

3.03 Paternity Leave – feedback from Stonewall Steering Group on draft policy with ER Policy Team response

No	Section heading (and para ref, if applicable)	Text from draft policy	Feedback comments and/or suggested amendments	ER Policy and Project Team response	Draft policy amended? Yes/No
1	Homepage	<p><i>You may be entitled to paternity leave and pay if you are</i></p> <ul style="list-style-type: none"> <i>• an expectant father</i> <i>• the spouse, civil partner or partner of an expectant mother</i> <i>• the spouse, civil partner, or partner of a person who is due to adopt a child</i> <i>• adopting a child jointly with another person, who has elected to take statutory adoption leave</i> 	<p>Suggested amendments:</p> <p>"You may be entitled to paternity leave and pay if you are</p> <ul style="list-style-type: none"> • The biological parent of the child or the partner (including same sex partner) of the bearing parent • an expectant father • the spouse, civil partner or partner of an expectant mother • the spouse, civil partner, or partner of a person who is due to adopt a child • adopting a child jointly with another person, who has elected to take statutory adoption leave..." 	<p>We have retained "spouse", "civil partner" and "partner" as these are all gender-neutral terms. We have, however, now added "regardless of gender" for emphasis.</p> <p>This section of the Homepage now reads:</p> <p><i>"You may be entitled to paternity leave and pay if you are</i></p> <ul style="list-style-type: none"> <i>• an expectant father; or</i> <i>• the spouse, civil partner or partner, regardless of gender, of an expectant mother a person who is having a baby but not the biological father of the baby; or</i> <i>• the spouse, civil partner, or partner, regardless of gender, of a person who is due to adopt a child; or</i> <i>• adopting a child jointly with another person, who has elected</i> 	YES

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				<i>to take statutory adoption leave; or..."</i>	
2	Homepage	<ul style="list-style-type: none"> <i>the second intended parent in a surrogacy (parental order) case, in other words, you are not the intended parent who has elected to take adoption leave.</i> 	??This sentence doesn't make sense?	<p>This is the final point in a bulleted list which explains who may be entitled to paternity leave and pay.</p> <p>Where a child is born to a surrogate, the intended parents can become the child's legal parents by applying for a parental order. One of the intended parents must be genetically related to the child and the child must live with the intended parents.</p> <p>Where a couple has a parental order in relation to a child, or is applying for one, one of the parents can be eligible for adoption leave and pay and the other can be eligible for paternity leave and pay. The couple must elect which of them will take adoption leave.</p>	NO

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3	Homepage	<p><i>You may be entitled to paternity leave and pay if you are</i></p> <ul style="list-style-type: none"> <i>• an expectant father</i> <i>• the spouse, civil partner or partner of an expectant mother</i> <i>• the spouse, civil partner, or partner of a person who is due to adopt a child</i> <i>• adopting a child jointly with another person, who has elected to take statutory adoption leave</i> 	<p>Suggested amendments:</p> <p>"You may be entitled to paternity leave and pay if you are</p> <ul style="list-style-type: none"> • The biological parent of the child or the partner of the person carrying the child • an expectant father • the spouse, civil partner or partner of an expectant mother • the spouse, civil partner, or The partner of a person who is due to adopt a child • adopting a child jointly with another person, who has elected to take statutory adoption leave..." 	See response to 1 above.	NO
4	Homepage	<p><i>You may also have a right to unpaid time off work to accompany a pregnant woman to antenatal appointments if they wish you to do so (<u>Section 9 Time off to accompany to antenatal appointments</u>) or, if you are adopting jointly with another person, to attend adoption</i></p>	<p>Suggested amendments:</p> <p>"You may also have a right to unpaid time off work to accompany a pregnant woman person / employee ? to antenatal appointments if they wish you to do so (Section 9 Time off to accompany to antenatal appointments) or, if you are</p>	<p>This has been amended as follows:</p> <p>"You may also have a right to unpaid time off work to accompany a person who is pregnant to antenatal appointments if they wish you to do so (<u>Section 9 Time off to accompany to antenatal appointments</u>) or, if you are</p>	YES

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		<i>appointments (<u>Section 10 Time off to attend adoption appointments</u>).</i>	adopting jointly with another person, to attend adoption appointments (Section 10 Time off to attend adoption appointments)."	adopting jointly with another person, to attend adoption appointments (<u>Section 10 Time off to attend adoption appointments</u>)."	
5	Homepage	<i>You may also have a right to unpaid time off work to accompany a pregnant woman to antenatal appointments if they wish you to do so (Section 9 Time off to accompany to antenatal appointments) or, if you are adopting jointly with another person, to attend adoption appointments (Section 10 Time off to attend adoption appointments).</i>	Suggested amendments: "You may also have a right to unpaid time off work to accompany a pregnant person woman to antenatal appointments if they wish you to do so (Section 9 Time off to accompany to antenatal appointments) or, if you are adopting jointly with another person, to attend adoption appointments (Section 10 Time off to attend adoption appointments)."	See response to 4 above.	
6	Adoption from overseas, para 1.12	<i>If you are the spouse, civil partner or partner of a person who is adopting a child from overseas you may have a right to take paternity leave and to receive paternity pay if you satisfy the</i>	Reviewer's suggested amendments: "If you are the spouse, civil partner or partner of a person who is adopting a child from overseas you may have a right to take paternity	We have retained "spouse", "civil partner" and "partner" as these are all gender-neutral terms. We have inserted "regardless of	YES

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		<i>qualifying conditions. Please see the Information note at Annex B for further details including definitions and modifications to this policy.</i>	leave and to receive paternity pay if you satisfy the qualifying conditions. Please see the Information note at Annex B for further details including definitions and modifications to this policy."	gender" to emphasise this, as follows: <i>"If you are the spouse, civil partner or partner, regardless of gender, of a person who is adopting a child from overseas..."</i>	
7	Surrogacy (parental order) cases, para 1.14	<i>Please note parents who have a child with the help of a surrogate mother and who do not meet the conditions to apply for a parental order (this will include parents who have no genetic link to the child), or who meet the conditions but do not intend to apply for parental order, are not eligible for paternity leave and pay.</i>	<p>1. Suggested amendments:</p> <p>"Please note parents who have a child with the help of a surrogate mother and who do not meet the conditions to apply for a parental order (this will include parents who have no genetic link to the child), or who meet the conditions but do not intend to apply for parental order, are not eligible for paternity leave and pay."</p> <p>2. Does this need more info? What about couples who are unable to have a genetic link to the child due to fertility issues or hereditary conditions?</p>	<p>Re 1, the text has been amended as suggested.</p> <p>Re 2, this is just a statement of fact. The heading above paragraphs 1.13 and 1.14 makes it clear that they specifically relate to surrogacy (parental order cases).</p>	<p>YES</p> <p>NO</p>

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8	Introduction, para 1.7	<p><i>Throughout this policy:</i></p> <ul style="list-style-type: none"> • “mother” means the mother, or expectant mother, of the child; • “partner”, in relation to a child’s mother or adopter, means a person (whether of a different sex or the same sex) who lives with the mother or adopter and the child in an enduring family relationship but is not the mother or adopter’s parent, grandparent, sister, brother, aunt or uncle. 	I am not sure if this is needed, if the language in the policy is clear and inclusive. E.g. Bearing Parent / Adopter, and Partner seem to be the obvious choices. See earlier comments about hierarchy of partner status and “mothers” who identify as non-binary etc.	<p>We have amended the definition of “mother” in paragraph 1.7 to make it inclusive. It now reads as follows:</p> <ul style="list-style-type: none"> • “mother” means the mother, or expectant mother, of the child person, regardless of gender, who gave birth to the child; <p>There is no hierarchy of partner status. “Spouse”, “civil partner” and “partner” are all gender-neutral terms so we have retained them and added “regardless of gender” for the avoidance of doubt.</p>	YES
9	Introduction, para 1.7	<p><i>Throughout this policy:...</i></p> <ul style="list-style-type: none"> • “partner”, in relation to a child’s mother or adopter, means a person (whether of a different sex or the same sex) who lives with the mother or adopter and the 	Not sure about this paragraph as the terms used are binary? (Would close family member cover it?)	The term “close family member” is open to more than one interpretation so could not be substituted for the terms currently listed in this paragraph.	NO

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		<i>child in an enduring family relationship but is not the mother or adopter's parent, grandparent, sister, brother, aunt or uncle.</i>		For the purposes of statutory paternity leave and pay, "partner" is defined in the relevant legislation. The definition we have included in the policy reflects that.	
10	Fostering for adoption/ prospective adopters, para 1.9	<i>A right to paternity leave and pay may arise in a fostering for adoption arrangement, as a result of a person who is an approved foster parent and also an approved prospective adopter being notified that a child is to be placed with them as part of such an arrangement where you are the spouse, civil partner or partner of that person at the time of placement. A right to paternity leave and pay may also arise where a notification is received that a child is to be placed with a couple jointly under a fostering for adoption arrangement where you are the member of the couple who does not elect to take adoption leave.</i>	Reviewer's suggested amendments: "A right to paternity leave and pay may arise in a fostering for adoption arrangement, as a result of a person who is an approved foster parent and also an approved prospective adopter being notified that a child is to be placed with them as part of such an arrangement where you are the spouse, civil partner or partner of that person at the time of placement. A right to paternity leave and pay may also arise where a notification is received that a child is to be placed with a couple jointly under a fostering for adoption arrangement where you are the member of the couple who does not elect to take adoption leave."	See response to comment 1 above in relation to the retention of "spouse, civil partner and partner".	NO
11	Contractual paternity leave	<i>Irrespective of the hours you work or the length of time you have served in the NICS, you may apply</i>	Reviewer's suggested amendments: "Irrespective of the hours you work	Re the term "mother", please see response to 8 above.	

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	and pay (birth), para 2.1	<p><i>for two consecutive days' paternity leave (birth) at your full contractual rate of pay for the purpose of caring for the child or supporting the child's mother if:</i></p> <p><i>a. you are the child's father and you have, or expect to have, responsibility for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); or</i></p> <p><i>b. you are the mother's spouse, civil partner or partner but not the child's father at a. above and you have, or expect to have, the main responsibility (apart from the child's mother) for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died).</i></p>	<p>or the length of time you have served in the NICS, you may apply for two consecutive days' paternity leave (birth) at your full contractual rate of pay for the purpose of caring for the child or supporting the child's motherbearing parent if:</p> <p>a. you are the child's second parent father and you have, or expect to have, responsibility for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); or b. you are the mother's spouse, civil partner or partner but not the child's father at a. above and you have, or expect to have, the main responsibility (apart from the child's mother) for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died)."</p> <p>Reviewer's comment:</p>	<p>Re 2.1 a and 2.1 b, the qualifying conditions for contractual paternity leave and pay (birth) are the same as those for statutory paternity leave and pay with the exception of the length of service requirement.</p> <p>The eligibility criteria for statutory paternity leave and paid are set out in the relevant legislation. In order to be entitled to statutory paternity leave, the employee must be either (i) the biological father of the child or (ii) the spouse, civil partner or partner of the child's mother, but not the child's father.</p> <p>The term "the child's second parent" does not have the same meaning as "the child's father", which is specifically the biological father.</p>	

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			"Are both of these really necessary? They seem to distinguish between genetic links to the child for no reason as the outcome is the same for both"		
12	Contractual paternity leave and pay (birth), para 2.1	<p><i>Irrespective of the hours you work or the length of time you have served in the NICS, you may apply for two consecutive days' paternity leave (birth) at your full contractual rate of pay for the purpose of caring for the child or supporting the child's mother if:</i></p> <p><i>a. you are the child's father and you have, or expect to have, responsibility for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); or</i></p> <p><i>b. you are the mother's spouse, civil partner or partner but not the</i></p>	<p>Irrespective of the hours you work or the length of time you have served in the NICS, you may apply for two consecutive days' paternity leave (birth) at your full contractual rate of pay for the purpose of caring for the child or supporting the person who gave birth to the child child's mother if:</p> <p>a. you are the child's other parent father and you have, or expect to have, responsibility for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); or</p> <p>b. you are the mother's spouse, civil partner or partner of the person</p>	<p>The definition of "mother" has been amended – see response to 8 above.</p> <p>Re "the child's other parent", see response to 11 above.</p> <p>Re "the mother's spouse, civil partner or partner, see response to 1 above.</p>	NO

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		<i>child's father at a. above and you have, or expect to have, the main responsibility (apart from the child's mother) for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died).</i>	<i>who gave birth to the child but you are not a biological parent of the child</i> but not the child's father at a. above and you have, or expect to have, the main responsibility (apart from the <i>person who gave birth to the child</i> child's mother) for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died).		
13	Statutory paternity leave and pay (birth), para 3.1	<i>You are entitled to statutory paternity leave (birth) under the Paternity and Adoption Leave Regulations (Northern Ireland) 2002, for the purpose of caring for the child or supporting the child's mother, bearing parent if:</i> <i>a. you are the child's father and you have, or expect to have, responsibility for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after</i>	Reviewer's suggested amendments: You are entitled to statutory paternity leave (birth) under the Paternity and Adoption Leave Regulations (Northern Ireland) 2002, for the purpose of caring for the child or supporting the <i>child's</i> mother , bearing parent if: a. you are the child's <i>second parent</i> father and you have, or expect to have, responsibility for the child's upbringing (or you would have	We have amended the definition of "mother" – see response to 8 above. See response to 11 above. "The child's second parent" does not have the same meaning as "the child's father".	

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		<p>24 weeks of pregnancy or has died); or</p> <p>b. you are the mother's spouse, civil partner or partner but not the child's father at a. above and you have, or expect to have, the main responsibility (apart from the child's mother) for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); and...</p>	<p>satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); or b. you are the mother's spouse, civil partner or partner but not the child's father at a. above and you have, or expect to have, the main responsibility (apart from the child's mother) for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); and</p> <p>Reviewer's comment: As for 2.1.</p>		
14	Statutory paternity leave and pay (birth), para 3.1	<p>You are entitled to statutory paternity leave (birth) under the Paternity and Adoption Leave Regulations (Northern Ireland) 2002, for the purpose of caring for the child or supporting the child's mother, if:</p> <p>a. you are the child's father and you have, or expect to have,</p>	<p>3.1 You are entitled to statutory paternity leave (birth) under the Paternity and Adoption Leave Regulations (Northern Ireland) 2002, for the purpose of caring for the child or supporting the person who gave birth to the child child's mother, if:</p> <p>a. you are the child's father other parent and you have, or expect to</p>	<p>The definition of "mother" in paragraph 1.7 has been amended – see response to 8 above.</p> <p>See response to 11 above.</p> <p>"The child's other parent" does not have the same meaning as "the child's father".</p>	NO

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		<p><i>responsibility for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); or</i></p> <p><i>b. you are the mother's spouse, civil partner or partner but not the child's father at a. above and you have, or expect to have, the main responsibility (apart from the child's mother) for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); and</i></p> <p><i>c. you have worked continuously for the NICS for at least 26 weeks by the end of the 15th week before the expected week of the child's birth (or you would have satisfied that condition but for the fact that the baby was born earlier than the 14th week before</i></p>	<p>have, responsibility for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); or</p> <p>b. you are the mother's spouse, civil partner or partner but not the other biological parentchild's father at a. above and you have, or expect to have, the main responsibility (apart from the person who gave birth to the childchild's mother) for the child's upbringing (or you would have satisfied that condition but for the fact the child was stillborn after 24 weeks of pregnancy or has died); and</p> <p>c. you have worked continuously for the NICS for at least 26 weeks by the end of the 15th week before the expected week of the child's birth (or you would have satisfied that condition but for the fact that the baby was born earlier than the 14th week before the week in which its</p>		

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		<i>the week in which its birth was expected, and you would have been continuously employed for such a period if your employment had continued until that 14th week).</i>	birth was expected, and you would have been continuously employed for such a period if your employment had continued until that 14th week).		
15	Contractual paternity leave and pay (adoption), para 5.1	<p><i>5.1 Irrespective of the hours you work or the length of time you have served in the NICS, you may apply for two consecutive days' paternity leave (adoption) at your full contractual rate of pay for the purpose of caring for the adopted child or supporting the child's adopter if:</i></p> <p><i>a. you have, or expect to have, the main responsibility (apart from the adopter) for the child's upbringing (or you would have satisfied that condition but for the fact that the child's placement with the adopter has ended); and</i></p>	<p>Reviewer's suggested amendments:</p> <p>"Irrespective of the hours you work or the length of time you have served in the NICS, you may apply for two consecutive days' paternity leave (adoption) at your full contractual rate of pay for the purpose of caring for the adopted child or supporting the child's adopter if:</p> <p>a. you have, or expect to have, the main responsibility (apart from the adopter) for the child's upbringing (or you would have satisfied that condition but for the fact that the child's placement with the adopter has ended); and</p>	We have retained "spouse", "civil partner" and "partner" as these are all gender-neutral terms. We have, however, inserted "regardless of gender" for emphasis.	YES

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		<i>b. you are the adopter's spouse, civil partner or partner.</i>	b. you are the adopter's spouse, civil partner or partner."		
16	Statutory paternity leave and pay (adoption), para 6.1	<p><i>6.1 Statutory paternity leave and pay is available in cases of adoption where the child is newly matched to the adopter by an approved adoption agency. You are entitled to statutory paternity leave (adoption) under the Paternity and Adoption Leave Regulations (Northern Ireland) 2002 for the purpose of caring for the adopted child or supporting the child's adopter if:</i></p> <p><i>a. you have, or expect to have, the main responsibility (apart from the adopter) for the child's upbringing (or you would have satisfied that condition but for the fact that the child's placement with the adopter has ended); and</i></p> <p><i>b. you are the adopter's spouse,</i></p>	<p>Reviewer's suggested amendments:</p> <p>"Statutory paternity leave and pay is available in cases of adoption where the child is newly matched to the adopter by an approved adoption agency. You are entitled to statutory paternity leave (adoption) under the Paternity and Adoption Leave Regulations (Northern Ireland) 2002 for the purpose of caring for the adopted child or supporting the child's adopter if:</p> <p>a. you have, or expect to have, the main responsibility (apart from the adopter) for the child's upbringing (or you would have satisfied that condition but for the fact that the child's placement with the adopter has ended); and</p>	See response to 15 above	N/A

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		<p><i>civil partner or partner; and</i></p> <p><i>c. you have worked continuously for the NICS for at least 26 weeks ending with the week in which the child's adopter is notified in writing, by an approved adoption agency that they have been matched with the child for adoption.</i></p>	<p>b. you are the adopter's spouse, civil partner or partner; and</p> <p>c. you have worked continuously for the NICS for at least 26 weeks ending with the week in which the child's adopter is notified in writing, by an approved adoption agency that they have been matched with the child for adoption."</p>		
17	Time off to accompany to antenatal appointments, para 9.1	<p><i>Under Article 85ZE of the Employment Rights (Northern Ireland) Order 1996, if you have a qualifying relationship with a pregnant person or her expected child (see definition of "qualifying relationship" in paragraph 9.2 below), you are entitled to be permitted to take time off work to accompany the pregnant woman to an antenatal appointment on up to two occasions. This time off will be unpaid and the antenatal appointment must be made on the advice of a registered medical</i></p>	<p>Reviewer's suggested amendments:</p> <p>Under Article 85ZE of the Employment Rights (Northern Ireland) Order 1996, if you have a qualifying relationship with a pregnant woman person or theirher expected child (see definition of "qualifying relationship" in paragraph 9.2 below), you are entitled to be permitted to take time off work to accompany the pregnant woman to an antenatal appointment on up to two occasions. This time off will be unpaid and the antenatal</p>	<p>We have changed "a pregnant woman or her expected child" to "a person who is pregnant or their expected child".</p>	YES

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		<i>practitioner, registered midwife or registered health visitor.</i>	appointment must be made on the advice of a registered medical practitioner, registered midwife or registered health visitor.		
18	Time off to accompany to antenatal appointments, para 9.2	<p><i>You have a “qualifying relationship” with a pregnant woman or her child if you are:</i></p> <p><i>a. the spouse, civil partner or partner of the pregnant woman, or</i></p> <p><i>b. the father of the expected child.</i></p>	<p>Reviewer's suggested amendments:</p> <p><i>"You have a “qualifying relationship” with a pregnant woman person or her their child if you are:</i></p> <p><i>a. the spouse, civil partner or partner of the pregnant woman person, or</i></p> <p><i>b. the father of the biological parent of the expected child."</i></p>	<p>Paragraph 9.2 has been amended as follows:</p> <p><i>"9.2 You have a “qualifying relationship” with a person who is pregnant woman or her their child if you are:</i></p> <p><i>a. the spouse, civil partner or partner, regardless of gender, of the person who is pregnant woman, or</i></p> <p><i>b. the father of the expected child."</i></p> <p>See also responses to 1, 14 and 17 above.</p>	
19	Time off to accompany to antenatal	<i>In order to make a request for time off to accompany someone to an antenatal appointment, you should complete an application</i>	<p>Reviewer's suggested amendments:</p> <p><i>"In order to make a request for time off to accompany someone to an</i></p>	<p>In 9.4a, we have changed “a pregnant woman or her expected child” to “a person who is pregnant or their expected child”.</p>	YES

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	appointments, para 9.4	<p><i>for unpaid special leave, using the form available on the Employee Services Portal. You must state the following in your application:</i></p> <p><i>a. that you have a qualifying relationship with a pregnant woman or her expected child;</i></p> <p><i>b. that your purpose in taking time off is to accompany the pregnant woman to an antenatal appointment;</i></p>	<p>antenatal appointment, you should complete an application for unpaid special leave, using the form available on the Employee Services Portal. You must state the following in your application:</p> <p>a. that you have a qualifying relationship with a pregnant woman person or their her expected child;</p> <p>b. that your purpose in taking time off is to accompany the pregnant woman person to an antenatal appointment;"</p>	In 9.4b, we have changed "the pregnant woman" to " the person who is pregnant ".	
20	Shared parental leave, para 11.1	<i>Shared parental leave enables eligible mothers/adopters to end their maternity/adoption entitlements and share the untaken balance of maternity or adoption leave and pay as shared parental leave and pay with (in the case of maternity leave) the child's father and (in the case of both maternity and adoption</i>	<p>Reviewer's suggested amendments:</p> <p>"Shared parental leave enables eligible mothers parents/adopters to end their maternity/adoption entitlements and share the untaken balance of maternity or adoption leave and pay as shared parental leave and pay with (in the case of maternity leave) the child's father</p>	<p>We have amended the opening sentence to read as follows:</p> <p>"Shared parental leave enables eligible employees who are on maternity or adoption leave to end their maternity/adoption entitlements..."</p>	YES

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		<i>leave) their spouse, civil partner or partner – see HR policy 3.13 Shared Parental Leave for full details. You can choose to take both paternity leave and shared parental leave, if you are eligible, but the period of paternity leave must come first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.</i>	second parent and (in the case of both maternity and adoption leave) their spouse, civil partner or partner – see HR policy 3.13 Shared Parental Leave for full details. You can choose to take both paternity leave and shared parental leave, if you are eligible, but the period of paternity leave must come first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child."	Earlier responses in respect of "the child's father" and "spouse, civil partner..." also apply here.	
21	Shared parental leave, para 11.1	<i>Shared parental leave enables eligible mothers/adopters to end their maternity/adoption entitlements and share the untaken balance of maternity or adoption leave and pay as shared parental leave and pay with (in the case of maternity leave) the child's father and (in the case of both maternity and adoption</i>	Shared parental leave enables eligible parents mothers /adopters to end their maternity/adoption entitlements and share the untaken balance of maternity or adoption leave and pay as shared parental leave and pay with (in the case of maternity leave) the child's father other parent and (in the case of both maternity and adoption leave) their	See response to 20.	

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		<i>leave) their spouse, civil partner or partner – see HR policy 3.13 Shared Parental Leave for full details. You can choose to take both paternity leave and shared parental leave, if you are eligible, but the period of paternity leave must come first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.</i>	spouse, civil partner or partner – see HR policy 3.13 Shared Parental Leave for full details. You can choose to take both paternity leave and shared parental leave, if you are eligible, but the period of paternity leave must come first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.		
22	ANNEX A (INFORMATION NOTE – STATUTORY DEFINITIONS/ FOSTERING FOR ADOPTION ARRANGEMENTS), para 1	<i>Please see main statutory definitions in paragraph 3 below. Selected definitions explain how terms in this policy include and apply to foster parents who are also approved prospective adopters when notified that a child is to be, or is expected to be, placed with them and another person (who has elected to be the child's "adopter") jointly as part of a fostering for adoption arrangement (or when a person is</i>	Reviewer's suggested amendments: "Please see main statutory definitions in paragraph 3 below. Selected definitions explain how terms in this policy include and apply to foster parents who are also approved prospective adopters when notified that a child is to be, or is expected to be, placed with them and another person (who has elected to be the child's "adopter") jointly as part of a fostering for	We have retained "spouse", "civil partner" and "partner" as these are all gender-neutral terms. We have, however, now added "regardless of gender" for emphasis.	

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		<i>the partner, civil partner or spouse of a person individually so notified).</i>	adoption arrangement (or when a person is the partner, civil partner or spouse of a person individually so notified).		
23	ANNEX B, Para 1	<i>The provisions of HR policy 3.03 Paternity Leave also apply, with the definitions and modifications described in this Annex B, if you are the spouse, civil partner or partner of a person who is adopting a child from overseas.</i>	Reviewer's suggested amendments: "The provisions of HR policy 3.03 Paternity Leave also apply, with the definitions and modifications described in this Annex B, if you are the spouse, civil partner or partner of a person who is adopting a child from overseas."	See response to 22.	
24	ANNEX B, para 4 Statutory paternity leave and pay (adoption)	<i>4. In Section 6 for paragraphs 6.1 – 6.3 of the policy substitute: "6.1 Statutory paternity leave and pay is available in cases of adoption from overseas. You are entitled to statutory paternity leave (adoption) for the purpose of caring for the adopted child or</i>	Reviewer's suggested amendments: 4. In Section 6 for paragraphs 6.1 – 6.3 of the policy substitute: "6.1 Statutory paternity leave and pay is available in cases of adoption from overseas. You are entitled to statutory paternity leave (adoption)	See response to 22.	

No	Section heading (and para ref, if applicable)	Text from draft policy	Feedback comments and/or suggested amendments	ER Policy and Project Team response	Draft policy amended? Yes/No
		<p><i>supporting the child's adopter if:</i></p> <p><i>a. you have, or expect to have, the main responsibility (apart from the adopter) for the child's upbringing (or you would have satisfied that condition but for the fact that the child ceased to live with the adopter); and</i></p> <p><i>b. you are the adopter's spouse, civil partner or partner; and</i></p> <p><i>c. you have worked continuously for the NICS for at least 26 weeks either ending with the week in which official notification was received, or commencing with the week in which your employment began; and</i></p> <p><i>d. the child's adopter has received an official notification.</i></p>	<p>for the purpose of caring for the adopted child or supporting the child's adopter if:</p> <p>a. you have, or expect to have, the main responsibility (apart from the adopter) for the child's upbringing (or you would have satisfied that condition but for the fact that the child ceased to live with the adopter); and</p> <p>b. you are the adopter's spouse, civil partner or partner; and</p> <p>c. you have worked continuously for the NICS for at least 26 weeks either ending with the week in which official notification was received, or commencing with the week in which your employment began; and</p> <p>d. the child's adopter has received an official notification..."</p>		
25	ANNEX C, para 5 Contractual paternity leave and pay	<p><i>5. For Section 5 of the policy substitute:</i></p> <p><i>"5 Contractual paternity leave</i> </p>	<p>Reviewer's suggested amendments:</p> <p>"5.1 Irrespective of the hours you work or the length of time you have</p>	See response to 22.	

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	(adoption/parental order cases)	<p><i>and pay (adoption/parental order cases)</i></p> <p><i>Eligibility, leave and pay</i></p> <p><i>5.1 Irrespective of the hours you work or the length of time you have served in the NICS, you may apply for two consecutive days' paternity leave (adoption) at your full contractual rate of pay for the purposes of caring for the child or supporting Parent A if:</i></p> <p><i>a. you have, or expect to have, the main responsibility for the child's upbringing, (apart from the responsibility of Parent A);</i> <i>b. you are Parent A's spouse, civil partner or partner; and</i> <i>c. you are a parental order parent of the child.</i></p>	<p>served in the NICS, you may apply for two consecutive days' paternity leave (adoption) at your full contractual rate of pay for the purposes of caring for the child or supporting Parent A if:</p> <p>a. you have, or expect to have, the main responsibility for the child's upbringing, (apart from the responsibility of Parent A); b. you are Parent A's spouse, civil partner or partner; and c. you are a parental order parent of the child."</p>		
26	ANNEX C, para 9 Time off to accompany to	9. In Section 9 for paragraphs 9.1 – 9.4 of the policy, as they apply to antenatal appointments arising	Reviewer's suggested amendments: "9.1 Under Article 85ZE of the	Paragraph 9.1 has been amended as suggested.	YES

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	antenatal appointments	<p><i>in surrogacy (parental order) cases, substitute:</i></p> <p><i>"9.1 Under Article 85ZE of the Employment Rights (Northern Ireland) Order 1996, if you have a qualifying relationship with an expected child (see definition of "qualifying D37:D40onship" in paragraph 9.2 below) you are entitled to be permitted to take time off work to accompany the surrogate mother to up to two antenatal appointments. This time off will be unpaid and the antenatal appointment must be made on the advice of a registered medical practitioner, registered midwife or registered health visitor.</i></p>	<p>Employment Rights (Northern Ireland) Order 1996, if you have a qualifying relationship with an expected child (see definition of "qualifying relationship" in paragraph 9.2 below) you are entitled to be permitted to take time off work to accompany the surrogate mother to up to two antenatal appointments. This time off will be unpaid and the antenatal appointment must be made on the advice of a registered medical practitioner, registered midwife or registered health visitor."</p>		
27	ANNEX C, para 9 Time off to accompany to	<p><i>In order to make a request for time off to accompany someone to an antenatal appointment, you should complete an application for unpaid special leave, using the</i></p>	<p>Reviewer's suggested amendments:</p> <p>"In order to make a request for time off to accompany someone to an antenatal appointment, you should</p>	<p>This paragraph has been mended as follows:</p> <p>a. that you have a qualifying relationship with the woman's</p>	YES

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	antenatal appointments	<p><i>form available on the Employee Services Portal. You must state the following in your application:</i></p> <p><i>a. that you have a qualifying relationship with the woman's person's expected child;</i></p> <p><i>b. that your purpose in taking time off is to accompany the pregnant woman person to an antenatal appointment;</i></p> <p><i>c. that the antenatal appointment in question has been made on the advice of a registered medical practitioner, registered midwife or registered health visitor; and</i></p> <p><i>d. the date and time of the appointment."</i></p>	<p>complete an application for unpaid special leave, using the form available on the Employee Services Portal. You must state the following in your application:</p> <p>a. that you have a qualifying relationship with the woman's person's expected child;</p> <p>b. that your purpose in taking time off is to accompany the pregnant woman person to an antenatal appointment;</p> <p>c. that the antenatal appointment in question has been made on the advice of a registered medical practitioner, registered midwife or registered health visitor; and</p> <p>d. the date and time of the appointment."</p>	<p>expected child of the person who is pregnant;</p> <p>b. that your purpose in taking time off is to accompany the person who is pregnant woman to an antenatal appointment;</p>	
28	General comment		<p>Likewise my feedback reflects that of [REDACTED] and furthermore [REDACTED] reference below to the consistency in the language used. E.g. at times the policy refers to 'mother' and at</p>	<p>The have retained "mother" however the definition in paragraph 1.7 has been amended – see response to 8 above.</p>	

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			others the 'pregnant person'. In consideration of FtM trans people being the birthing parent, then 'pregnant person' would be the more inclusive term to be used.	We have replaced all instances of "pregnant woman" in the draft policy with "person who is pregnant".	
29	General comment		My initial thoughts were the same as [REDACTED], while I appreciate that some of the language may have been drawn from legislation it is very wordy, dense (complicated), inconsistent (switching between the term 'you' and 'woman' in the maternity leave section) and in places would not be considered inclusive (for example, the recent/ongoing McConnell case). I also agree with the point that we seem to have a plethora of parental leave policies that would be better served by being brought together into one (albeit it would have sections covering different aspects of such leave).	<p>The amendments we have made make it clear that the policy is inclusive.</p> <p>The draft Maternity Leave policy now refers to "you" throughout.</p> <p>A single policy would be unmanageable.</p>	N/A