

CHRE

Paternity Policy and Procedure

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1 Policy Statement

It is the policy of the Council for Healthcare Regulatory Excellence (CHRE) (the organisation) to comply with both the letter and spirit of the law with regard to paternity rights. The aim of this policy and procedure is to inform employees of their entitlement to statutory paternity rights, of their right not to be discriminated against because of exercising these rights, and to ensure that they understand these rights.

The employee's service will be counted as continuous during paternity leave for both statutory and contractual rights.

This policy and procedure is subject to change in accordance with legislation and conforms to the Maternity and Paternity Leave (Amendment) Regulations 2002 guidelines published by the Department of Trade and Industry. It is subject to any changes made to the detail of the legislation.

Employees whose children were born on or after 6 April 2003 benefit from these paternity leave and pay provisions.

2 Procedure

2.1 Eligibility

Employees will need to satisfy the following conditions in order to qualify for paternity leave. They must:

- Have or expect to have responsibility for the child's upbringing
- Be the biological father of the child or the mother's husband or partner
- Have worked continuously for the organisation for 26 weeks leading into the 15th week before the baby is due.

Employees must complete a self-certificate form as evidence that they meet these eligibility conditions.

The leave and pay periods will automatically cease if the employee dies or is taken into legal custody.

2.2 Length of Paternity Leave

Eligible employees will be entitled to choose to take either one week or two consecutive weeks' paternity leave (not odd days or single weeks).

They can choose to start their leave:

- From the date of the child's birth (whether this is earlier or later than expected), or
- From a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected), or
- From a chosen date

Leave can start on any day of the week on or following the child's birth but must be completed:

- Within 56 days of the actual date of birth of the child, or
- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.



Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

2.3 Statutory Paternity Pay

During their paternity leave, most employees will be entitled to Statutory Paternity Pay (SPP).

SPP will be paid for either one week or two consecutive weeks as chosen by the employee. The rate of SPP will be the same as the standard rate of Statutory Maternity Pay (SMP).

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes will not qualify for SPP. Employees who do not qualify for SPP, or who are normally low-paid, may be able to get Income Support while on paternity leave. Additional support may be available through Housing Benefit, Council Tax Benefit, Tax Credits or a Sure Start Maternity Grant. Further information is available from the local Jobcentre Plus office or Social Security office.

2.4 Obligations on the Employee

2.4.1 *Notice of intention to take paternity leave*

Employees will be required to inform the organisation of their intention to take paternity leave by the start of the 15th week before the baby is expected, unless this is not reasonably practicable. They will need to advise the organisation of the following:

- The week the baby is due
- Whether they wish to take one or two weeks' leave
- When they want their leave to start

Employees will be able to change their mind about the date on which they want their leave to start providing they advise the organisation at least 28 days in advance (unless this is not reasonably practicable). Employees must also advise the organisation of the date they expect any payments of SPP to start at least 28 days in advance, unless this is not reasonably practicable.

2.4.2 *Self certificate*

Employees will have to provide a completed self-certificate as evidence of their entitlement to SPP and paternity leave. The self-certificate must include a declaration that the employee meets certain eligibility conditions and provide the information specified above as part of the notice requirements.

2.4.3 Changes to paternity leave

If the baby is born before it is due, employees may not be able to give CHRE the required period of notice. Employees should, however, complete the application form for paternity leave and pay as soon as reasonable possible thereafter.

If the baby isn't born by the date specified, and the employee has requested leave by a particular date, they may need to change the start date of their leave. The employee must inform CHRE of their decision as soon as possible. Paternity leave can not begin until the baby is born.

EXCEPTIONS TO THE QUALIFYING CONDITIONS FOR LEAVE

If the baby is born earlier than the fourteenth week before it is due and, but for the birth occurring early, the employee would have been employed continuously for the twenty six weeks, then they still qualify as having the necessary length of service.

2.5 Contractual Benefits

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to wages or salary throughout their paternity leave.

2.6 Return to Work after Paternity Leave

Employees will be entitled to return to the same job following paternity leave.

2.7 Protection from Detriment and Dismissal

Employees will not suffer unfair treatment or dismissal for taking paternity leave.

2.8 Time Off to Attend Antenatal Care Appointments

Under the statutory right to paternity leave, employees are not entitled to time off to accompany their partner at antenatal appointments.

2.9 Stillborn

A qualifying employee will be entitled to paid leave if the baby is stillborn after twenty-four weeks of pregnancy.

2.10 Other Legislation

These arrangements are separate from the regulations for Parental Leave and Time off for Dependents to which you may be entitled. Further details of these entitlements are available from the office.



Document Control

Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Status	Primary Author(s)	Description of Version	Date Completed
1.0			Paternity Policy and Procedure	19/09/08

Associated Documentation

Version	Description of Documentation
1.0	Paternity Application form

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