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Bwrdd Iechyd Prifysgol  
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Cardiff and Vale  
University Health Board

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**N/A**

## PATERNITY LEAVE AND PAY PROCEDURE

### Introduction and Aim

The rules covering paternity leave and pay are fairly complex; this procedure ensures that employees of Cardiff and Vale University Health Board (the UHB) are informed of their entitlements and provides a straightforward summary of the actions they and their managers need to take.

### Objectives

- To provide comprehensive information to employees on their entitlements with regards to paternity leave and pay
- To provide the fair, consistent and effective application of paternity provisions

### Scope

This procedure applies to all staff.

For the purposes of this Procedure, the gender you or your partner was assigned at birth is not relevant as long as you meet the eligibility criteria described.

### Equality and Health Impact Assessment

A stand-alone Equality and Health Impact Assessment has not been completed, because this procedure and the Maternity, Adoption, Paternity and Shared Parental Leave Policy is covered by the 'family friendly policies' EHIA. This EHIA found there to be a positive impact.

### Documents to read alongside this Procedure

Maternity, Adoption, Paternity and Shared Parental Leave Policy  
[Flexible Working Policy](#)  
[Risk Assessment for New and Expectant Mothers Procedure.](#)  
[Guidelines for Combining Returning to Work and Breastfeeding](#)  
[Payroll Overpayment/Underpayment Policy.](#)  
[Supporting Transgender Staff Procedure](#)

### Approved by

Employment Policy Sub Group

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**Disclaimer**

**If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Governance Directorate](#).**

<b>Summary of reviews/amendments</b>			
<b>Version Number</b>	<b>Date of Review Approved</b>	<b>Date Published</b>	<b>Summary of Amendments</b>
1	21/01/2015	09/04/2015	<p>Content previously included within the Maternity, Adoption and Paternity Guidance Notes. A new policy has been developed and separate procedures written to support it.</p> <p>Additional paternity leave elements removed and replaced by the introduction of Shared Parental Leave</p>
2	09/01/2019	22/01/2019	<p>Scope changed to explicitly state that this procedure is not restricted by the gender an employee or their partner was assigned at birth.</p> <p>Eligibility criteria widened to include employees who are intended parents having a baby through a surrogacy arrangement</p>

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## 1 RESPONSIBILITIES

### 1.1 Employee

- To inform their manager as soon as they know that their partner is pregnant/adopting
- To access this procedure on the UHB internet site, from their manager or from the HR Operations Centre and seek additional advice if necessary
- To make an [application](#) to take paternity leave

### 1.2 Manager

- To ensure that the employee is aware of their rights and obligations under this procedure and is afforded time off and all other entitlements
- To ensure that the countersigned paternity leave application form is forwarded to the HR Operations Centre
- Inform Payroll when the employee goes on and returns from paternity leave

### 1.3 Human Resources Operations Centre

- To advise the employee of their rights and obligations
- To administer the paternity leave provisions in conjunction with payroll

### 1.5 Payroll

- To ensure that payments are made in line with both current occupational and statutory regulations
- To ensure that payments are made in line with normal salary crediting
- To issue the relevant paperwork to employees not entitled to statutory benefits, to them to claim directly from Jobcentre Plus

## 2 PATERNITY LEAVE & PAY

### 2.1 Entitlements

Employees are entitled to paternity leave if:

- They are the biological or adoptive father, the mother's husband or partner (including same sex partners), the intended parent (if they are having a baby through a surrogacy arrangement), or a nominated carer, and
- They will be fully involved in the child's upbringing and are taking the time off to support the mother or care for the baby

Employees who meet this criteria are entitled to two weeks' leave and reasonable paid time off to attend ante-natal classes

For Employees with 12 months continuous service with one or more NHS

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employers at the beginning of the week in which the baby is due or the week they are notified of being matched with a child the entitlement is:

- Two weeks paternity leave with full occupational paternity pay (full pay inclusive of statutory paternity pay)

Employees with less than 12 months continuous service with one or more NHS employers at the beginning of the week in which the baby is due or the week they are notified of being matched with a child the entitlement is:

- Two weeks unpaid leave
- If the employee has 26 weeks continuous service with the UHB at the 15<sup>th</sup> week before the baby is due or at the end of the week they are notified of being matched with a child, they may be entitled to statutory paternity pay.

## 2.2 Applying for Paternity Leave

Requests for paternity leave should be made in writing using the [paternity leave application form](#). A copy of the MATB1 or matching certificate should be attached.

Employees are required to give their manager at least 28 days notice of their intention to take paternity leave following the birth of a child. Employees who are adopting a child are required to give their manager notice of their intention to take paternity leave within seven days of being notified that they have been matched with a child. If it is not reasonably practicable to give this notice, employees will still qualify for paternity leave providing they give as much notice as possible.

Employees can change their mind about the date on which they want their leave to start providing they tell their manager at least 28 days in advance (unless this is not reasonably practicable)

## 2.3 Commencing Paternity Leave

Paternity Leave cannot start prior to date of the child's birth or adoption placement and should be taken within 8 weeks (56 days) of this date.

It can be taken as one week or two consecutive weeks.

## 3 NOMINATED CARERS

A nominated carer is someone who is nominated by the mother to assist in the care of the child and provide support to the mother at or around the time of the birth.

Nominated carers are entitled to paternity leave and pay providing they satisfy the criteria set out in section 2.1.

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#### **4 CONTRACTUAL RIGHTS**

Employees retain all contractual rights during paternity leave except remuneration. This includes the accrual of annual leave and bank holidays.

Employees are entitled to return to the same job following paternity leave

#### **5 SHARED PARENTAL LEAVE**

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption by giving parents more flexibility in considering how to best care for, and bond with, their child. A total of up to 52 weeks leave can be taken, which can be a combination of Maternity or Adoption Leave and Shared Parental Leave. However, before either parent can take Shared Parental Leave, the mother/adopter must give notice of their intention to end their maternity or adoption leave early.

All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.

The rules covering Shared Parental Leave are fairly complex; the Shared Parental Leave Procedure ensures that employees are informed of their entitlements and provides a summary of the actions they and their managers need to take.

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**Appendix 1 – Entitlement to Paternity Leave Flow Chart**

