the leave to begin.

###

### **10. Unforeseen circumstances**

**Miscarriage**

If you experience a miscarriage before the 25th week of pregnancy, normal sickness absence provisions will apply as necessary.

**Still birth**

If you suffer a stillbirth after the 24th week of pregnancy, your entitlement to paternity leave and pay will not be affected if you were otherwise eligible to take it and you will still be able to take the time off, and receive pay, as planned.

### **11. Data Protection / GDPR**

In applying this policy, the organisation will have due regard for the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Personal Confidential Data of data subjects will be processed fairly and lawfully and in accordance with the six data protection principles.

Data Subject’s Rights and freedoms will be respected, and measures will be in place to enable employees (data subjects) to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal confidential data.

### **Appendix A**

**APPLICATION FOR PATERNITY LEAVE**

Please complete details as requested and return your application to your FSU HR. If you require assistance with the completion of this form, please do not hesitate to contact FSU HR. Please ensure your manager has signed this form before submission.

NAME \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FEDERATION/FSU \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DAYTIME TELEPHONE NUMBER AND EXTENSION \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JOB TITLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

START DATE OF EMPLOYMENT WITH FEDERATION/FSU \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please provide dates and details of employment with another HSC/Federation/FSU/GP Practice employer if you wish these to be considered as reckonable service for consideration for entitlement to Federation/FSU Occupational Paternity Pay. Please contact HR for further information.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Expected date of childbirth (EDC) is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please see the Paternity Leave Policy for details on eligibility criteria and rates of pay. It is presumed you will take 2 weeks paternity leave, unless you indicate otherwise.

**Please state how do you intend to take your paternity leave**

**2 consecutive weeks 🞏 1 period of 1 week duration 🞏**

**Please specify the dates you wish to take paternity leave**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Declaration**

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Employee)

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Manager)