

Paternity Leave Policy (New Parent Support Leave)

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DOCUMENT TRACKING SHEET

Paternity Leave Policy

Version	Status	Date	Issued by	to/approved	Comments
2.0	December 2022 Policy was archived and included within the Staff Handbook – Our People Policies. Decision made to separate all policies and re-instate as individual policies in April 2023				
2.1	Draft	July 2023			Review of document to ensure it is up to date and fit for purpose
3.0	Approved	July 2023	Joint Negotiating Forum/ Chief People Officer		Approved Assurance given to Workforce and OD Committee – Sept 23
3.1	Approved	Feb 2024	Chief People Officer		Compulsory changes made due to a change in NHS Terms and Conditions. Unable to consult or negotiate on those terms. Approved Assurance to be given Workforce and OD Committee – March 2024
4.0	Approved	June 2024	Joint Negotiating Forum/ Chief People Officer		Approved Assurance given to Workforce and OD Committee – July 2024
5.0	Final	January 2025	Chief People Officer		Approved with assurance to be given to People Committee March 2025

REFERENCES

[Employment Act 2002](#)
[ACAS Code of Practice 2003](#)

RELATED POLICIES/PROCEDURES/protocols/forms/leaflets

Maternity Policy	
Shared Parental leave Policy	
Parental Leave Policy	

SUMMARY OF CHANGES

Date	Author	Page	Changes (brief summary)
04/24			Changes to reflect changes in Legislation April 2024
01/25			Further amendments to ensure aligned to Agenda for Change

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1 WHAT THIS POLICY COVERS

- 1.1 This policy has been designed to outline employees' rights and responsibilities in relation to paternity leave/new parent support leave. It applies to the father of the child (including adoptive fathers) the mother's spouse or partner (whether opposite or same sex) or nominated carer.

2 PRINCIPLES

- 2.1 KMPT 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

- 3.1 KMPT aims to ensure that the application of this policy is fair, equal and is not discriminatory.
- 3.2 Managers are responsible for actioning requests for paternity leave in accordance with this policy.
- 3.3 The Employee Relations (ER) Department and Payroll Department will provide advice on applying this policy.
- 3.4 Employees wishing to apply for paternity leave should do so using the procedure outlined in the policy.

4 POLICY IN PRACTICE

4.1 Eligibility

- 4.2 To qualify for up to two weeks paternity leave/new parent support leave(not including pay) employees must:
- Be the biological parent or adoptive parent or/other parent's partner (including same-sex partner or civil partner). A partner is someone who lives with the parent of the baby in an enduring family relationship.
 - Have or expect to have responsibility for the baby.
- 4.2.1 All eligible employees are entitled to two weeks of new parent support leave which as a minimum can be split into two one-week blocks and can be taken at any time during the first year of the birth or the placement of the child for adoption.
- 4.2.2 Employees granted new parent support leave will receive full pay during this period if they have 12 months' continuous service with KMPT or any other NHS employer before they take their leave.
- 4.2.3 Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational maternity / adoption pay entitlements. The employee will receive full pay less any statutory paternity pay receivable.
- 4.2.4 Only one period of new parent support pay is ordinarily available when there is a multiple birth.
- 4.2.5 Employees who are not eligible for the two weeks of pay during their new parent support leave may still be entitled to statutory paternity pay subject to meeting the qualifying conditions described in the relevant legislation.

4.2.6 Claimants must be working from the Qualifying Week (QW – the 15th 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 parent and/or care for the baby.

4.3 If the baby is born earlier than the 14th week before the EWC, the employee will be deemed to have met the length of service requirement, if they would have been employed continuously for 26 weeks at the original EWC date.

4.4 **Fixed-term contracts**

4.4.1 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. In such cases the Payroll Department will advise.

4.5 **Rotational contracts**

4.5.1 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.

4.5.2 This agreement is irrespective of whether the contract would have otherwise ended.

4.6 **Procedure for requesting paternity leave**

4.6.1 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 15th week before the EWC – or as soon as is reasonably possible.

4.6.2 They should inform their manager of:

- The expected date of the baby's birth.
- Whether they wish to take one week or two weeks' leave.
- When they want their paternity leave to start.

4.6.3 An employee adopting a child should notify their manager as soon as reasonably possible 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.

4.6.4 For overseas adoptions, the form and notice period may be different and advice will be provided by the ER Department.

4.6.5 Employees should then meet with their manager to complete an Application for Paternity Leave and Pay form, (P1 form) available via the Trust Handbook forms page: <http://i-connect.kmpt.nhs.uk/document-library/staff-handbook-our-people-policies-forms/8624>

4.6.6 This should be sent to the ER Department as soon as possible to ensure correct payment.

- 4.6.7 The manager or employee must complete a staff change form and send a copy of the MATB1 with their application form (P1 form) and SC3 form to the HR inbox, kmpt.hr@nhs.net HR will provide a copy of the SC3 form once the application form is sent through, or it can be downloaded from the HM Revenue and Customs website.
- 4.6.8 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. Employees who do not qualify for paternity leave are entitled to ask for unpaid leave or to take annual leave.

4.7 Duration and timing of paternity leave

- 4.7.1 An employee cannot start their paternity leave until the birth of the baby or date of adoption. Employees can choose to take one or two whole weeks only. Odd days or non-consecutive days cannot be taken. Fathers and partners can choose to take their 2-week Paternity Leave entitlement as two separate one week blocks.
- 4.7.2 Paternity leave and pay can be taken at any time during the first 52 weeks of the birth or the placement of the child for adoption
- 4.7.3 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).

4.8 Still Birth

- 4.8.1 In the sad event that an employee's partner gives birth to a stillborn baby after 24 weeks of pregnancy they will be entitled to full paternity leave and pay. Similarly, if the baby is born alive but then dies the employee will be entitled to paternity leave and appropriate pay. They will also be entitled to take compassionate leave, please refer to the special leave policy for further guidance.

4.9 Attending antenatal appointments

- 4.9.1 Partners of a pregnant employee are entitled to take unpaid time off work to accompany them to antenatal appointments. "Partner" includes the spouse or civil partner of the pregnant person (of either 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, or partners undergoing IVF treatment.
- 4.9.2 KMPT will not require any evidence of the antenatal appointments. However, the employee will be asked to complete the Paid and Unpaid leave request form to request unpaid leave to attend antenatal appointments.
- 4.9.3 In some cases employees may choose instead to take annual leave or to arrange their working pattern to enable attendance at antenatal appointments outside of their scheduled work time.

5 PAY DURING PATERNITY LEAVE

- 5.1 To qualify for Occupational Paternity Pay (OPP) employees will need to have over one year's continuous NHS service at the start date of the paternity leave. Occupational Paternity Pay is paid at full pay .

Occupational Paternity Pay		
Weeks	Pay	Duration
1 – 2	Full Pay	1-2 weeks

- 5.2 Employees who do not have one year's continuous NHS service but have been employed for 26 weeks at the 15th week before the EWC will be paid Statutory Paternity Pay (SPP), at the current rate of SPP (details can be found at the Gov.uk website). Tax, National Insurance contributions and pension contributions will be payable as normal in all cases.

Statutory Paternity Pay		
Weeks	Pay	Duration
1 – 2	SPP	1-2 weeks

- 5.3 Employees who have less than 26 weeks service with KMPT at the beginning of the 15th week before the expected week of childbirth are not eligible for SPP and will be provided with an SPP1 form from Payroll.
- 5.4 Employees not wishing to return to the NHS following their period of paternity leave will only be entitled to SPP (if eligible).

6 EMPLOYMENT TERMS AND CONDITIONS

6.1 Contractual rights

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

6.2 The right to return to work

- 6.2.1 At the end of the paternity leave period all substantive employees have an automatic right to return to work in a comparable job to the one they were doing.

6.3 Organisational change

- 6.3.1 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 be sent written documents, letters and notifications and will be invited to attend formal meetings where appropriate. All organisational change will be managed in line with KMPT's Organisational Change Policy.

6.4 Vacancies

- 6.4.1 Employees on paternity leave will be advised of vacancies and opportunities for promotion that are advertised through expression of interest or internal advertisements, in addition to any posts advertised externally, by their manager if they request to be updated. They should apply through the normal recruitment procedure. Employees will not be treated any differently in the selection for such opportunities.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 The Equality Act 2010 places a statutory duty on public bodies to have due regard in the exercise of their functions. The duty also requires public bodies to consider how the decisions they make, and the services they deliver, affect people who share equality protected characteristics and those who do not. In KMPT the culture of Equality Impact Assessment will be pursued in order to provide assurance that the Trust has carefully considered any potential negative outcomes that can occur before implementation. The Trust will monitor the

implementation of the various functions/policies and refresh them in a timely manner in order to incorporate any positive changes.

8 HUMAN RIGHTS

- 8.1 The Human Rights Act 1998 sets out fundamental provisions with respect to the protection of individual human rights. These include maintaining dignity, ensuring confidentiality and protecting individuals from abuse of various kinds. Employees and volunteers of the Trust must ensure that the trust does not breach the human rights of any individual the trust comes into contact with.