

New Parent Support (Paternity) Leave Guidance	
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Related policies:

Adoption Leave Guidance
Annual Leave Policy
Flexible Working Policy
Health and Safety Policy
Maternity Leave Guidance
Parental Leave Guidance
Wellbeing at Work Policy
Risk Management Policy and Procedure

NHS Terms and Conditions of Service Handbook

1 Introduction

This guidance applies to all staff irrespective of their Age, Disability, Gender reassignment, Marriage and Civil partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual orientation.

This guidance is intended for any employee wishing to take new parent support (paternity) leave.

The guidance applies to:

- The father of the child (including adoptive father),
- The mother's (or adopter's) spouse or partner (whether opposite or same sex),
- The intended parent (if you are having a baby through a surrogacy arrangement and intend to apply for a parental order).
- The nominated carer

This guidance outlines eligibility and entitlement, however, further advice can be obtained from the Human Resources Department.

2 Eligibility and Pay

2.1 Leave

All employees are entitled to two weeks of new parent support (paternity) leave, which can be taken within 52 weeks of the birth (or due date if the baby is early) or the placement of the child for adoption.

You get the same amount of leave if your partner has a multiple birth, or you adopt more than one child at the same time.

The leave can be split into two one-week blocks or taken together as one two-week block. A week is the same number of days that you normally work in a week, e.g. if you only work on Mondays and Tuesdays a week is two days.

The leave cannot commence prior to the birth or placement of the child.

2.2 Occupational new parent support (paternity) pay

You must have 12 months' continuous NHS service (with one or more employers) at the beginning of the week (the Sunday) when the baby is due or the matching week¹, if adopting.

If eligible for occupational new parent support (paternity) allowance, employees will receive 2 weeks' full pay.

¹ The matching week is either the end of the week you are matched with the child or the date the child enters the UK (if adopting from overseas).

2.3 Statutory Pay

If you are not entitled to occupational new parent support (paternity) pay, you may be entitled to statutory pay if:

- you have 26 weeks' continuous service with the Trust by the 15th week before the expected week of childbirth;
- you have 26 weeks' continuous service with the Trust by the 'matching week' if adopting;
- you earn at least the lower earnings level.²

Statutory paternity pay is paid at statutory rates³ or 90% of average earnings (whichever is lower).

3 Antenatal Appointments and Adoption Appointments

3.1 Antenatal Appointments

You can take paid leave to accompany a pregnant individual to ante-natal appointments if you are:

- the baby's father,
- the expectant mother's spouse or partner (whether opposite or same sex),
- the intended parent (if you are having a baby through a surrogacy arrangement and intend to apply for a parental order).

You can attend up to 2 appointments of up to 6 and a half hours each.

Further unpaid time off to attend additional appointments can be granted at the manager's discretion.

3.2 Adoption Appointments

If you are adopting a child, you can take unpaid leave to attend 2 adoption appointments after you have been matched with the child.

You can attend up to 2 appointments of up to 6 and a half hours each.

Further unpaid time off to attend additional appointments can be granted at the manager's discretion.

Important note: If you take paid time off to attend adoption meetings you will not be entitled to claim new parent support (paternity) leave and pay (see Adoption Leave guidance).

² Further details can be found at: <https://www.gov.uk/paternity-pay-leave/overview>

³ The latest statutory rates can be found at: <https://www.gov.uk/paternity-pay-leave/pay>

4 New Parent Support (Paternity) Leave

Leave cannot start before the birth, and it must be taken within 52 weeks of this date.

In the case of adoption, leave can start on the date of placement or the date the child arrives in the country (for overseas adoption), and it must end within 52 weeks of the placement or arrival date.

You must give your manager 28 days' notice if you want to change the start date.

5 Process for Applying for New Parent Support (Paternity) Leave and Pay

The employee should complete the new parent support (paternity) leave application form with their manager by the 15th week before the expected week of childbirth. The application form can be found on the Trust intranet⁴.

In the case of adoption, the application form should be completed no later than 7 days after being matched.

If you are the father of the child or the mother's spouse or partner, you must also complete form SC3.⁵

For adoption you must also complete form SC4.⁶

For overseas adoption you must also complete form SC5.⁷

The new parent support Leave application form should be completed via the Trust intranet. The MatB1 or Matching Certificate and the SC3,4 or 5 must be attached when completing this form.

If you are unable to complete the form on the Trust intranet your manager should forward the application form, a copy of the MatB1 or matching certificate and the SC3/4 or 5 to lch.hr@nhs.net

6 Employee Rights whilst on New Parent Support (Paternity) Leave

Your employment rights are protected whilst on new parent support (paternity) leave. This includes your right to:

- pay/incremental pay rises,
- the accrual of annual leave,
- returning to your substantive post.

⁴ The New Parent Support (Paternity) Leave Application can be found on the MyLCH here: [Process \(lch.oak.com\)](#), alternatively a copy of the form is included in Appendix 1.

⁵ Form SC3 can be found at: [Ask your employer for Statutory Paternity Pay and/or Paternity Leave \(tax.service.gov.uk\)](#)

⁶ Form SC4 can be found at: <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-an-adoptive-parent-sc4>

⁷ Form SC5 can be found at: <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-adopting-a-child-from-abroad-sc5>

7 Pre-term Birth / Stillbirth

Where an employee's baby is born alive prematurely, the employee will be entitled to the same amount of new parent support (paternity) leave and pay as if the baby had been born at full-term.

Where an employee's baby is stillborn after week 24 of pregnancy, the employee will be entitled to the same amount of new parent support (paternity) leave and pay.

8 Failure to Return to Work

Should an employee fail to return to work for the NHS for 3 months following the end of their new parent support (paternity) leave, they will be required to repay their occupational new parent support (paternity) pay.

9 Shared Parental Leave

Shared parental leave allows parents to choose how to share time off work after their child is born. In order to qualify for shared parental leave, the mother must end their maternity leave. See the Trust's Parental Leave Guidance for full details.

10 Annual Leave and Bank Holidays

Employees accrue annual leave and bank holidays during paid and unpaid periods of new parent support (paternity) leave.

Employees should, wherever possible, take any outstanding annual leave either directly before or after the period of maternity support (paternity) leave in order to take the leave in the leave year in which it is accrued in line with the Trust's Annual Leave Policy.

APPENDIX 1

Application for New Parent Support (Paternity) Leave and Pay

Payroll number			
Full Name			
Home Address (please ensure your correct contact details are updated on ESR)			
Contact Tel no.			
Job Title			
Base			
Manager's name			
Manager's email address			
Trust start date			
NHS start date			
Contract expiry date (if applicable)			
Expected date of childbirth (must match the date on the MatB1) or expected date of placement (as per matching certificate)			
Dates I intend to Take Leave This should not be earlier than the date of childbirth or placement			
From		To:	
From		To	
New parent support Leave can be taken as two one-week blocks or are one two-week block.			

I have read the New Parent Support (Paternity) Leave Guidance and confirm I am eligible and wish to take the following option:

Option	New Parent Support (Paternity) Leave and Pay	Tick
1	Occupational New Parent Support (Paternity) Pay I have 12 months' continuous service with one or more NHS employers at the beginning of the week the baby is due to be born or the matching week.	<input type="checkbox"/>
2	Statutory Pay I am not eligible for occupational maternity support (paternity) pay but have worked for the Trust continuously for at least 26 weeks up to the 15 th week before the expected date of childbirth or matching week.	<input type="checkbox"/>

Employee's Declaration:

I confirm that I have read the Trust's New Parent Support (Paternity) Leave Guidance

I have completed form SC3 to claim statutory pay.	<input type="checkbox"/>
I have completed form SC4 to claim statutory pay (in the case of adoption).	<input type="checkbox"/>
I have completed form SC5 to claim statutory pay (in the case of overseas adoption).	<input type="checkbox"/>

Signed: _____ Date: _____

Manager's declaration:

I have discussed new parent support (paternity) leave with the above and am aware of the employee's intention to take leave.	<input type="checkbox"/>
I have completed the online authorised leave form on MyLCH to inform payroll of the employee's intention to take maternity support (paternity) leave.	<input type="checkbox"/>
I have seen the original copy of the MatB1 or matching certificate.	<input type="checkbox"/>

Signed: _____ Date: _____

Once completed, please forward this form and a copy of the MatB1 or matching certificate with either the SC3/4 or 5 to lch.hr@nhs.net

APPENDIX 2

Frequently asked questions

1. How much new parent support (paternity) leave can I take?

Two weeks.

2. When can I start my new parent support (paternity) leave?

From the date of birth or, in the case of adoption, from the date of placement or the date the child arrives in the UK (for overseas adoption).

All leave must be completed within 52 weeks of the date of birth or placement.

3. Can I change the start date of my new parent support (paternity) leave?

Yes. You must give your manager 28 days' notice wherever possible.

4. Can I have paid time off to attend antenatal appointments with my partner?

Yes. Your manager may ask for proof of any appointments.

5. Can I take paid time off to attend adoption meetings?

Yes, however, it is important to note that if you take paid time off to attend adoption meetings you will not be entitled to new parent support (paternity) leave and pay.

6. Will I return to work in my original role?

You have the right to return to your job under your original contract and on no less favourable terms and conditions.

7. What if I'm too unwell to return to work immediately following my maternity support (paternity) leave?

You must report as unfit for work in line with your local procedures. Your sickness will be managed in line with the Wellbeing at Work Policy.

APPENDIX 3

Useful Contacts / Information

General information on entitlement to paternity leave and pay:	https://www.gov.uk/paternity-pay-leave
HR queries:	Lch.hr@nhs.net 0113 2033455
Lease cars / salary sacrifice car queries:	0113 3055927
NHS terms and conditions of service:	http://www.nhsemployers.org/tchandbook
Nurseries and post-natal classes:	http://www.leedsth.nhs.uk/a-z-of-services/nurseries/
Pensions Department:	leedsth-tr.pensions@nhs.net
Payroll:	leedsth-tr.payrollpct@nhs.net Details of your payroll clerk can be found by searching for 'payroll' on the Trust intranet.