

Leave Policy

Chapter 5: New Parent Support Leave Procedure

W19

(Ratified December 2019)

This document was last updated to reflect the changes in the NHS Terms and Conditions of Service 'Handbook' (amendment no 40) Version 2.0

Includes Flowcharts, FAQ and Relevant Forms/Paperwork

The Trust recognises that fathers or partners (including those in same sex couples) need time at home to help and support their partners during the birth/adoption of a child. The Trust applies the arrangements set out within NHS Terms and Conditions of Service Handbook to support in managing this period of the employment relationship.

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Ante-natal leave

1. Am I entitled to time off to attend ante-natal Appointments and classes?

The handbook states:

In section 15.97 the pregnant employee's partner will be entitled to unpaid leave to attend two ante natal appointments. Unpaid leave, up to a maximum of six and a half hours per appointment can be accessed. The pregnant employee's partner includes a spouse, civil partner (of either sex) or a person with whom she is in a long-term relationship.

New Parent support (paternity) leave and pay and ante-natal leave

2. Who does New Parent Support leave and/or pay and ante-natal leave apply to?

Section 15.110 of the handbook sets out that:

this will apply to the father of the child (including adoptive fathers), the mother's spouse or partner (whether opposite or same sex), or nominated carer.

The Trust requires that employees applying for New Parent Support (Paternity) Leave, Pay and/or ante-natal leave:-

- have or expect to have responsibility for the child's upbringing; **and**
- are the biological father of the child, the nominated carer or the spouse/partner (male or female) of the mother/adopter; **or**
- are an adoptive parent who is 'newly matched with a child' and can provide appropriate documentary evidence

New Parent support leave

3. How much leave am I entitled to and when can I take my leave?

Under section 15.112 of the handbook *all employees are entitled to two weeks' of new parent support leave which can be taken around the time of the birth or the placement of the child for adoption.*

4. When must I take my New Parent Support Leave?

New Parent Support Leave must be taken:

- i) within 56 days (8 weeks) of the actual date of birth of the child or placement for adoption, OR
- ii) if the child is born early or placed early for adoption, within the period from the actual date of birth or placement up to 56 days after the expected week of childbirth or placement . OR
- iii) if adopting from overseas, the earliest date that New Parent Support Leave can begin is the date on which the child enters the UK. New Parent Support Leave may only be taken up to 56 days from the date on which the child enters the UK.

5. Can my New Parent support (paternity) leave be split?

No, New Parent Support Leave can only be taken in blocks of one week, which must be consecutive.

Pay During New Parent (paternity) leave

6. What pay am I entitled to during New Parent support (paternity) leave?

Subject to qualifying criteria employees may be entitled to

- Statutory New Parent Support (Paternity) Pay; or
- Occupational New Parent Support (Paternity) Pay.

Occupational New Parent Support Pay

7. Am I entitled to Occupational new parent support Pay?

In accordance with section 15.113 of the handbook:

eligibility for the two weeks of new parent support leave pay, will have 12 months' continuous service with one or more NHS employer before they take their leave.

8. **If I am entitled, how much Occupational new parent support Pay will I receive?**

In accordance with section 15.113 of the handbook if you meet the qualifying criteria above:

there will be an entitlement to two weeks' occupational new parent support pay. 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.

See **Calculation of maternity/adoption pay** in the FAQ's relating to New Parent Leave – Chapter 4 of the Leave Cluster of Policies.

9. **What is my entitlement if there is a multiple birth?**

In accordance with section 15.115 of the handbook:

only one period of new parent support pay is available when there is a multiple birth.

Statutory pay during New Parent support (paternity) leave

10. **If I am not entitled to Occupational Pay, am I entitled to Statutory New Parent Support Pay?**

In accordance with section 15.116:

employees who are not eligible for the two weeks of new parent support pay may still be entitled to statutory paternity pay subject to meeting the qualifying conditions.

11. **Do I qualify for New Parent Support Statutory (Paternity) Pay?**

In accordance with section 15.110-116:

to qualify for statutory pay in the new parent support leave period, the employee and their partner must first meet certain qualifying conditions.

To qualify for New Parent Support Leave you must:

- have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week'); and
- give the appropriate notice of your intention to take leave.

To qualify for New Parent Support Leave you must

- have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week')
- remain employed by the Trust up to the date of birth
- earn at least £111 a week (before tax)
- give the appropriate notice of your intention to take leave.

Notice of Intention to Take Leave

12. **How much notice do I need to give my manager when taking New Parent support (paternity) Pay?**

You must notify your Manager in writing of your intention to take New Parent Support Leave by submitting the appropriate request form **either** at least 15 weeks before the baby is due **or** within 7 days of being told by the adoption agency that they have been matched with a child.

13. **Can I change my mind about the start date?**

Yes provided you give at least 28 days' notice or as soon as is reasonably possible. Again this should be in writing.

Temporary Staffing Employees

14. What if I only work through the Temporary Staffing Department?

If you are employed through the Temporary Staffing Department or employed directly by a department on a zero hours contract you will be entitled to Statutory New Parent Support Leave and Pay provisions provided that:

- i) you have 12 months continuous service with their or any other NHS Employer, and
- ii) you comply with the conditions set out in NHS Terms and Conditions of Service Handbook.

You will be entitled to Occupational Paternity Leave and Pay where

- i) you have worked a regular pattern of work (as a minimum once every month) for 12 months with the NHS by the beginning of the 11th week before the EWC, and
- ii) you comply with the arrangements set out above for Occupational New Parent Support Leave and Pay.

Stillbirth

15. What happens if our baby is stillborn?

- 15.1 Where the birth is after 24 weeks of pregnancy you will be entitled to paid new parent support leave, subject to satisfying other relevant criteria.
- 15.2 Where the pregnancy loss is before 25 weeks partners are entitled to up to 5 days leave on full pay. This applies whether the loss happens directly to their partner or their baby's surrogate and regardless of the nature of their loss, or their length of service.
- 15.3 Pregnancy loss includes but is not limited to: miscarriage, stillbirth, abortion, ectopic pregnancy, molar pregnancy and neonatal loss.
- 15.4 When supporting an employee through pregnancy loss, managers can access advice and guidance from reputable online sources such as the Miscarriage Alliance or internally via the People Advisory Team. Contact details for support during and after pregnancy loss are contained within Appendix C of the Maternity Leave Procedure.
- 15.5 If an individual or couple were to unfortunately experience more than one pregnancy loss this entitlement would apply to each.
- 15.6 Employees are entitled to paid time off to accompany their partners to appointments relating to pregnancy loss, which do not fall within an agreed period of leave, including but not limited to medical examinations, scans and tests, and mental health-related appointments.
- 15.7 Requests from employees to temporarily amend their working pattern to support them through the difficult time of grieving and recovery following pregnancy loss should be treated sensitively and supportively.

Pre-term birth

15.8 What happens if our baby is born early

If your baby is born before 37 weeks gestation, we will support you with at least 2 weeks paid compassionate leave, in addition to your new parent support leave. This will help you spend time with your baby and partner following the birth. The time may be used flexibly to best suit your needs, it does not have to be taken in one go. Please discuss the details with your manager as early as possible. Managers should record this as authorised paid special leave.

Premature babies may have ongoing medical needs requiring regular appointments and check-ups. Employees and managers should work together to agree time off for appointments in accordance with the Special Leave Procedure.

Returning to Work After New Parent Support Leave

15.9 What job do I return to when I come back to work?

You are entitled to return to the same post following New Parent Support Leave.

Annual leave and Bank Holidays during New Parent Support Leave

15.10 Do I accrue Annual Leave during New Parent Support Leave?

Annual leave will continue to accrue during New Parent Support Leave. If you intend to take annual leave alongside New Support Leave, the procedure for requesting annual leave remains as standard and must be taken at the beginning or end of New Parent Support (Paternity) Leave and not during the leave period.

15.11 What happens if a General Public Holiday falls during the period of my New Parent Leave?

For New Parent Leave the period of leave should be extended by the number of general public holidays that have fallen in the period. New Parent leave must be taken in consecutive weeks which include any accrued general public holidays.

Undertaking Other Work

15.12 Can I work for the Trust or another employer during my New Parent Leave?

You must not undertake any paid work with the Trust or any other employer during the paid New Parent Support Leave period. If you do so, New Parent Support Leave and New Parent Support Pay will automatically cease and the leave will be treated as unauthorised absence. In these circumstances, action may be considered under the Trust's Disciplinary Procedure.

Pension Provisions

15.13 What happens to my pension?

Pension rights and contributions shall be dealt with in accordance with NHS Pension Scheme Regulations. Both Employee and Employer contributions will be due on the normal 'unreduced' pay based on the month prior to the new parent support leave. Therefore you will be required to pay arrears of contributions relating to any period of unpaid absence in order to retain the pensionable service. These arrears will be collected immediately following the period of leave.

Appendix A
Overview of New Parent Support Leave, Pay & Procedure

Eligibility

You have 12 months' continuous NHS service at the beginning of the week the baby is expected to be born or proposed date of placement and remain employed until the actual date of birth/placement.

Amount of Leave

You will receive full pay for the two weeks. These weeks cannot be taken as odd days and must be taken consecutively.

You have less than 12 months' continuous NHS service but more than 26 weeks continuous Trust service at the 15th week before the baby is due or ending with the week in which the adopter is notified of having been matched with a child and remains employed until the actual date of birth/

You will be entitled to one or two weeks Statutory Paternity Pay

You have less than 26 weeks continuous Trust service at the 15th week before the baby is due or ending with the week in which adopter is notified of having been matched with a child and remains employed until the actual date of birth.

You are eligible for two weeks unpaid leave. Request an SPP1 from Pay Services.

Application Process

Employee completes an application form (appendix B) for Maternity Support Leave, (no later than the end of the 15th week before the baby is expected to be born or within 7 days of the date on which the adopter was notified of having been matched with a child to be placed for adoption)

Manager responds within 7 days using Section B of application form (Appendix B).

Leave Commences

If employee wishes to change the leave start date they must write to their line manager giving at least 28 days notice (or as soon as is reasonably possible).

Manager notifies Pay Services of employee taking Maternity Support Leave by submitting a copy of the Application for Maternity Support Leave

Appendix B

Application for New Parent Support Leave - HR26

Section A - To be completed by the employee:			
Part 1 - Personal Details			
First Name:		Surname:	
Employee No:		Department:	
Start Date with the Trust:		Start Date with the NHS:	
Part 2 – Notification and Evidence			
<p>I wish to request New Parent Support Leave as: (please tick)</p> <p>- I am the biological father / nominated carer / spouse/partner <input type="checkbox"/></p> <p>- I am an adoptive parent of a newly matched child <input type="checkbox"/></p>			
<p>The expected date of childbirth / adoption is: _____ / _____ / _____.</p>			
<p>I have attached the following documentary evidence (copy documents are accepted):</p> <p style="text-align: center;">MAT B1 Matching Certificate</p>			
<p>I understand that should I wish to change the commencement date of leave I must write to my Manager giving at least 28 days' notice (or as soon as is reasonably possible).</p>			
Part 3 – New Parent Support Leave dates requested			
<p>I intend to take (please circle): 1 week 2 weeks</p>			
<p>I have met the criteria in paragraph 3 of the policy. The expected dates of my New Parent Support Leave will be:</p>			
WEEK 1 Date:		WEEK 2 Date:	
<p>I understand that I must take the leave within 56 days of the child's actual birth / placement. I understand that this leave must be taken in blocks of one week, which must be consecutive.</p>			
Part 4 – Paternity Pay Request			
<p>Please select ONE of the following options as defined in section 4 of the policy : (please tick)</p>			
<p>I believe I have met the required continuous NHS service requirement to receive full NHS Occupational New Parent Support (Paternity) pay.</p>			
<p>I have less than 12 months' continuous NHS service but more than 26 weeks continuous Trust service (EITHER at the 15th week before the baby is due OR 26 weeks ending with the week the adopter is notified of being matched) and believe I have met the required service requirements to receive Statutory Paternity Pay.</p>			
<p>I wish to apply for unpaid New Parent Support Leave and I am aware that this will be without pay.</p>			

Part 5 – Declaration

I have read and understand the New Parent Support Leave Policy (Human Resources policy HR26) and wish to apply for leave as indicated above. I have attached the required documentation and plan to remain in employment until the date of birth/placement of the child.

Signed:

Date:

Section B - To be completed by the Manager:

I confirm I have discussed this policy and it's implications with the employee above. I have discussed and confirmed the dates as accurate according to the information with which I have been provided.

Name (Print):

Job Title:

Signed:

Date:

Is this a revised application?
(ie has this application been submitted previously but the date has now changed)

- Yes
- No

Date copy of this application, evidence & ESR Change of Circumstances form sent to Pay Services:

Line Manager Action:

Please

- retain a copy of the signed documentation, evidence and ESR Change of Circumstances form on the individual's personal file and
- send the Application for New Parent Support Leave to Pay Services with an ESR Change of Circumstances form.

Please note if the commencement of leave date changes a new Application for New Parent Support Leave must be completed and a further copy and change of circumstance form sent to Pay Services indicating that this is a revised application.