

## Freedom of Information request 67-18

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### Request

Under the Freedom of Information Act, what paternity leave is offered to employees at NHS Borders?

### Response

The NHS Borders Maternity (and Paternity) Policy states the following:

Paternity leave (per delivery)

All NHS employees are entitled to up to two consecutive weeks paternity leave. In order to be eligible for full pay during the leave period employees must:

- Have or expect to have responsibility for the child's upbringing
- Be the biological father of the child or the mother's husband, civil partner or partner
- Have worked continuously for 26 weeks by the end of the 11th week before the baby is due; **and**
- Still be employed on the day the child is born
- If the employee is not married or in a civil partnership with the mother, they count as her partner if they live with her in an 'enduring family relationship' but is not a close blood relative. This applies to opposite sex and same sex partners.

Employees who do not meet the criteria for paid leave may take up to two consecutive weeks unpaid paternity leave or may be entitled to Statutory Paternity Pay (the rate for this is the same as Statutory Maternity Pay).

Paternity leave can be taken:

- From the date of the baby's birth, whenever that takes place
- From a chosen number of weeks after the date of the baby's birth (whenever it is born); **or**
- From a chosen date which falls at any point after the due date, as long as the leave is completed within 56 days of the birth (but see below for premature babies).

Leave can start on any day of the week but must be completed within 56 days of the actual birth. However, if the baby is born early, leave must be completed within the period from the actual date of birth up to 56 days after the expected week of birth. This means that parents of premature babies have a longer period after the birth in which to take paternity leave.

There is only one period of leave available even if more than one child is being born. If a baby is stillborn after 24 weeks, or is born alive at any time but then dies, employees have the right to take paternity leave as usual.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or [foi.enquiries@borders.scot.nhs.uk](mailto:foi.enquiries@borders.scot.nhs.uk).

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the

reference number **67-18** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.