

Paternity / Partner Leave Policy & Procedure

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1. INTRODUCTION

As a key part of our business focus on “Workforce Care”, BrisDoc is committed to supporting staff in their family responsibilities. We recognise the valuable contribution of all our staff in achieving business objectives and provide an environment supportive to combining parenthood with a career in the organisation. We are also committed to ensuring equality and diversity across the organisation.

In support of this commitment, this document sets out the rights for all expectant fathers/partners employed by BrisDoc.

In line with our main business focus, we are committed to:



Patient Care

Patient focused - understanding our patients needs and ensuring we prioritise the “patients view” in all our everyday activities and actions.

Workforce Care

Teamwork and individual responsibility - every person counts, supporting each other, sharing information, valuing and encouraging.

Quality Care

Commitment to do what we say and improve what we do. A commitment to excellence and quality when serving patients and colleagues.

Resource Care

Optimising the use of all resources across the local health economy. Taking care of our working environment and equipment.

In line with our four focus areas BrisDoc is committed to:

Patient Care

- Ensuring that patient care is not compromised during any periods of Paternity Leave.

Quality Care

- Ensuring we comply with the relevant employment legislation.

Workforce Care

- Ensuring that no discrimination takes place on account of Paternity
- Ensuring staff on Paternity leave are kept up to date with any changes that may affect their role.
- Training all managers in the process of Paternity Leave.
- Considering flexible-working and family friendly requests in line with the Flexible Working Regulations for all returning fathers/partners.

Resource Care

- Ensuring legal compliance with Paternity legislation in order to avoid discrimination claims. .
-

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2. SCOPE

This policy applies to two different groups of people, collectively referred to as 'staff':

- **Employees** - this specifically relates to team members who are 'employed' on a salaried basis (whether fixed term or permanently) and have a regular hours contract with BrisDoc. They are 'employees' as legally defined by the Employment Rights Act 1996 and have specific employment rights.
- **Casual workers** (also known as bank staff) – this specifically relates to team members who have an 'engagement' with BrisDoc rather than 'employment'. This staff group have no obligation to provide or perform work and therefore have no employment rights.

3. RESPONSIBILITIES

3.1 BrisDoc Directorate

- Ensures that the aims and objectives of this policy are in keeping with statutory requirements.
- Ensures that these policies are carried out throughout the company and are available for all members of staff.

3.2 Employee

- To make all requests according to the procedures as outlined in this policy.
- To understand and not abuse the support offered as outlined in this policy.

3.3 Line Manager

- To inform the Workforce Team when they are made aware that a member of staffs' partner is pregnant or adopting a child.
- To ensure all procedures are carried out correctly.
- To correctly record time taken off for antenatal appointments.

3.4 Workforce Department

- To ensure that all procedures are carried out correctly.
- To ensure that the procedures do not become subject to discrimination.
- To record details of any Special Leave used.

3.5 Legal Responsibilities

BrisDoc is legally obligated to ensure that the following pieces of legislation are taken into account when dealing with the procedures outlined in this policy.

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- Paternity and Adoption Leave Regulations 2002 & Amendment Regulations 2014
- Shared Parental Leave Regulations 2014
- Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014 (2014/3054)
- Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014 (2014/3052)
- Equality Act 2010
- Employee Relations Act 1999
- Employment Rights Act 1996

BrisDoc will also ensure that all procedures are in line with its Equality and Diversity Policy.

4. PATERNITY / Partner LEAVE

Throughout this policy, “you” or “your” refer to the employee who is the partner of the pregnant mother-to-be, or the partner of the person adopting the child.

4.1 The right to paternity / partner leave

The right to paternity leave is available to an employee who is:

- the partner of a woman who has given birth
- the partner of someone who is adopting a child

Different rules apply to each. This policy addresses these differences accordingly.

4.2 Paternity / Partner Leave (PL)

The duration of paternity leave is 2 weeks. You may take a single block of 1 week or 2 consecutive weeks' leave, not odd days or two separate weeks. Paternity leave must be taken within a 56 day period starting either on the date of the baby's birth or at the beginning of the estimated week of childbirth (EWC), whichever is the later.

Employees may also be entitled to take up to 4 week's unpaid parental leave

Note: An employee who meets the qualifying criteria and notice requirements may be entitled to take Shared Parental leave (SPL) please see the separate SPL policy.

PL remains at 2 weeks regardless of the number of children resulting from a single pregnancy or adoption.

4.2.1 Paternity / Partner Leave - if your partner gives birth

You qualify for paternity leave (PL) on the birth of a baby if you:

- Have – or expect to have – responsibility for a baby's upbringing;
- Are the biological father of the baby and/or the mother's husband or partner (including same-sex partner or civil partner). A partner is someone who lives with the mother of the baby in an enduring family relationship but who is not an immediate relative.

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In addition, you must:

- Have at least 26 weeks' continuous employment with BrisDoc ending with the 15th week before the Expected Week of Childbirth (EWC – see Appendix 1: Glossary of terms) – the qualifying week. *NB: you will be treated as having the necessary length of service if the baby is born earlier than the 14th week before the EWC but had the baby not been born early you would have been employed continuously for 26 weeks.*
- Be working for BrisDoc from the qualifying week up to the date of birth. If your contract ends before the birth, you do not qualify for leave. If your contract ends after the birth, you retain your right to leave (and pay, if you qualify).
- Have notified BrisDoc of your intention to take paternity leave
- Be taking the time off to support the mother and/or care for the baby.

Notification / Process of taking PL

You must inform your line manager, in writing, of your intention to take paternity leave by the end of the 15th week before the expected week of childbirth (EWC), or as soon as is reasonably practicable. You must provide your line manager with the following details (see Appendix 2):

- The expected date of the baby's birth (via MatB1 form)
- The start date of the leave to be taken
- The duration of the leave to be taken i.e. 1 or 2 weeks' leave.

You should inform your line manager when the baby is actually born.

When can leave begin?

You cannot start your leave until the birth of the baby. Paternity leave can start from the date of the baby's birth. It can also start later than this however, it must end within 56 days of the birth or the EWC, whichever is the latter.

If you wish to change the start date of your paternity leave, you must give at least 28 days notice before the date to be changed or 28 days before the new date, whichever is sooner.

If it is not reasonably practicable to give this much notice, BrisDoc expects you to give as much notice as possible.

If you change the start date of your paternity leave, you must complete a new self-certificate SC3 for SPP purposes.

As long as you have given the required notice, your paternity leave can start on any day of the week. However, your leave must finish within 56 days of the actual birth date.

What happens if the baby is born early?

If the baby is born early, statutory paternity leave must be completed between the birth and 56 days from the first day of the EWC.

What if there is a stillbirth, miscarriage or abortion?

If your wife or partner gives birth to a stillborn baby, you are still entitled to paternity leave if the birth happens after 24 weeks of pregnancy. If the stillbirth occurs before the end of the 24th week of pregnancy, you may take compassionate leave instead. (*See BrisDoc's Family-friendly and Flexible Working policy*).

If the baby is born alive but then later dies, you are still entitled to paternity leave and or, compassionate leave.

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4.2.2 Paternity / Partner Leave – If Your Partner Adopts A Child

The rules are different depending on whether the child is adopted from within the UK or overseas.

UK Adoptions

You will qualify for PL if you adopt a child from the UK and meet the following criteria:

You:

- are either one of two parents jointly adopting a child or the partner of someone adopting a child individually
- have or expect to have responsibility for the child's upbringing with the other joint adoptive parent or the individual adopter
- are not taking statutory adoption leave and pay
- have been continuously employed by BrisDoc for at least 26 weeks ending with the week in which they are notified of having been matched with the child – the matching week – see Appendix 1: Glossary of terms.
- continue to work for BrisDoc from the matching week to the date of the child's placement
- have notified BrisDoc that they want to take PL no more than 7 days after the adopter is notified that they have been matched with a child
- will be taking time off to support the adopter and/or care for the child.

Notification / Process of taking PL

To qualify for PL when adopting a child from within the UK, you must inform your line manager, in writing, of your intention to take paternity leave, no more than 7 days after the adopter has been notified that they have been matched with a child. You must provide your line manager with the following details (see Appendix 2):

- That you intend to take paternity leave
- When you want your leave to start
- How much leave you intend to take i.e. 1 or 2 weeks' leave
- The date the adopter was notified that they had been matched with the child
- The date you expect the child to be placed with the adopter for adoption. This date is shown on the matching certificate from the adoption agency.

If it is not reasonably practicable for you to meet this deadline, you should notify your line manager as soon as possible.

When can leave begin?

Paternity leave (and pay) can begin any time from the date of the child's placement with the adopter, but must be completed within 56 days of this date.

You can choose to begin paternity leave on one of the following:

- The date on which the child is placed with the adopter, even if this is earlier or later than the expected date of placement
- A predetermined date after the expected date of placement
- A date falling a specified number of days after the expected date of placement.

If the date of placement changes, you should discuss this with your line manager as soon as is reasonably practicable.

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If you wish to change the start date of your paternity leave, you must notify your line manager, in writing, at least 28 days before the date to be changed or 28 days before the new date, whichever is sooner. If it is not reasonably practicable for you to give this much notice, BrisDoc expects you to give as much notice as possible.

Overseas Adoptions

You will qualify for PL when adopting a child from overseas if you:

- are either one of two parents jointly adopting a child or the partner of someone adopting a child individually
- have or expect to have responsibility for the child's upbringing with the other joint adoptive parent or the individual adopter
- are not taking statutory adoption leave and pay
- have worked for BrisDoc continuously for at least 26 weeks into the week that the adopter received official notification (see below) or by the time you want your PL to begin, whichever is later
- have given BrisDoc the correct notification
- continue to work for BrisDoc up until the point that the child enters the UK.

Official notification for overseas adoptions

Official notification is written notification issued by, or on behalf of, the relevant domestic authority (usually the Department for Children, Schools and Families) that the authority either:

- Is prepared to issue a certificate to the overseas authority dealing with the adoption of the child
- Has issued a certificate and sent it to that authority.

In either case, the notification certificate confirms that the other or main adopter:

- Is eligible to adopt
- Has been approved as being a suitable adoptive parent.

Notification / Process of taking PL

If you are adopting a child from overseas you must give your line manager notice of your intention to take PL in three stages. The details required at each stage must be provided in writing. If you are also entitled to SPP, you must give your line manager the evidence required for SPP purposes at the same time.

Stage 1

You must inform your line manager of:

- The date on which the other or main adopter received official notification (see above)
- The date the child is expected to enter the UK

Stage 2

You must give BrisDoc at least 28 days' notice of the actual date that you want your PL (and SPP if you qualify) to start. You can give this notice at the first notification stage if you know the date. PL cannot start before the child has entered the UK.

You can change your mind about the date on which you want your leave to start providing you tell your line manager at least 28 days in advance of the new date, or as soon as is reasonably practicable.

Stage 3

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You must inform your line manager of the date that the child enters the UK, within 28 days of the child's date of entry.

You must tell your line manager, as soon as is practicable, if they find out that the child will not be entering the UK.

When can paternity leave begin?

If you are adopting a child from overseas, you may choose to start your PL:

- From the date the child enters the UK
- From a fixed date, which is later than the date the child enters the UK

You must complete your leave within 56 days of the date the child enters the UK. You can start your leave on any day of the week.

PL should not be used to cover the period you spend travelling overseas to arrange the adoption or visiting the child. If you need to do this you should discuss it with your line manager. It may be best to take this time off as annual leave or unpaid leave.

If you wish to change the start date of your paternity leave, you must notify your line manager, in writing, at least 28 days before the date to be changed or 28 days before the new date, whichever is sooner. If it is not reasonably practicable for you to give this much notice, BrisDoc expects you to give as much notice as possible.

4.3 Shared Parental / Partner Leave

Entitlement to shared parental leave, including for adopted babies, came into effect from April 2015. 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.

For more information please refer to BrisDoc's Shared Parental Leave policy where you will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed. The policy also sets out the notice periods with which you must comply and what evidence you must provide to BrisDoc.

5. Paternity Pay

5.1 Statutory Paternity Pay (SPP)

The rate and duration of SPP

SPP is payable at a standard weekly rate, which is the lower of:

- £151.20 (for 2020/2021)
- 90% of the employee's average weekly earnings

The rate and duration of SPP remains the same regardless of the number of children resulting from a single pregnancy / adoption.

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If you do not qualify for SPP, BrisDoc will notify you of this fact, in writing, and send you form SPP1 to complete.

The process for whether individuals qualify for Statutory Paternity Pay differs according to the following circumstances:

- (1) Births
- (2) Adoptions within the UK
- (3) Adoptions from overseas

5.1.1 Statutory Paternity Pay (SPP) – For Births

To qualify to receive SPP you must have:

- At least 26 weeks' continuous service with BrisDoc by the end of the 15th week before the EWC
- Average weekly earnings at or above the lower earnings limit for National Insurance contributions that applies at the end of the qualifying week
- Self certified your eligibility for SPP by giving your line manager a completed form SC3 at least 28 days before you want your SPP to start.

If you do not qualify for SPP, BrisDoc will notify you of this fact, in writing, and send you form SPP1 to complete. You may be able to get some income support by contacting the Job Centre Plus.

5.1.2 Statutory Paternity Pay (SPP) – For UK Adoptions

You qualify for SPP when you are adopting a child from within the UK if you:

- Have at least 26 weeks' continuous service with BrisDoc by the end of the week in which the adopter is notified that they have been matched with a child, i.e. the matching week.
- Have average weekly earnings at or above the lower earnings limit for National Insurance contributions that applies at the end of the matching week
- Have self certified your eligibility for SPP by giving your line manager a completed form SC4 at least 28 days before you want your SPP to start.
- Continue to work for BrisDoc from the matching week to the date of placement.

5.1.3 Statutory Paternity Pay (SPP) – For Overseas Adoptions

You will qualify for SPP when you are involved in adopting a child from overseas if:

- The other or main adopter has received official notification
- You have worked for BrisDoc continuously for at least 26 weeks into the week that the adopter receives official notification or by the time you want your SPP to begin, whichever is later
- You have average weekly earnings at or above the lower earnings limit for National Insurance contributions that applies at the point when the adopter receives official notification or you complete 26 weeks' service, whichever is later
- You have self-certified your eligibility for SPP by giving your line manager a completed form SC5 at least 28 days before you want your SPP to start (see Appendix 8).
- You continue to work for BrisDoc up until the point the child enters the UK

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5.2 Occupational Paternity Pay (OPP)

To qualify to receive OPP you must have at least 52 weeks service as at the 11th week before the Expected Week of Childbirth (EWC) / Matching Week. *(N.B. bank/casual workers are exempt from OPP).*

The rate and duration of OPP remains the same regardless of the number of children resulting from a single pregnancy or adoption.

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| LENGTH OF SERVICE / AVERAGE EARNINGS | PAY |
|--|---|
| 0 - 12 months service at the 11 th week before the EWC / Matching Week PLUS average earnings equal to or above the lower earnings limit for NI | Statutory Paternity Pay (SPP) only |
| Over 12 months service at the 11 th week before the EWC / Matching Week PLUS average earnings equal to or above the lower earnings limit for NI | Full pay for up to 2 weeks duration of paternity leave (inclusive of SPP) |

5.3 Terms and Conditions

Your contract of employment will continue throughout PL unless BrisDoc or you expressly ends it or it expires.

During PL you have a statutory right to continue to benefit from all the terms and conditions of employment which would have applied to you had you been at work, except for the terms relating to wages or salary.

5.3.1 Continuity of service

PL counts towards your period of continuous employment for the purposes of entitlement to other statutory employment rights.

5.3.2 Accruing annual leave during paternity leave

You continue to accrue statutory – and any contractual – annual leave entitlement throughout PL.

You may not take annual leave during paternity leave – but you may take it immediately before or after paternity leave.

If your paternity leave goes across two annual leave years, you should discuss your annual leave entitlements with your line manager before commencing annual leave.

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5.3.3 Pay increases during paternity leave

Whilst on paternity leave, you are entitled to benefit from any general improvements to your rate of pay, or other terms and conditions, as if you hadn't been away.

If a pay rise is awarded during your SPP period, the SPP will be recalculated based on the new pay rate.

5.3.4 Returning to work

Whilst on paternity leave, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent on paternity leave.

You are also entitled to benefit from any general improvements to the rate of pay or other terms and conditions introduced while they were away.

Qualifying fathers are also entitled to unpaid parental leave and to request flexible working (see BrisDoc's Family-friendly and Flexible Working Policy).

5.4 Attending antenatal classes or meetings as part of the Adoption process

You have the right to take time off to accompany your pregnant partner to attend up to two antenatal appointments. These will be treated as paid leave in accordance with 'special leave' as per our Family-friendly and Flexible Working Policy.

From April 2015, staff who are adopting a child are also entitled to take time off to attend adoption appointments. 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).

5.5 Paternity leave and protection against detriment

You will not be treated detrimentally for taking, or seeking to take, paternity leave.

5.6 Locum GP cover reimbursement for GP Practices

GP Practices can recoup costs incurred when GPs are on parental leave. When a salaried GP or GP Partner is absent from a GP Practice due to a period of parental leave (Maternity/Paternity/ Adoption) the practice is eligible to receive funding towards the cost of cover for that GP.

Refer to bma.org.uk where an outline of the reimbursement schemes, as set out in the [SFE \(Statement of Financial Entitlements\)](#), is available.

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For the purposes of this the GP must be on leave for longer than one week and must be entitled to that leave either under statute, their contract of employment (in the case of salaried GPs,) or the partnership agreement or other agreement between the partnership (for GP partners).

Cover for the absent GP can be provided by either an external locum or another GP already employed within the Practice

6. Related Policies

- Family-friendly and Flexible Working Policy
- Sickness Absence Policy
- Annual Leave Guidelines
- Maternity Leave Policy and Procedure
- Adoption Leave Policy and Procedure
- Shared Parental Leave Policy

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7. Change Register

The following changes have been made between the November 2016 (v3) Paternity Leave Policy and the August 2017 (v4) Paternity Leave Policy.

| Section | Change |
|------------|---|
| Throughout | Reference to Ordinary Statutory Paternity Leave (OSPL) replaced with paternity leave (PL) |
| 1 | Added the 4 focus areas, relevant to the Paternity Policy |
| 2 | Added this section to be consistent with Maternity Policy |
| 3.3 | Paragraph related to Additional Paternity Leave removed |
| 3.4 | Reference to Shared Parental Leave added, re-numbered as 3.3. |
| 4.2.2 | Reference to pay during additional paternity leave removed. |
| 4.4 | Updated this section in line with current legislation |
| Appendix 1 | Removed term 'Additional Paternity Leave' |
| Appendix 1 | Changed the term Ordinary Paternity Leave (OPL) to Paternity Leave |
| Appendix 1 | Added in the term 'Shared Parental Leave' |
| Appendix 2 | Section D (Additional Paternity Leave) removed. Section E renamed Section D |
| Appendix 2 | Changed the term Ordinary Paternity Leave (OPL) to Paternity Leave |
| Appendix 3 | Updated in line with NHS Pension guidance |

The following changes have been made between the August 2017 (v4) Paternity Leave Policy and the February 2020 (V5) Paternity Leave Policy.

| Section | Change |
|--------------|--|
| Whole Policy | Changed to new template and general document updates (i.e. changing HR to Workforce) |
| 4.2 | Added reference to the Shared Parental Leave Policy. |
| 5.1 | Updated with current rates of pay |
| 5.6 | Added in a section regarding Locum Reimbursement within GP Practices |
| Appendix 1 | Updated SPP to reflect current rates (April 2020) |
| Appendix 3 | Updated in line with NHS Pension guidance (09/2018 V5) |

8. Appendix 1: Glossary of terms

| TERM | DEFINITION |
|--|---|
| Expected week of childbirth (EWC) | The week in which the expected date of the baby's birth falls – starting with the preceding Sunday and ending the following Saturday. If the birth date falls on a Sunday, that date is the first day in the EWC. The expected date of the baby's birth is given on the MATB1 form. |
| Matching week | The week in which an employee is notified that they have been matched with a child. The matching week starts on a Sunday and ends on a Saturday. |
| Paternity Leave (PL) | The first 2 weeks following the birth of a child if you are responsible for the baby's upbringing or are the biological father of the baby and/or the mother's husband or partner (including same-sex partner or civil partner). Employees may take 1 or 2 consecutive weeks' leave, not odd days. |
| Shared Parental Leave (SPL) | A period of leave available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner, or to return to work early from maternity leave and opt in to shared parental leave at a later date. Shared parental leave is also available to adoptive parents where the child is being placed for adoption on or after 5 April 2015. |
| Qualifying week | The 15 th week before the EWC |
| Statutory Paternity Pay (SPP) | SPP is paid for in blocks of a week or two consecutive weeks- up to a maximum of 2 weeks. It is paid at either a flat rate of £151.20 per week (April 2020) or 90% of your average weekly earnings, whichever is less. |

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9. Appendix 2: Notification of Paternity / Partner Leave

Please complete **EITHER** Section A, B or C. **All employees** must complete Section D and E.

Name _____ Job title _____

Address _____

SECTION A: To be completed if your partner is expecting a baby

Partner's Expected Week of Childbirth (EWC) (from MATB1 form) ____/____/____

Expected start date of paternity leave: ____/____/____

Duration of paternity leave (*tick either option 1 or option 2*):

OPTION 1: 1 week paternity leave

☐

OPTION 2: 2 consecutive weeks' paternity leave

☐

Please also complete the HMRC SC3 Form (available from the Workforce Team or HMRC website) and attach with this form.

SECTION B: To be completed if you are the partner of someone adopting a child from within the UK

Name and address of adoption agency: _____

Date you were notified that you had been matched with a child ____/____/____

Date you expect to be matched with a child (as per the matching certificate from the adoption agency) ____/____/____

Expected start date of paternity leave: ____/____/____

Duration of paternity leave (*tick either option 1 or option 2*):

☐

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OPTION 1: 1 week paternity leave

OPTION 2: 2 consecutive weeks' paternity leave ☐

Please also complete the HMRC SC4 Form (available from the Workforce Team or HMRC website) and attach with this form.

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SECTION C: To be completed if you are the partner of someone adopting a child outside of the UK

Name and address of adoption agency: _____

Date you or the main adopter received official notification of adopting a child from overseas
____/____/____

Date the child is expected to enter the UK ____/____/____

Please supply official notification of the adoption – this is normally issued by the relevant domestic authority (usually the Department for Children, Schools and Families)

Expected start date of paternity leave: ____/____/____

Duration of paternity leave (tick either option 1 or option 2):

OPTION 1: 1 week paternity leave

☐

OPTION 2: 2 consecutive weeks' paternity leave

☐

Please also complete the HMRC SC5 Form (available from the Workforce Team or HMRC website) and attach with this form.

SECTION D: To be completed by ALL employees

Declaration:

- (i) I have read the Paternity Policy which I understand and accept.
- (ii) I can confirm that I am not receiving Statutory Adoption Pay/Leave.
- (iii) I also understand that a change in my circumstances during payment of SPP may affect my entitlement and therefore I agree to notify the WORKFORCE Department of any changes as soon as possible.
- (iv) I will inform BrisDoc if I am taken into legal custody.

Employee Signature: _____ Date: _____

Please pass this form together with the relevant SC3 or SC4 or SC5 Form to your LINE MANAGER who will forward to the WORKFORCE TEAM

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To be completed by line manager: Application for Paternity Leave authorised by:

Manager Signature: _____ Date: _____

10. Appendix 3: NHS Pension

NHS Pensions
provided by...



Business Services Authority

NHS PENSION SCHEME: Maternity Leave, Paternity Leave, Parental Leave and Adoption Leave Fact sheet

Maternity, paternity, parental and adoption leave (09/2018) (V5.0)

A member can continue to be pensionable throughout any period of absence for maternity, paternity, parental or adoption. This is referred to in this factsheet as 'special leave'.

Your employer must provide you with the necessary information about pension arrangements before you start any special leave for maternity, paternity, parental or adoption leave.

CONTRIBUTIONS

Pension contributions can be paid regardless of whether the special leave is paid or unpaid.

If you are in receipt of full pay

Your pension contributions, at the tier you were paying before the leave, will be deducted on the amount of pensionable pay/reckonable pay/pensionable earnings you actually receive during the leave. If you go on to no pay, then the contributions will be based on the amount of pensionable/reckonable pay/pensionable earnings you were receiving immediately before the no pay commenced.

When you go on special type leave your full pay is calculated using the average weekly earnings rules and also accounts for any pay awards or annual increments before or during paid your leave. So the pay received during a period of full pay leave may not be the same as the pay immediately before the leave commenced.

If you are in receipt of half pay

Your pension contributions will be deducted on the amount of pensionable pay/reckonable pay/pensionable earnings actually received.

If you are in receipt of Statutory Pay (e.g. Statutory Maternity Pay, Statutory Adoption Pay)

Your pension contributions will be deducted on the amount of statutory pay you receive.

If you are on unpaid leave

Your pension contributions will be deducted on the rate of pensionable pay/reckonable pay/pensionable earnings immediately before any period of unpaid special leave begins.

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Added years/Additional Pension/Early Retirement Reduction Buy Out (ERRBO)

Additional contributions continue to be paid on the pensionable pay/reckonable pay/pensionable earnings you were receiving prior to any reduction.

Part time member

If you work part time the 'deemed' hours (the hours you would have worked) will be included in your membership for pension purposes for the period you were paying pension contributions.

Pensionable pay/reckonable pay/pensionable earnings for benefit purposes will be based on your normal level of pay. This will be your whole time equivalent pensionable/reckonable pay if you are a 1995/2008 Scheme member or your actual pensionable earnings if you are a 2015 Scheme member.

If you decide not to return to work

If you intend to return to work and have already paid some contributions during your leave and then decide that you are not returning to work, NHS Pensions can accept the last day of membership as the last day that you paid pension contributions.

If you do not intend to return to work you are still entitled to pay pension contributions during the period of statutory leave.

When you leave, your employer will provide you with the Leaving Early and Transferring Out Guide which gives you the necessary information about the choices available to you in respect of your pension.

All members, whether they opt out of the Scheme or leave, should be aware that pensionable membership will not be extended unless contributions are paid. Entitlement to benefits will be affected by the length of Scheme membership.

Annual leave

If you have annual leave after a period of statutory leave and do not return to work, the date of leaving the Scheme will be the last day you pay pension contributions plus any annual leave entitlement.

Where a trust gives a higher annual rate of pay throughout an employment, instead of a period of annual leave itself, the higher rate of pay is pensionable. You may receive benefit if the period falls within the pensionable pay/reckonable pay/pensionable earnings period.

Keep in Touch (KIT) days

Keep in touch (KIT) days are where a member carries out up to 10 days work during the maternity, paternity or adoption leave period.

For pension purposes, keep in touch days do not break the period of leave. The member will pay contributions for the KIT days, however these will be on the basis of the reduced earnings for the maternity leave. Any additional pay received during the KIT days will be excluded.

Paid maternity leave: amount of pay flexibilities

By prior agreement with your employer, occupational maternity pay may be paid as a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period.

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If you have six months paid and six months unpaid leave, but your pensionable/reckonable pay/pensionable earnings is averaged out over the 12 month period, contributions will be deducted based on the underlying entitlement.

This provision does not apply to locum practitioners.

FREQUENTLY ASKED QUESTIONS

What if I can't afford to pay pension contributions while I am on leave?

Arrears of pension contributions built up during a period of unpaid leave can be collected when you return to work provided they are collected within a reasonable amount of time. This should be agreed between you and your employer.

If I return to work after my special leave, do I have to stay on the same contract?

You will need to discuss the terms of your employment with your employer.

Can I have a refund of any contributions paid during my leave?

No, if contributions have been correctly paid on any part of your leave, whether the leave is paid or unpaid, they cannot be refunded (unless you subsequently leave the Scheme with entitlement to a refund of contributions).

Is the percentage of contributions the same whilst I am on my leave?

Yes the percentage stays the same.

Can I join the NHS Pension Scheme during my leave?

No, an employee cannot join the NHS Pension Scheme during a period of maternity leave etc (this includes any employee who has opted out of the Scheme).

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Change Register

| Date | Version | Author | Change Details |
|--------------------------------|---------|-----------------------------|--|
| Oct 2009 | 1 | SHawkins and CBrowne | Updated maternity policy to include Paternity and Adoption Leave |
| Jan 2012 | 2 | CBrowne | Separated maternity from paternity and adoption. Updated with Additional Paternity Leave |
| Nov 2016 | 3 | Keystone HR Consultancy Ltd | Updated in line with current legislation |
| August 2017 | 4 | Shill | Updated to remove reference to Additional Paternity Leave in light of Shared Parental Leave legally replacing APL. |
| March & April 2020 | 5 | SAubertin & MBatten | Updated in line with current legislation and Statutory pay. |
| June 2021 | 5.1 | S.Hill | Amended to Paternity / Partner Leave |
| 27 th February 2024 | 5.2 | M Duncan | Changed owners |
| 09/04/2025 | 5.3 | J Brady | Extended review by 6 months, possibly a new family support policy being completed. |