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| **Document name:** | Paternity Leave, Shared Parental Leave and Parental Leave Policy and Procedure |
| **Document type:** | Human Resources Policy |
| **Staff group to whom it applies:** | All staff within the Trust |
| **Distribution:** | The whole of the Trust |
| **How to access:** | Intranet and internet / ward folder |
| **Version:** | Version 1.4 |
| **Issue Date:** | September 2022 |
| **Next review:** | September 2025 |
| **Approved by:** | Executive Management Team |
| **Developed by:** | HR Manager / Employment Policy Group (Consisting of joint management, HR and Staff Side) |
| **Director leads:** | Chief People Officer |
| **Contact for advice:** | Payroll / Operational Human Resources |



**CONTENTS**

**Page Number**

1. Introduction 1

## Paternity Leave 2

## Shared Parental Leave 3

1. Parental Leave 5
2. Additional Information / Requirements – All Types of Leave 6

## Related Guidance 6

Procedure Flow Chart – Paternity Leave 7

Procedure Flow Chart – Shared Parental Leave 8

Procedure Flow Chart – Parental Leave 9

## Appendices

Appendix 1 Glossary 10

Appendix 2 Paternity, Shared Parental and Parental Leave application form 11

Appendix 3 Template letter to mother / adopter’s employer 13

Appendix 4 Contact Details 14

Appendix 5 Version Control Sheet 15

Appendix 6 Equality Impact Assessment 17

**1.0 INTRODUCTION**

This policy covers the provisions for Paternity Leave, Shared Parental Leave and Parental Leave.

**Paternity Leave**

The partner of someone who is expecting a baby, adopting a child or having a baby through a surrogacy arrangement is eligible to take paternity leave.

Either one week or two consecutive weeks leave (pro rata for part time staff) may be taken. Leave cannot be taken as odd days.

In order to qualify for paternity leave, employees must be expecting to have the main responsibility, along with the child’s birth parent, for the child’s upbringing and be either the biological father, the adoptive father, the birth parent’s partner, civil partner, or spouse.

Paternity leave and pay entitlements are set out in this document and these are governed by the AFC Terms and Conditions of Service Handbook and

Statutory legislation i.e. the Employment Rights Act 1996 and the Work and Families Act 2006.

**Shared Parental Leave**

**Shared Parental Leave (SPL)** applies to parents of babies due, or children placed for adoption from 5th April 2015.

**SPL** enables parents to have more flexibility in how to share the care of their child in the first year following birth or adoption. Eligible parents are able to share the 52 weeks maternity / adoption leave beginning on the date the child is born / placed for adoption and ending 52 weeks later. The birth parent, however, must take a minimum of two weeks maternity leave after the birth.

To qualify, the birth parent or adopter must:-

* be entitled to take maternity or adoption leave,
* have given notice to return to work,
* share the main responsibility for caring for the child with the named partner.

Both parents can decide to be away from work at the same time and / or take it in turns to have periods of leave to look after the child.

Parents taking shared parental leave must comply with notice and evidential requirements.

**Parental Leave**

Parental Leave is for employees to take time off work to look after a child’s welfare. An employee who has nominated caring responsibilities for a child under the age of 18 has the right to take up to 18 weeks' parental leave up until the child's 18th birthday.

To qualify, the employee must have completed at least one year's continuous service with the NHS at the time that they wish to take parental leave, e.g. an employee commencing with the NHS on 1st April will be eligible to take parental leave from 1st April the following year.

**2.0 PATERNITY LEAVE**

**ELIGIBILITY**

Previous employment / service with the Trust or NHS is not required for eligibility to take unpaid paternity leave, however, individuals with continuous service are entitled to paid leave as follows:

**OCCUPATIONAL PATERNITY PAY**

To be eligible for Occupational Paternity Pay (OPP), which is based on the employee’s salary and paid by the Trust, theemployee must have 12 months continuous service with one or more NHS Employers at the beginning of the week in which the baby is due (EWC), or the date the adopted child is placed.

Payment is made at full pay and will be calculated on the basis of the average weekly earnings rule which is the average of the wages received in the eight weeks prior to the 15th week before the baby is due.

**STATUTORY PATERNITY PAY**

To be eligible for Statutory Paternity Pay (SPP), a weekly amount set by the Government, the employee must have continuous employment with the Trust for at least 26 weeks by the end of the 15th week before the baby is due (the qualifying week). In the case of adoption, it is the week in which the adopted child is placed. They must also meet the lower earnings limit for the 8 weeks prior to the 15th week before the expected due date or matching date.

Payment is made at the current statutory paternity pay rate.

**REQUIREMENTS TO QUALIFY**

The individual must still be employed by the Trust at the date the baby is born (or placed).

The taking of leave must be agreed with the employee’s manager. Once the baby is born / placed, staff must confirm the actual date, as soon as possible.

Leave cannot be taken before the child is born (or placed for adoption) and must be taken within 8 weeks (56 days) of the actual date of childbirth or

placement of a child for adoption.

Should the dates of an individual’s paternity leave change, for any reason, they must inform their manager, wherever possible, at least 28 days in advance.

In the sad event that a baby is stillborn after 24 weeks of pregnancy or where a baby is born alive at any point in the pregnancy but later dies the entitlement to paternity leave / pay will still apply.

**3.0** **SHARED PARENTAL LEAVE**

The birth parent / adopter must choose to end maternity or adoption leave early and exchange it for Shared Parental Leave and Pay. They and their named partner decide how they want to share this entitlement.

**ELIGIBILITY**

To be eligible to take Shared Parental Leave an employee must pass the continuity of employment test and the other parent must meet the employment and earnings test.

**Continuity of Employment Test**

The employee must have been continuously employed with the Trust for at least 26 weeks by the end of the 15th week before the week in which the baby is due (in the case of adoption it is the week in which the adopter is notified of having been matched to a child for adoption). They must still be employed by the Trust in the first week that shared parental leave is to be taken.

**Employment and Earnings Test**

The other parent must have worked for at least 26 weeks in the 66 weeks leading up to the due date / date of placement for adoption and have earned above the maternity allowance threshold in 13 of the 66 weeks.

Where both parents meet the two tests they can share the leave and determine how to divide it. If only one parent meets both tests, they may still qualify to take Shared Parental Leave if their partner meets the Employment and Earnings Test. An example of this would be where the partner is self-employed.

**Statutory Shared Parental Pay (SSPP)**

To qualify for SSPP the employee must pass the continuity of employment test and have earned an average salary of the lower earnings limit for the 8 weeks prior to the 15th week before the expected due date or matching date.

If the birth parent or adopter ends their maternity / adoption leave before they have used their full entitlement to pay (during weeks 1 – 39 of their leave) then the named partner may claim Statutory Shared Parental Pay (SSPP) for any remaining weeks. This will be paid at the same standard rate as SMP. Once 39 weeks have been paid as either SMP, SAP or SSPP, or a combination of them, the remaining 13 weeks leave will be unpaid.

**REQUIREMENTS TO QUALIFY**

The purpose of the leave must be to care for the child.

Staff must discuss their intention to begin Shared Parental Leave and the arrangements with their manager as early as possible, including how much leave they intend to take, whether they are requesting one or a number of blocks and start and end dates.

Leave must be taken in complete weeks.

A formal application must be made at least eight weeks (56 days) before the commencement of any leave.

An employee is entitled to submit three separate requests to book or vary leave. Each request can be for a block of leave or for a pattern of discontinuous leave involving different periods of leave.

A request for a continuous block of leave will automatically be approved. If the Trust is unable to accommodate a request for discontinuous blocks of leave, the total weeks of leave requested will be required to be taken in one continuous block unless the individual withdraws the request.

The manager will confirm the dates of shared parental leave within 28 days of the request.

**UNFORESEEN CIRCUMSTANCES**

In the event of unforeseen circumstances requiring a change to dates, e.g. premature birth, managers will not unreasonably refuse a request to amend leave dates.

**ANNUAL LEAVE AND BANK HOLIDAYS**

Annual leave and Bank holidays will continue to accrue during paid and unpaid shared parental leave to be taken upon return.

It may be possible, with the agreement of your manager to carry over 5 day’s annual leave (pro rata for part time staff) from one leave year to another. However, annual leave which can be calculated in advance, **should wherever possible**, be taken before shared parental leave commences where the period of shared parental leave is likely to extend beyond the end of the leave year.

**4.0 PARENTAL LEAVE**

Any employee who has nominated caring responsibilities for a child / children under the age of 18 has the right to take up to 18 weeks' parental leave per child up until the child's 18th birthday.

The nominated carer of twins or multiple births is entitled to Parental Leave in respect of each child.

Parental Leave is unpaid.

**ELIGIBILITY**

The nominated carer must have one year’s continuous service in the NHS by the date that they wish to take parental leave.

Both partners can take parental leave as long as they meet the continuous service requirement.

Part-time staff are entitled to parental leave on a pro rata basis.

**REQUIREMENTS TO QUALIFY**

You must make a request for parental leave to your manager giving a minimum of 28 days’ notice of the start date.

To take parental leave straight after the birth or adoption of a child, you should give 28 days’ notice before the beginning of the expected week of childbirth or placement. In exceptional circumstances, less notice may be acceptable, for example, where a child is born prematurely or where less than 28 days’ notice is given that a child is to be placed with you for adoption.

Once parental leave has been given by one employer for an eligible child, there is no further entitlement allowed. The nominated carers will need to declare they have not had any previous parental leave for that child.

Parental leave should normally be taken in blocks of one week, up to a maximum of 4 weeks in a twelve month period. The requirement to take leave in one week blocks does not apply if the child has disabilities or in exceptional circumstances where there is manager agreement.

Parental leave may, in certain circumstances, be postponed by the manager for up to six weeks, because of service needs, except when leave is taken immediately after a child is born or adopted. Managers should only postpone leave in exceptional circumstances and provide written reasons.

**5.0 ADDITIONAL INFORMATION / REQUIREMENTS - ALL TYPES OF LEAVE**

Managers and employees should maintain contact during leave.

Staff shall return to work in the same job as before.

Employees must show their manager the original birth certificate or adoption certificate that includes them as the named parent or adopter.

Periods of leave are regarded as continuous service.

During leave the employee retains all contractual rights, except remuneration (where leave is unpaid / payments meet statutory requirements only).

Annual leave will continue to accrue during leave. Bank holidays will continue to accrue during **Shared Parental Leave only**.

Pension rights and contributions shall be dealt with in accordance with NHS pension Scheme provisions. If you are a member of the National Health Service Pension Scheme, then you will be liable to pay contributions during the whole of your leave, **including any unpaid periods**. This ensures the continuity of your superannuable service. During unpaid leave, pension contributions are not deducted, and these arrears of contributions will be recoverable on your return to duty. For any further advice, please contact the Payroll Department, Employment Services.

**6.0 RELATED GUIDANCE**

The Trust also has information on the following areas:

* Flexible Working
* Adoption Leave
* Special Leave
* Maternity Leave

Please access the Intranet or contact your line manager / HR representative for further information.

**Yes**

**No**

**Paternity Leave**

Do you have 1 years’ continuous service in the NHS with one or more NHS Employers at the beginning of the of week the baby is due (Expected Week of Confinement (EWC) or the date the adopted child is placed?

**Statutory Paternity Pay**

Employees must have 26 weeks continuous employment with the Trust by the end of the 15th week before the baby is due (qualifying week). In case of adoption it is the week the child is placed.

**Unpaid Paternity Leave**

Eligible employees who do not meet continuous employment requirements for paid Paternity Leave may take unpaid leave.

**Occupational Paternity Pay**

Payment is made at full pay and calculated on average weekly earnings received in the eight weeks prior to the 15th week before the baby is due

**Application**

Leave must be agreed with the employer’s manager and an application form completed **(Appendix 2).** Once the baby is born / placed – employee must confirm the actual date, as soon as possible.

Managers and employees should maintain contact during the leave period.

Staff shall work in the same job as before the leave.

Pension – any member of the pension scheme will be liable to pay contributions during the whole of the leave period to ensure continuity of service.

Leave cannot be taken before the child is born / placed and must be taken within 8 weeks (56 days) of the actual date of child birth / placement

**Shared Parental**

**Leave**

**Eligibility**

To be eligible for Shared Parental Leave an Employee (Trust member of staff) must pass the Continuity of Employment Test (CET) and the other parent must meet the Employment and Earnings Test.

**Employment & Earnings Test**

The other parent must have worked for at least 26 weeks in the 66 weeks leading up to the due date / date of placement for adoption and have earned above the maternity allowance threshold in 13 of the 66 weeks.

Where both parents meet the two tests they can share the leave.

**Continuity of Employment Test (CET)**

Employee must have 26 weeks continuous employment by the end of the 15th week before the week in which the baby is due (in case of adoption this is the week the adopter is notified of having been matched to a child for adoption). Must still be employed by the Trust in the first week that Shared Parental Leave is taken.

**Application**

Application to made at least 8 weeks (56 days) before the commencement of any leave. See **Appendix** **2.**

If **only one** **parent meets** the CET and Employment & Earnings Test the Trust employee may still qualify for Shared Parental Leave if the partner meets the Employment & Earnings Test eg. is self employed

If **both parents meet** the CET and Employment & Earnings Test they can share the leave and determine how it is divided

**Shared Parental Leave**

Staff must discuss with manager;

* Intention to begin SPL
* How much leave intended
* Whether you are requesting one or a number of blocks and start and end dates

Manager to confirm the dates of shared parental leave within 28 days of the request and submit application form to payroll

Payroll write to mother/adopter’s employer to request confirmation of dates of maternity/adoption leave **(Appendix 3)**

Parental Leave should normally be taken in blocks of one week, up to a maximum of 4 weeks in a 12 month period. The requirement is to take leave in one week blocks; however this may not need apply if the child has disabilities

Nominated carers will need to declare that they have not had any previous Parental Leave for that child (**Appendix 2**)

**Application**

Must give **3 weeks’** notice of intention to take Parental Leave or Return from Parental Leave. Complete Application Form (**Appendix 2**)

Managers and employees should maintain contact during the leave period.

Staff shall work in the same job as before the leave.

Pension – any member of the pension scheme will be liable to pay contributions during the whole of the leave period to ensure continuity of service.

Employee must show their manager the original birth certificate which includes them as the named parents or adopter.

In a case of a child with disabilities, appropriate documentation regarding the disability living allowance should be provided to the manager.

**Twins or multiple births:** the nominated carer or adopter is entitled to Parental Leave in respect of each child

Not eligible for Parental leave

**Yes**

**No**

Do you have 1 years’ continuous service in the NHS at the date you wish to take parental leave?

**Parental Leave (Unpaid)**

**APPENDIX 1**

**GLOSSARY**

## Summary of abbreviations and terminology used in this document:

**SPP** Statutory Paternity Pay (pay which is set by the Government)

**OPP** Occupational Paternity Pay (pay which is additional to SPP financed by the Trust)

**PL** Paternity Leave (one **or** two weeks leave for partners, taken within first 8 weeks)

**SPL** Shared Parental Leave (shared time off to care for a child in the first year after birth or adoption)

**PAL** Parental Leave (leave for employees with caring responsibilities for a child)

**SMP** Statutory Maternity Pay

**SAP** Statutory Adoption Pay

**SSPP** Statutory Shared Parental Pay

## MATB1 Maternity certificate confirming expected date of childbirth

## (available from GP or midwife around 20th week of pregnancy)

## EWC Expected week of confinement (week the baby is due)

**Qualifying** This is the 15th week before the baby is due (25th week

**Week** of pregnancy)

**Partner** The biological parent who did not give birth, the 2nd adoptive parent, the partner of the birth or adoptive parent, the civil partner or spouse.

### APPENDIX 2

**Paternity, Shared Parental & Parental Leave Application Form**

|  |  |  |  |
| --- | --- | --- | --- |
| Surname: |  | First Name: |  |
| Address: |  | | |
| Home Tel: |  | Work Tel: |  |
| Place of Work/Dept: |  | Payroll No: |  |
| Present Post |  | Hours |  |
| NHS Continuous Employment Start Date: |  | Trust Employment Start Date: |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **PATERNITY LEAVE** | | | |
| I would like my paternity leave to **start on:** |  | **to:** |  |
| I would like to be away from work for \*one / two weeks (please delete as appropriate) | | | |

|  |  |
| --- | --- |
| **SHARED PARENTAL LEAVE** | |
| I would like to take shared parental leave in \*one block / a number of blocks on the following dates: |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Declaration by the birth parent / Adopter of the child** | | | |
| Surname: |  | First Name: |  |
| Address: |  | | |
| Home Tel: |  | Work Tel: |  |
| Name and address of your Employer: |  | | |
| Date(s) of Maternity / Adoption leave taken |  | | |

|  |  |  |  |
| --- | --- | --- | --- |
| NB. The Trust Payroll Department will write to the birth parent / adopter’s employer to request confirmation of the dates of maternity / adoption leave taken. | | | |
| I declare that there is no other person who is entitled to take SPL in respect of this child, and I enclose a copy of my child’s birth certificate / adoption certificate / parental order (in the case of surrogacy). | | | |
| Signed: |  | Date: |  |

|  |  |  |
| --- | --- | --- |
| **PARENTAL LEAVE** | | |
| Proposed Dates of Leave: |  | |
| Dates of Parental Leave already taken: | |  |
| (A maximum of 18 weeks unpaid leave can be taken up to the child’s 18th Birthday) | | |

|  |  |
| --- | --- |
| **Declaration by the Employee (Complete for requests for Paternity / Shared Parental / Parental Leave)** | |
| The baby is due on / will be placed with us on: Date: |  |
| (MatB1 or adoption certificate must be provided to manager) | |

**OR**

|  |  |
| --- | --- |
| If the baby has been born / placed, enter actual date of birth / placement Date: |  |
| (Birth or adoption certificate must be provided to manager) | |
| I declare that I am the biological parent who did not give birth, the 2nd adoptive parent, the partner of the birth or adoptive parent, the civil partner or spouse. | |
| I have main responsibility, along with the birth parent/adoptive parent, for the child’s upbringing. |  |
| I will take time off work to care for the child / support the birth parent (paternity leave requests) |  |

|  |  |
| --- | --- |
| Employee’s Signature: |  |
| Manager’s Signature: |  |

**APPENDIX 3**

**To Whom It May Concern**

We have recently received a request from staff member ***(Name)*** employed at South West Yorkshire Partnership NHS Foundation Trust to take shared parental leave with effect from ***(dates)*.**

***(Name)*** has informed the Trust that their partner, ***(Name)*** is currently employed by ***(name of company)*** and will be taking maternity / adoption leave on the following date(s):

* ***(Dates)***

***(Name and Name)*** has signed a declaration for the Trust confirming that they wish to share the leave and have submitted a copy of the child’s birth / adoption certificate.

I should be grateful if you would complete and return the reply slip below to confirm that ***(Name)*** is your employee and the dates that they will be taking maternity / adoption leave.

Yours faithfully

Payroll Department

I confirm that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is employed by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

and will be taking maternity / adoption leave on the following dates:-

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Designation:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please return to: Payroll Department, Kendray Hospital, Doncaster Road, Barnsley, S70 3RD

**APPENDIX 4**

**CONTACT DETAILS**

Human Resources Department

Block 9

Fieldhead Hospital

Ouchthorpe Lane

Wakefield

WF1 3SP

01924

OR

Human Resources Department

Kendray Hospital

Doncaster Road

Barnsley

S70 3RD

01226 434167

* Department of Social Security/JobCentre Plus
* Direct.gov web site:

<http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Paternityrightsintheworkplace/DG_190788>

[www.gov.uk/sharedparentalleave](http://www.gov.uk/sharedparentalleave)

<https://www.gov.uk/government/news/calculate-your-leave-and-pay-when-you-have-a-child>

* Inland Revenue website:

[www.inlandrevenue.gov.uk](http://www.inlandrevenue.gov.uk)

* Working Families Registered Charity

<http://www.workingfamilies.org.uk/>

**APPENDIX 5**

**Version Control Sheet**

*This sheet should provide a history of previous versions of the document and changes made*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Version** | **Date** | **Author** | **Status** | **Comment / changes** |
| 1.0 | May 2011 | James Corson Susan Glass | Previous | Not the first version of the policy, but the first fully revised version of the Policy since new Foundation Trust was created 1/6/09. Changes include reformatting, minor updating and compliance with Additional Paternity Leave Regulations enabling limited maternity leave to be shared between partners after 1/4/11. |
| 1.1 | April 2014 | James Corson Susan Glass | Previous | Not the first version of the policy, but now incorporates all policies transferred in with TUPED staff. Changes include reformatting and minor updating mainly covering clarification of paternity leave when adopting. Parental Leave provisions have also been included; they were previously in the Flexible Working Time Guidelines. |
| 1.2 | Jan 2016 | Janet Hirst, Assistant Director of HR – Operations | Previous | Reviewed by Executive Management Team February 2016. Review date extended to April 2017. |
| 1.3 | Nov 2017 | Jane Murgatroyd, HR Manager | Previous | Updated in line with periodical policy review process. Additional flowcharts added. |
| 1.4 | June 2022 | Sarah Rowbottom  Senior HR Advisor/Paul Brown, HR Business Manager | Current | Review and minor updating including (inclusive) language used in policy and notice dates. |

**Appendix 6 - Equality Impact Assessment template**

**to be completed for all policies, procedures and strategies**

**Date of EIA: 20 September 2022 Review Date: September 2025**

**Completed By: Paul Brown, HR Business Manager**

|  |  |  |
| --- | --- | --- |
|  | **QUESTIONS** | **ANSWERS AND ACTIONS** |
| **1** | **What is being assessed?**  Prompt: what is the function of this document (new or revised) | Paternity Leave, Shared Parental Leave and Parental Leave Policy & Procedure (updated following periodical review) |
| **2** | **Description of the document**  Prompt: What is the aim of this document | The policy covers the provisions for paternity leave, shared parental leave and parental leave as governed by the NHS Terms and Conditions Handbook and statutory legislation.  Concerns all staff. |
| **3** | **Lead contact person for the Equality Impact Assessment** | Head of Operational HR |
| **4** | **Who else is involved in undertaking this Equality Impact Assessment** | Members of the Employment Policy Sub Group consisting of management and staff side representatives. |
| **5** | **Sources of information used to identify barriers etc**  Prompts: service delivery equality data – refer to equality dashboards ([BI Reporting - Home (sharepoint.com)](https://swyt.sharepoint.com/sites/BIReporting) satisfaction surveys, complaints, local demographics, national or local research & statistics, anecdotal. Contact [InvolvingPeople@swyt.nhs.uk](mailto:InvolvingPeople@swyt.nhs.uk) for insight  **What does your research tell you about the impact your proposal will have on the following equality groups?** | As this is a staff specific policy service users and carers have not been consulted. Management and staff side input has been received via the Employment Policy Group.  SWYPFT Equality Workforce Monitoring Report 2022 |
|  | **QUESTIONS** | **ANSWERS AND ACTIONS** |
| **5a** | **Disability Groups:**  Prompt: Learning Disabilities or  Difficulties, Physical, Visual, Hearing  disabilities and people with long term  conditions such Diabetes, Cancer,  Stroke, Heart Disease etc. Accessible information standard5 | Staff in post  Yes – 8.4%  No/Unknown – 91.6%  This policy is applicable to all staff who meet the eligibility criteria for paternity leave, shared parental leave and parental leave. Where staff have additional leave requirements, they can be signposted to other leave provisions e.g. special leave etc. |
| **5b** | **Gender:**  Prompt: Female & Male issues should be considered | Staff in post  79.1% - Female  20.9% - Male  This policy is fully inclusive and applicable to all staff that meet the criteria for paternity leave, shared parental leave and parental leave |
| **5c** | **Age:**  Prompt: Older people & Young People issues should be considered | Staff in Post  Under 19 – 0.2%  20-29 – 13.4%  30-39 – 23.4%  40-49 – 24.1%  50-59 – 28.6%  60-69 – 9.8%  70+ - 0.5%  This policy is applicable to all staff who meet the eligibility criteria for paternity leave, shared parental leave and parental leave. |
| **5d** | **Sexual Orientation:**  Prompt: Heterosexual, Bisexual, Gay,  Lesbian groups are included in this  Category | Staff in Post  Heterosexual – 82.8%  Gay or Lesbian – 2.4%  Bisexual – 1.2%  Unknown – 13.6%  This policy is fully inclusive and applicable to all staff that meet the criteria for paternity leave, shared parental leave and parental leave |
| **5e** | **Religion & Belief:**  Prompt: Main faith groups and people with no belief or philosophical belief issues should be considered | Staff in post  Atheism – 19.6%  Christianity – 46.9%  Do not wish to disclose – 18%  Other – 11.9%  Islam – 3.7%  This policy is applicable to all staff who meet the eligibility criteria for paternity leave, shared parental leave and parental leave. |
| **5f** | **Marriage and Civil Partnership**  Prompt: Single, Married, Co-habiting, Widowed, Civil Partnership status are included in this category | Staff in post  Civil Partnership – 1.2%  Divorced/Legally Separated – 9.6%  Married – 50.1%  Single – 37.4%  Widowed – 0.9%  Unknown – 0.8%  This policy is fully inclusive and applicable to all staff that meet the criteria for paternity leave, shared parental leave and parental leave |
| **5g** | **Pregnancy and Maternity**  Prompt: Currently pregnant or have been pregnant in the last 12 months should be considered | No specific data available.  This policy is applicable to all staff who meet the eligibility criteria for paternity leave, shared parental leave and parental leave. |
| **5h** | **Gender Re-assignment**  Prompt: Transgender issues should be considered | No data available however it is estimated that approximately 1% of the population may identify as trans, including those who identify as non-binary (Stonewall Information).  This policy is applicable to all staff who meet the eligibility criteria for paternity leave, shared parental leave and parental leave. |
| **5I** | **Carers**  Prompt: Caring responsibilities paid or unpaid, hours this is done should be considered | No data available however it is estimated that 1 in 5 of the workforce may have caring responsibilities.  This policy is applicable to all staff who meet the eligibility criteria for paternity leave, shared parental leave and parental leave. Where staff have additional leave requirements, they can be signposted to other leave provisions e.g. special leave etc. |
| **5j** | **Race**  Prompt: Indigenous population and BME Groups such as Black African and Caribbean, Mixed Heritage, South Asian, Chinese, Irish, new Migrant, Asylum & Refugee, Gypsy & Travelling communities.) | Staff in post  Asian – 5.1%  Black – 3.5%  Chinese or Other – 1.2%  Mixed – 1.4%  White – 88.7%  Unknown – 0.2%  This policy is applicable to all staff who meet the eligibility criteria for paternity leave, shared parental leave and parental leave. |

1. **Action Plan**

EIAs are now reviewed using a grading approach which is in line with our Equality Delivery System (EDS). This rates the quality of the EIA. This means that the team can review the EIA and make recommendations only. The rating and suggested standards are set out below:

* + **Under-developed** – red – **No data**. **No strands** of equality
  + **Developing** – amber – **Some census data plus workforce**. **Two strands** of equality addressed
  + **Achieving** – green – **Some census data plus workforce. Five strands** of equality addressed
  + **Excelling** – purple –**All the data and all the strands** addressed

Potential themes for actions: Geographical location, built environment, timing, costs of the service, make up of your workforce, stereotypes and assumptions, equality monitoring, community relations/cohesion, same sex wards and care, specific issues/barriers.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Who will benefit from this action?** | **Tick all that apply** | **Action 1:**  **This is what we are going to do** | **Action 2:**  **This is what we are going to do** | **Action 3:**  **This is what we are going to do** | **Lead/s** | **By When** | **Update/review outcome** | **RAG** |
| Age | **✓** | To review the policy in line with the policy review schedule and sooner should any issues or new insight or new legislation become available, | To consider if there are other ways of obtaining meaningful data regarding staff accessing this type of leave. |  | HR/Staff Side | September 2025 but brought forward as necessary |  |  |
| Disability | **✓** |  |  |  |  |  |  |  |
| Gender reassignment | **✓** |  |  |  |  |  |  |  |
| Marriage and civil partnership | **✓** |  |  |  |  |  |  |  |
| Race | **✓** |  |  |  |  |  |  |  |
| Religion or belief | **✓** |  |  |  |  |  |  |  |
| Sex | **✓** |  |  |  |  |  |  |  |
| Sexual orientation | **✓** |  |  |  |  |  |  |  |
| Pregnancy and maternity | **✓** |  |  |  |  |  |  |  |
| Carers | **✓** |  |  |  |  |  |  |  |

1. **Grading EIA assessment by equality and involvement manager**

**Name: Aboobaker Bhana**

**Date: 20/09/22**

**Rating: *Developing***

EIAs are now reviewed using a grading approach which is in line with our Equality Delivery System (EDS). The team have reviewed and rated the EIA using the following:

* **Under-developed** – red – **No data**. **No strands** of equality
* **Developing** – amber – **Some census data plus workforce**. **Two strands** of equality addressed
* **Achieving** – green – **Some census data plus workforce. Five strands** of equality addressed
* **Excelling** – purple –**All the data and all the strands** addressed

**Comments:**

**Feedback received from consultations in the involvement section is limited**

**Only two actions identified in the action plan**

**No data of how many staff have accessed paternity leave**

**No examples of past learning shared from an Equality lens, including any complaints**

**The new census demographic data needs to be added as soon as available in the Autumn of 2022 in the action plan**

**8. Involvement & Consultation: New or Previous (please include any evidence of activity undertaken in the box below)**

|  |
| --- |
| Consultation and engagement via the employment policy group resulting in changes to language used and up to date terminology. |

|  |
| --- |
| 1. **Methods of Monitoring progress on Actions**   Review of policy based on new insight including appropriate engagement. |

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| --- | --- |
| |  | | --- | | 1. **Publishing the Equality Impact Assessment**   Intranet/Internet as an appendix to policy/procedure document | |

|  |  |
| --- | --- |
| |  | | --- | | 1. **Signing off Equality Impact Assessment:**     Greg Moores, Chief People Officer Date: 21 September 2022 | |

***Once approved, you must forward a copy of this***

***Assessment/Action Plan by email to:***

[**InvolvingPeople@swyt.nhs.uk**](mailto:InvolvingPeople@swyt.nhs.uk)

**Please note that the EIA is a public document and will be published on the web.**

**Failing to complete an EIA could expose the Trust to future legal challenge.**