

SUPPORTING THE WORK-LIFE BALANCE (J) Paternity Leave Policy

1. Introduction

Greater Glasgow Health Board (NHS Greater Glasgow & Clyde) recognises that fathers (including same-sex partners)/adoptive parents have a need and desire to spend time at home during a period of family extension, be that the birth or adoption of a child. Employees meeting the required qualifying criteria have a statutory entitlement to take up to two weeks' paternity leave within eight weeks of the birth of a child or placement of a child for adoption. In support of this, a Paternity Leave Policy has been developed for managers and employees.

2. Adoption

When a child is adopted, the employee, if they are the primary carer, will have access to leave under Adoption Leave Policy. The provisions for paternity leave will however also be available to the parent who is not the primary carer. Leave and pay will be available to eligible employees when a child up to the age of 18 is newly placed for adoption.

3. Qualifying Criteria

The main factor influencing paternity benefits is length of service with the employer. This policy therefore includes sections on entitlement to benefits that fathers may be entitled to receive during paternity leave.

To find out which section applies, work out the following details:

Start date with NHS		
Date baby is due (expected date of childbirth) or placement for adoption		
Expected Week of Confinement (E.W.C.) (i.e., the week in which the baby is due) or placement for adoption		
Length of service at 15 weeks before expected week of confinement (QW) (i.e., week baby is due) or placement for adoption (MW): what is the length of service at this date?	If less than 26 weeks:	Go to Section 4
	If greater than 26 weeks but less than 1 year:	Go to Section 5
	If greater than 1 year:	Go to Section 6

In all cases the employee must have, or expect to have, responsibility for the child's upbringing and be the biological father of the child, or the mother's husband or partner (this may include the female partner in the case of same sex couples) and expect to have responsibility for the child's upbringing. In the case of adoption, the Matching Week (MW) is used instead of the Qualifying Week (QW).

4. Less than 26 weeks continuous service

Employees with less than 26 weeks continuous service leading into the 15th week before the baby is due (i.e., the Qualifying Week), will be entitled to two working weeks' unpaid leave.

5. More than 26 weeks continuous service but less than one year's continuous service

An employee will be entitled to two working weeks' leave, during which they will receive Statutory Paternity Pay (SPP) if they have 26 weeks' continuous NHS service leading into the 15th week before the baby is due (i.e., the Qualifying Week) and meet the following:

- have average earnings up to and including the payday that falls on or before the Saturday of the Qualifying Week at least the weekly National Insurance lower earnings limit in force at the end of the Qualifying Week; and
- continue to be employed by the NHS up to the child's date of birth.

In the case of adoption, the Matching Week is used instead of the Qualifying Week.

If an employee leaves employment prior to the birth of the child/placement for adoption there will be no entitlement to Statutory Paternity Pay. If an employee's contract ends after the baby is born/child is placed for adoption then the employee will still be entitled to Statutory Paternity Pay. However, if he starts work for a new employer Statutory Paternity Pay will not be paid for any week worked with the new employer.

6. More than one year's continuous service

An employee will be entitled to two working weeks' leave. In addition to Statutory Paternity Pay, employees who have more than one year's continuous NHS service leading into the 15th week before the baby is due (i.e. the Qualifying Week), will have their payment made up to the level of their normal full pay (which will be calculated as the average weekly earnings in the eight weeks leading up to and including the Qualifying Week).

7. Miscellaneous

7.1 Notice

In respect of a birth, employees must provide written notice (including by post, fax or e-mail) in, or before the 15th week before the baby is due or as soon as is reasonably practicable (and no later than 28 days before the due date) specifying:

- the expected date of the baby's birth
- the period of leave to be taken, i.e., one or two consecutive weeks;
- the date from which leave will be taken;
- that the employee is the baby's biological father; or married to the mother; or living with the mother in an enduring family relationship but not an immediate relative; and
- that the purpose of the leave is to care for the child or to support the mother.

In the case of adoption, written notice must be given no later than seven days after the matching date or as soon as is reasonably practicable, specifying:

- the matching date;
- the expected date of placement;
- the period of leave to be taken, i.e., one or two consecutive weeks;
- the date chosen to take leave from; and
- that the purpose of leave is to care for the child or support the child's adopter and that the employee is married to or living with the adopter in an enduring family relationship but not an immediate relative.

If an employee does not give 28 days' notice without good reason, the employer may delay the start of Paternity Leave and Statutory Paternity Pay until the full 28 days have passed.

In each case employees will have the right to vary the date originally notified by giving 28 days' notice, in writing.

Employees wishing to apply for Paternity Leave should complete the Application for Paternity Leave Form. Alternatively, the Inland Revenue's Self Certificate Form SC3 (SC4 for adoption) may be used. This form can be obtained from the Department of Social Security or downloaded from the Department of Trade and Industry's web page.

7.2 Pre-Birth and Pre-Adoption Leave

Requests for pre-birth leave (e.g. for attendance at ante-natal classes) will be considered in accordance with the Special Leave Policy. Requests for pre-adoption leave will be considered in accordance with the Adoption and Fostering Policy.

7.3 Stillbirths

A qualifying employee will be entitled to paid leave if their baby is stillborn after 24 weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will be entitled to paid paternity leave in the usual way.

7.4 Multiple Births

Entitlement to paternity leave for twins, triplets, etc is the same as for a single birth.

7.5 How leave is taken

Paternity Leave can either be taken as a one-week or two-week block, but cannot be taken as two separate weeks.

8. Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable, before progressing to formal procedure, for the manager to seek advice on resolving the matter from Human Resources and a senior trade union/professional organisation representative. This approach will not preclude the employee's right to raise a formal grievance in the event that they consider that the matter has not been satisfactorily resolved.

9. Monitoring and Review

The application of this Policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees.

The Board is required by Law and under the European Union Employment regulations, to gather monitoring information relating to ethnicity, religion and faith, sexual orientation, age, disability and gender for all aspects of employee relations.

You may be asked for information relating to the above in connection with this policy.

You do not have to give the monitoring information if you do not wish to. However, for some of the above diversity strands it is a legal requirement that we ask you for it, and good practice to ask for monitoring information for all diversity strands.

Any equalities monitoring information will be held separately and not used to inform any proceedings that occur in relation to this Policy.

The operation of this Policy will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation, and formally no later than 30th June 2009.