



**Workforce**

## **New Parent Support Policy**

# Aim

The New Parent Support Policy aims to:

- Outline the procedure that eligible employees must use to request new parent support leave, also known as paternity leave.
- Provide details about employees' statutory and contractual rights to new parent support pay, also known as paternity pay.

# Scope

The New Parent Support Policy applies to all employees who meet the eligibility criteria.

This policy complies with current legislation and meets the aims of the [Public Sector Equality Duty](#) of the [Equality Act 2010](#).

# Definitions

For the purposes of new parent support leave, a **child** is a person who is under the age of 18 when they are placed with the adopter for adoption.

The **due date** is the estimated date of childbirth.

**Expected week of childbirth (EWC)** is the week, starting on a Sunday, in which the doctor or midwife expects the individual to give birth.

The **intended parent** or **intended parents** are employees who intend to have a child via adoption or surrogacy.

**Occupational Paternity Pay (OPP)** is a payment the NHS provides to support employees in taking new parent support leave.

A **parental order** is an order from a court confirming the parental agreement of a child.

A **partner**, whether opposite or same sex, is a person living with the mother or birth parent in an enduring family relationship. They cannot be an immediate relative of the mother or birth parent.

**Paternity leave** is the statutory name for new parent support leave.

**Statutory Paternity Pay (SPP)** is a payment provided by the government to support employees in taking new parent support leave.

# Roles and responsibilities

There is a range of standard expectations which underpin all policies. [Read more about standard roles and responsibilities](#). In addition, the following specific responsibilities apply to this policy.

## Manager

The manager should:

- Provide a prompt response, in writing, to notifications by employees of their intention to take new parent support leave, setting out their entitlement to new parent support leave and new parent support pay, where applicable.
- Accept later notification of the employee's intention to take new parent support leave than the timeframes stipulated below if there is good reason to do so.
- Be flexible to accommodate any changes to the new parent support leave start date.

The employer should advise the employee about the following policies:

- [Parental Leave Policy](#)
- [Shared Maternity and Shared Adoption Policy](#)
- [Flexible Work Location Policy](#)
- [Flexible Work Pattern Policy](#)

## Employee

The employee should:

- In the case of a birth child, notify their manager by the end of the 15th week before the due date using the [Becoming a birth parent form](#). Wherever possible, the formal request for leave should be submitted no later than 28 days before the leave commences.
- In the case of an adopted child, notify their manager no later than 7 days after the date on which they receive notification of the child being matched for adoption, using the [Becoming an adoptive or parental order parent form](#) and [Adopting a child from abroad form](#). Where the leave request is for a later period, 28 days notice should be given.

- Promptly update their manager if their new parent support leave start date needs to change.

There are specific notification requirements if an employee is [adopting from overseas](#).

## Procedure

### Antenatal support

An employee or eligible agency worker may take unpaid time off to accompany a pregnant person to an antenatal appointment. The employee must be the spouse or civil partner, partner, or nominated carer of a mother who gives birth to a child. Otherwise, they must be the biological father of the child.

Intended parents eligible to apply for a parental order are entitled to unpaid time off to accompany their surrogate.

Time off is limited to 2 antenatal appointments for each pregnancy. The time taken for each appointment cannot exceed more than 6 and a half hours, including travel and waiting time.

Employees and eligible agency workers requesting time off to accompany a pregnant person for antenatal care must provide evidence such as the certificate and appointment confirmation provided by the doctor, midwife, or health visitor.

### New parent support leave

An employee is entitled to take up to 2 weeks of new parent support leave, which does not affect their contractual rights. They must be the spouse or civil partner, partner, or nominated carer of a mother who gives birth to a child. Otherwise, they must be the biological father of the child.

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

New parent support leave is also available to employees who are adoptive parents where a child is matched or newly placed with them for adoption. Either adoptive parent may take new parent support leave while the other parent has chosen to take adoption leave.

The employee can take their new parent support leave either as a block of 2 weeks or 2 single weeks.

New parent support leave can start either from the date the child is born or from the date the child is placed for adoption. In the case of overseas adoption, the start date is when the child arrives in the UK. In all cases, the leave may start an agreed number of days afterwards.

The period of new parent support leave must end within 52 weeks of the date the child is:

- born, or the due date if the child is born early
- placed for adoption
- placed or arrives in the UK in the case of overseas adoptions

Employees are entitled to new parent support leave where a child:

- dies
- is stillborn after 24 weeks of pregnancy
- is no longer to be placed for adoption
- is returned after being placed

Under these circumstances, employees can continue to take new parent support leave which has already been agreed.

Employees who have not agreed new parent support leave continue to be entitled to new parent support leave. Under these circumstances the leave period is restricted to 8 weeks from the date the child:

- dies
- is stillborn after 24 weeks of pregnancy
- is no longer to be placed for adoption
- is returned after being placed

## **New parent support pay**

Employees may be entitled to paid new parent support leave if they meet the eligibility criteria for Statutory Paternity Pay (SPP) or Occupational Paternity Pay (OPP).

Only one period of new parent support pay is available when there are multiple births, such as twins.

## Statutory Paternity Pay (SPP)

Employees may be entitled to SPP during their new parent support leave.

To qualify for SPP, an employee must have:

- Completed at least 26 weeks of continuous employment with their current NHS employer at the end of the 15th week before the EWC or the end of the week the adoption agency notifies them of a match. In the case of overseas adoptions, it is the date the child arrives in the UK or when the employee wants their pay to start.
- Average earnings above the lower earnings limit for National Insurance contributions during the 8 weeks before the end of the qualifying week.
- Followed the application procedures set out in this policy.

SPP is the lesser of the statutory weekly rate of SPP or 90% of the employee's average weekly earnings. [View UK Government statutory paternity pay and leave guidance.](#)

## Occupational Paternity Pay (OPP)

Employees granted new parent support leave will receive full pay during this period if they have at least 12 months of continuous service with an NHS employer.

Full pay will be calculated based on the average weekly earnings rules for calculating Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) entitlements. These are subject to the qualifications set out within sections 15.22 and 15.39 of the [NHS Terms and Conditions of Service Handbook](#).

The eligible employee will receive full pay, which will include any SPP receivable.

To calculate continuous service eligibility criteria, the employer should consult the relevant [NHS Terms and Conditions of Service Handbook](#).

## Financial support

Employees who do not meet SPP or OPP criteria should ask their local Jobcentre Plus office about financial support.

## **Bank and agency staff**

Bank staff have no entitlement to OPP. However, they may be entitled to SPP, depending on their level of earnings. The employer may review entitlement to OPP in exceptional cases, such as if the worker can demonstrate regular work patterns over an extended period. Agency staff may be entitled to SPP if they are considered an employee of their agency. This should be checked with the relevant agency.

## **Application process**

Employees should notify their manager by the end of the 15th week before the due date in the case of a birth child or a child born to a surrogate, or no later than 7 days after the date on which they receive notification of the child being matched for adoption, using one of the following forms:

- Becoming a birth parent
- Becoming an adoptive or parental order parent
- Adopting a child from abroad

There are specific notification requirements if an employee is adopting from overseas.

The formal request for leave should be submitted no later than 28 days before the leave commences, wherever possible.

The employer must respond in writing to the employee confirming new parent support leave and pay.

Should the employee need to change their agreed leave dates, the employee should provide as much notice as possible to their manager.

## **Resolution of disagreements**

Should a disagreement arise, the employee has the right to raise matters under the [Grievance Policy](#). It may be appropriate for either party to seek advice on resolving the matter from HR colleagues or a trade union representative. They should seek early resolution wherever possible.

## Related policies

The following policies are related to the New Parent Support Policy:

- [Maternity Policy](#)
- [Parental Leave Policy](#)
- [Shared Maternity and Shared Adoption Policy](#)
- [Adoption, Fostering and Kinship Policy](#)