NHS SCOTLAND | Workforce

New Parent Support Policy: guide for managers

This guide will help employees to understand the New Parent Support Policy. The policy applies where an employee asks for time off following the birth of a baby or the adoption of a child.

The following guide forms part of the standard for workforce policies. These policies apply to all eligible staff within NHSScotland, regardless of the Board they are employed by.

NHSScotland wants to create an inclusive workplace where employees can thrive and feel confident about their ability to balance their personal and professional responsibilities.

It is recognised that policies to support this are particularly important in NHSScotland given the predominantly female workforce who largely take on primary caring roles within the family.

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What is the purpose of the New Parent Support Policy?

NHSScotland wants to create an inclusive workplace where our employees can thrive and feel confident about balancing their personal and professional responsibilities. We recognise that parents, including same-sex partners, and adoptive parents, want to spend time with their partner and their baby or adopted child. The New Parent Support Policy allows employees to take time off to spend with the new addition to their family.

The statutory name for this policy is Paternity Leave. However, we recognise that some employees may not identify with the term ‘paternity’. The policy has been renamed New Parent Support, to recognise the diversity of families. The term ‘paternity’ does appear throughout the policy as it is still the legislative title for leave and pay.

Who is covered by this policy?

New Parent Support leave is available to employees who are:

- the biological father of a new baby
- the partner or nominated carer of a mother who gives birth to a child
- adoptive parents
- intended parents of a child born to a surrogate mother

For employees who qualify for Statutory Paternity Pay (SPP) or Occupational Paternity Pay (OPP), this leave is paid.

New parent support for adoptive parents

Adoptive parents can take new parent support leave when their child is matched or placed with them.

The parent with primary carer responsibilities for the child should take adoption leave. The other parent can take new parent support leave.

New parent support for surrogate parents

New parent support leave is available to intended parents on the birth of a child through a surrogacy arrangement.

The partner of the surrogate who has given birth may be entitled to special leave.

What is the leave entitlement?

You are entitled to take the leave as a block of 2 weeks or 2 single weeks of new parent support leave at your contracted hours.

What is the pay entitlement?

OPP is a payment the NHS provides to support employees in taking new parent support leave. You are entitled to OPP if you have 12 months of continuous service with your current Board or any other NHS employer before you take new parent support leave.

Employees entitled to OPP will receive full pay, which will include any SPP.

Further information on how full pay is calculated for both SPP and OPP can be found in the relevant terms and conditions.

If you are not eligible for OPP, you may be eligible for SPP. This is a payment provided by the government to support employees taking new parent support leave.

Submitting a request

Having a baby or adopting a child is an exciting time. It is important to make sure you are accessing the right support and time off.

You should let your manager know that you wish to access leave in line with this policy.

After you have the initial discussion, you should complete the relevant form and return it to your manager.

Your manager will respond in writing in a timely manner.

Birth parents

You may request new parent support leave because you are about to become a birth parent. You should apply by the end of the 15th week before the baby is due to advise that you wish to take new parent support leave. You should complete the Becoming a birth parent form.

Your manager will provide a written response to you when they receive the completed form. This will confirm your entitlement to new parent support leave and, if eligible, new parent support pay.

You are not required to formally identify dates for the leave until 28 days before you wish the leave to start, on the basis that you can take it within 52 weeks of the birth of the child.

You should keep your manager informed as much as possible. Your manager is asked to be flexible when an application is submitted outside the timescales in the policy with good reason. Your manager should also try to accommodate any changes to the start date of your new parent support leave if asked.

Adoptive parents

You may request new parent support leave because you are becoming an adoptive or parental order parent. No later than 7 days after notification that the child is being matched with you, you should complete the Becoming an adoptive or parental order parent form.

Your manager will provide a written response to you when they receive the completed form. This will confirm your entitlement to new parent support leave and, if eligible, new parent support pay.

You are not required to formally identify dates for the leave until 28 days before you wish the leave to start. This is on the basis that you can take it within 52 weeks of the birth of the child.

You should keep your manager informed as much as possible during the adoption process. Your manager is asked to be flexible when an application is submitted outside the timescales in the policy with good reason. Your manager should also try to accommodate any changes to the start date of your new parent support leave if asked.

Surrogacy arrangements

You may request new parent support leave because you are an intended parent through surrogacy. You should apply by the end of the 15th week before the baby is due to advise that you wish to take new parent support leave. You should complete the Becoming an adoptive or parental order parent form.

Your manager will provide a written response to you when they receive the completed form. This will confirm your entitlement to new parent support leave and, if eligible, new parent support pay.

You are not required to formally identify dates for the leave until 28 days before you wish the leave to start. This is on the basis that you can take it within 52 weeks of the birth of the child.

You should keep your manager informed as much as possible during the surrogacy process. Your manager is asked to be flexible when an application is submitted outside the timescales in the policy with good reason. Your manager should also try to accommodate any changes to the start date of your new parent support leave if asked.

The partner of the surrogate may request time off to support their partner after the birth. Leave may be granted under the Special Leave Policy.

Adopting from abroad

There are specific notification requirements and timescales if you are adopting from abroad.

If you are requesting new parent support leave because you are adopting a child from abroad, you should complete the Adopting a child from abroad form.

When you inform your manager that you wish to take new parent support leave, your manager should respond promptly in writing. This letter should confirm your entitlement to new parent support leave and new parent support pay, where applicable.

Although there are timescales outlined for submitting the paperwork, you may have a good reason for being unable to meet them. Your manager should be as flexible as possible. Similarly, situations may change, and you may need to amend the start date of your new parent support leave.

Antenatal support

Employees are entitled to attend antenatal classes to support their partner or a surrogate birth parent. This policy allows you to take unpaid time off to attend 2 antenatal classes. This may include medical appointments, parentcraft classes, or relaxation classes recommended by a nurse, midwife, or GP. The entitlement for each appointment should not exceed 6.5 hours, including travel time. Your manager should, however, be as flexible as possible in terms of accommodating the time off and the length of time. For example, in remote and rural areas, the statutory entitlement may not reflect local circumstances.

Bank and agency staff

Bank staff have no entitlement to OPP or new parent support leave. You may be entitled to SPP, depending on your level of earnings. The employer may review entitlement to OMP in exceptional cases, such as if you can demonstrate regular work patterns over an extended period. If this applies to you, you should discuss this with your manager.

Agency staff may be entitled to paternity leave, SPP, and time off for antenatal appointments if they are considered an agency employee. You should check with your agency.

When should new parent support leave be taken?

New parent support leave can start from the day the child is:

- born, or the due date if born early
- placed for adoption

In the case of overseas adoption, the leave can start when the child arrives in the UK.

In all cases, the leave may start an agreed number of days afterwards.

Leave should be taken within 52 weeks of the date the child is born, placed for adoption, or arrives in the UK.

Paternity leave is a statutory entitlement. Any leave requested under this policy cannot be refused.

You can take only one type of leave at a time. You should use your new parent support leave before accessing other types of leave, such as shared maternity or shared adoption.

If you need to change your agreed leave dates, you should provide as much notice as possible to your manager.

Loss of the baby

You are still entitled to paid new parent support leave if your baby dies or is stillborn after 24 weeks of pregnancy or born alive at any point during the pregnancy. If your new parent support leave has already been agreed this can continue. If leave has not yet been agreed, you will be entitled to take the leave within 8 weeks of the date your baby dies or is stillborn.

You are still entitled to paid new parent support leave if your baby is stillborn after 24 weeks of pregnancy or born alive at any point during the pregnancy.

You can access child bereavement leave provisions within the Special Leave Policy. This leave can be accessed once new parent support leave has ended.

Breakdown in adoption arrangements

You are still entitled to paid new parent support leave if the child is no longer placed for adoption or is returned after being placed. If your new parent support leave has already been agreed this can continue. If leave has not yet been agreed, you will be entitled to take the leave within 8 weeks of the date the child is no longer placed for adoption or the child is returned after being placed.

Multiple births

You can only take one period of new parent support leave for each pregnancy or adoption placement. This applies even if more than one child is born or placed for adoption. However, you may also be entitled to paid or unpaid parental leave. You should discuss this with your manager.

Public holidays during new parent support leave

If a public holiday falls during your planned new parent support leave, the public holiday should be granted at another time.

Sick leave during new parent support leave

If you are on sick leave, your new parent support leave can be extended to make sure you take 2 weeks. However, it must still fall within 52 weeks of the child being born or placed for adoption.

Pension contributions

SPPA pension contributions will continue during new parent support leave. For other pension providers, you should check with your pension provider.

Links to other policies

You may need to cross-reference with other policies, including:

- Maternity Policy
- Parental Leave Policy
- Shared Maternity and Shared Adoption Policy
- Adoption, Fostering and Kinship Policy