



Paternity leave

1 What this policy covers

This policy has been designed as a guide to outline rights and responsibilities in relation to paternity leave. It applies to all employees on Agenda for Change, as well as Medical and Dental Terms and Conditions of Service.

2 Principles

GHC recognises that employees need to take time away from work to bring up their family and is committed to supporting all employees in a consistent, fair and effective way with regards to applying for time away from work in such circumstances.

3 Responsibilities

- GHC aims to ensure application of this policy is fair, equal and in no way discriminatory.
- Managers are responsible for actioning requests for paternity leave in accordance with this policy.
- Human Resources and Payroll will provide advice on applying this policy.
- Employees wishing to apply for paternity leave should do so using the procedure and timescales outlined in the policy.

“GHC recognises that employees need to take time away from work to bring up their family and is committed to supporting all employees in a consistent, fair and effective way with regards to applying for time away from work in such circumstances”



4 Policy in practice

4.1 Eligibility

To qualify for up to two weeks' paternity leave (not including pay) employees must:

- be the biological/adopted father and/or the mother's/other parent's husband or partner (including same-sex partner or civil partner, regardless of gender). A partner is someone who lives with the baby's parent/mother in an enduring family relationship, but is not an immediate relative
- have or expect to have responsibility for the baby.

In addition employees should:

- have at least 26 weeks' continuous employment ending with the fifteenth week before the Expected Week of Childbirth (EWC) or the week they are notified of the match in the case of adoption
- be working from the Qualifying Week (QW – the fifteenth week before the EWC) up to the date of birth or date of placement in the case of adoption.
- intend to take the time off to support the mother and/or care for the baby.

If the baby is born earlier than the fourteenth week before the EWC, and if the baby had not been born early the employee would have been employed continuously for 26 weeks, the employee will be deemed to have met the length of service requirement.

“To qualify for paternity leave, an employee should notify their manager that they are to be the parent of a new baby, no later than the end of the fifteenth week before the EWC – or as soon as is reasonably possible”

Bank workers

Bank workers are entitled to take Ordinary Paternity Leave (OPL), however, they will not be entitled to Occupational Paternity Pay (OPP), but may be eligible for Statutory Paternity Pay (SPP). Their average weekly earnings must not be less than the Lower Earnings Limit for National Insurance contributions in the eight week period prior to the fifteenth week before the baby is due (or the eight-week period prior to the week they are notified of the match in the case of adoption).

Fixed-term contracts

If an employee’s contract ends before the birth, the employee does not qualify for paternity leave unless they go on to work for another NHS employer. If their contract ends after the birth, they retain their right to paternity leave.

Rotational contracts

If an employee works on a planned rotational contract with one or more NHS employers as part of an agreed training programme, they will retain the right to return to work in the same post or next planned post, and their contract will be extended to enable them to complete the remainder of the agreed programme. This agreement is irrespective of whether the contract would have otherwise ended. In respect of medical staff, GHC will take advice from the Deanery regarding training requirements and plans.

4.2 Procedure for requesting paternity leave

To qualify for paternity leave, an employee should notify their manager that they are to be the parent of a new

baby, no later than the end of the fifteenth week before the EWC – or as soon as is reasonably possible – using the Paternity Leave Notification form.

Managers should meet with an employee requesting paternity leave at the earliest opportunity to outline the procedure and establish if they are eligible for paternity leave and pay. The employee should be advised that they will be required to sign a declaration confirming their eligibility and confirm:

- the expected date of the baby’s birth
- whether they wish to take leave as two consecutive weeks or two blocks of one week
- when they want their paternity leave to start.

An employee adopting a child should notify their manager as soon as reasonably possible but for:

- leave – no later than seven days of their co-adopter or partner being matched with a child and
- pay – 28 days before they want their pay to start.

The employee must submit a Notification of Paternity Leave form to their manager at least 28 days before the start of their planned paternity leave.

It is recognised that the dates agreed may need to be changed nearer the time to coincide with the exact date of birth and discharge home.

4.3 Duration and timing of paternity leave

An employee cannot start their paternity leave until the birth of the baby or date of adoption. Employees can choose to take two consecutive weeks or two blocks of one week. Odd days or non-consecutive days or weeks cannot be taken.

Paternity leave must be completed within 52 weeks after the baby is born or the child is adopted and can start on any day of the week.

An employee can choose to start their leave:

- on the actual date of the baby’s birth (whether earlier or later than expected)
- on a date (which the employee has notified in advance) falling a specified number of days after the actual birth date (whether earlier or later than expected).

4.4 Still birth

In the sad event that an employee's partner gives birth to a stillborn baby after 24 weeks of pregnancy, the employee will be eligible to receive the paternity leave and pay to which they were entitled. Similarly, if the baby is born alive but then dies, the employee will be entitled to paternity leave and appropriate pay.

4.5 Attending antenatal appointments

Partners of a pregnant employee are entitled to time off with pay to accompany them to antenatal appointments. "Partner" includes the spouse or civil partner of the pregnant woman and a person (regardless of sex) in a long-term relationship with them. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a parental order for the child born through that arrangement.

The employee must agree with their manager in advance any time off to attend antenatal classes with their pregnant partner. Managers should look at ways to support employees to attend these classes where possible, such as annual leave, time off in lieu, flexible working, changing rotas, etc.

5 Pay during paternity leave

Employees with 52 weeks or more continuous NHS service at the beginning of the EWC and continue to be employed up to the date of birth are entitled to OPP. In such cases, OPP will be paid at the employee's basic wage (not including supplements or enhancements) for the weeks taken.

Employees who have not been employed for 52 weeks at the EWC but have been employed for 26 weeks at the fifteenth week before the EWC will be paid SPP, at current statutory paternity pay rates (details can be found at the HMRC website). Paternity leave will be unpaid for employees not eligible for OPP or SPP.

6 Your terms and conditions

6.1 Contractual rights

During the period of paternity leave, all contractual rights are retained

6.2 The right to return to work

At the end of the paternity leave period all substantive employees have an automatic right to return to work in the same job.

6.3 Organisational change

In the event of organisational change, employees on paternity leave will be managed in the same way as all other employees for the purposes of consultation and communication. They will receive written documents, letters and notifications and will be invited to attend formal meetings where appropriate. All organisational change will be managed in line with GHC's Organisational Change Policy.

6.4 Vacancies

Employees on paternity leave will be advised of vacancies and opportunities for promotion that are advertised through expression of interest and not advertised on NHS Jobs. Employees will not be treated any differently in the selection for such opportunities.