

Committee	HR&R		
Date paper prepared	01/09/2022	Date of committee meeting	14/09/2022
Subject	HR Policies and Procedures – Paternity Leave and Pay Policy and Procedure.		
Author	Judith Fenton, HR&OD Lead		
Action requested	For approval		
Purpose of the paper	To share the policy for approval		
Brief summary of the paper	<p>The paper shares our drafted Paternity Leave and Pay Policy and Procedure. The document has been developed in partnership with SMT, union colleagues, and key staff. LNCC approved the policy for implementation for Employees who joined from August 2021, and for employees who TUPE'd to SUHI from NAFC on 1st August 2021. The rationale being that this process is marked for national negotiation and that, therefore, as the SIC policy was collectively bargained, it should not be amended at this point.</p>		
Consultation	SMG and LNCC		
Resource implications	None identified		
Risk implications	None		

<p>Link with strategy</p>	<p>N/A</p>
<p><u>Equality, Diversity and Inclusion</u></p>	
<p>Island Community Impact</p>	<p>Summarise how any actual or potential (positive or negative) impacts on island communities have been considered in the development of the paper.</p>
<p>Paper status</p>	<p><input checked="" type="checkbox"/> Open – The paper may be circulated to non-members of the committee and published online without restriction.</p> <p><input type="checkbox"/> Restricted – The paper must not be circulated to non-members or published online until after the committee meeting.</p> <p><input type="checkbox"/> Confidential - The paper must not be circulated beyond the committee members and should not be published online. [Please note papers may still be subject to Freedom of Information requests – see below].</p>
<p><u>Freedom of information</u></p>	<p>Open</p> <p>If closed/ withheld, select date this will become 'open': Enter a date.</p>

Paternity Leave Policy

1. Introduction

- 1.1 This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave.
- 1.2 This policy applies to employees of Shetland UHI who joined the organisation from August 2021 and to employees who TUPE transferred from NAFC on 1st August 2021, thereby superseding the previous policy and procedure arrangements that were in place for those employees.
- 1.3 This policy, and the existing corresponding policy that applies to employees who TUPE transferred from the Shetland Island Council on 1st August 2021, will be superseded by any nationally bargained policy agreed and approved by the NJNC, at a future date.
- 1.4 Shetland UHI recognises that, from time to time, employees may have questions or concerns relating to their paternity rights. It is Shetland UHI's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the paternity provisions are complex, employees should clarify the relevant procedures with their line manager to ensure that they are followed.

2. Paternity leave

- 2.1 An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' ordinary paternity leave, provided they have 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.
- 2.2 Paternity leave is also available to adoptive to parents where a child is matched or newly placed with them for adoption. In situations where a couple are adopting, one parent may take adoption leave, the other adoptive parent is entitled to paternity leave. To be eligible for paternity leave, the employee must have 26 weeks' continuous service ending with the week in which the child's adopter is notified of having been matched with the child for adoption.
- 2.3 To qualify for paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.
- 2.4 Paternity leave is granted in addition to an employee's normal annual holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. However, you can substitute one of these weeks for Maternity Support Leave as detailed below. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.
- 2.5 Employees who wish to take both paternity leave and shared parental leave (see below) must take their period of paternity leave first. An employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.

3. Maternity Support Leave

- 3.1 Maternity Support Leave of five days with full normal pay will be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. The nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth.
- 3.2 Entitlement to maternity support leave and pay is available to all employees regardless of their length of continuous service or the number of hours worked each week. An application for maternity support leave should be submitted in writing to the individual's line manager. Confirmation, in writing, from the mother must also be provided.
- 3.3 Fathers or partners of an expectant mother who have 26 weeks' continuous service with Shetland UHI by the start of the 15th week before the expected week of childbirth are entitled to receive a second week's leave under the ordinary paternity leave provisions outlined above.

4. Data protection

- 4.1 When managing an employee's paternity leave and pay, Shetland UHI processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs Shetland UHI that they plan to take paternity leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their paternity leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with Shetland UHI's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under Shetland UHI's disciplinary procedure.

5. Notification of paternity leave

- 5.1 Where an employee wishes to request paternity leave in respect of a birth child, they must give their line manager 15 weeks' written notice of the date on which their partner's baby is due, the length of paternity leave they wish to take and the date on which they wish the leave to commence.
- 5.2 In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start paternity leave, the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.
- 5.3 If an employee subsequently wishes to change the timing of the ordinary paternity leave, they must give 28 days' written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that they are entitled to paternity leave and statutory paternity pay.

6. Statutory Paternity Pay

- 6.1 Pay during paternity leave will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, employees whose average weekly

earnings are below the lower earnings limit for national insurance contributions will not be eligible for statutory paternity pay.

- 6.2 **Statutory paternity pay** is treated as earnings and is therefore subject to PAYE and national insurance deductions.
- 6.3 Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

7. Time off for antenatal care

- 7.1 Employees have the right to take time off to accompany a pregnant woman with whom they are having a child to antenatal appointments. This time off will be unpaid.
- 7.2 To be eligible to take this form of time off, the employee could be the husband or civil partner of the pregnant woman or could be living with the pregnant woman in an enduring family relationship. In addition, the employee will be eligible for the time off if he is the biological father of the expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife, or nurse. Shetland UHI expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment and can be for a maximum of six-and-a-half hours on each occasion.
- 7.3 Employees who would like to make a request for time off to accompany someone at an antenatal appointment should make the request in writing to their line manager. The employee should endeavour to give their line manager as much notice as possible of when they need the time off for the antenatal appointment.

8. Time off to attend adoption appointments

- 8.1 Employees who are adopting a child are entitled to take time off to attend adoption appointments.
- 8.2 Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).
- 8.3 The purpose of the appointment is to enable the employee to have contact with the child (for example, to bond with them before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).
- 8.4 The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

9. Shared parental leave

- 9.1 Shared parental leave enables mothers or adopters to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner.

- 9.2 An employee can choose to take both paternity leave and shared parental leave, but the period of paternity leave must come first. An employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child.
- 9.3 Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case Shetland UHI is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the individual needs Shetland UHI's agreement).
- 9.4 To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave, or adopter curtailing their adoption leave.
- 9.5 Employees can refer to Shetland UHI's policy on Shared Parental Leave, where they will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed. Shetland UHI's policy on Shared Parental Leave sets out the notice periods with which employees must comply and what evidence they must provide to Shetland UHI. The policy also contains more details on employees' entitlement to statutory shared parental pay.
- 9.6 The mother/adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

10. Adoptions from overseas

- 10.1 If an employee has adopted a child from overseas, they may still be entitled to paternity leave and shared parental leave. Special rules apply in these circumstances. For further information, please contact HR.

11. Linked Policies

- Shared Parental Leave Policy
- Maternity Leave Policy
- Adoption Leave Policy

Relevant Legislation

- Employment Rights Act 1996 as amended
- Employment Rights Act 2004
- Employment Rights Dispute Resolution Act 1998
- Employment Relations Act 1999
- Data Protection Act 1998 as amended;
- Human Rights Act 1998
- Health and Safety at Work etc. Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- Equality Act 2010

Reviewed	By	Approved
29/07/22	HR and OD Lead	N/A
23/08/22	SMG	Yes
29/08/22	LNCC	Yes – pending clarification in relation to which employees the policy applies to – now provided.
14/09/22	HR&R	

