

UK: Paid leave for parents of babies needing neonatal care after birth ^[1]

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EXCERPTS

Parents of premature and full-term babies who need neonatal care could be entitled to one week of paid leave for every week their baby is in hospital (up to a set maximum period) under new proposals unveiled by the government. These and other plans are set out in the 'Good Work Plan: Proposals to support families' consultation paper.

Neonatal Leave and Pay - what is proposed?

The government is proposing to introduce a new type of family leave and pay to help support parents of babies needing neonatal care after birth. Neonatal care is the care of babies born early, with low weight or who have a medical condition that requires specialised treatment. In the UK, an estimated 100,000 babies are admitted to neonatal care every year following their birth. Parents of these children face very difficult circumstances and particular challenges, and the evidence gathered by the government suggests that the current leave and pay entitlements for new parents don't adequately support parents of babies who need to spend a prolonged period of time in neonatal care.

The plan is that parents would receive one week of Neonatal Leave and Pay for every week that their baby is in neonatal care, up to a set maximum number of weeks (the amount of which is still to be decided). Parents of babies who have to spend at least two continuous weeks in neonatal care immediately after birth would benefit from this. This means that families whose babies require neonatal care for a shorter period of time will not benefit under the current plans.

Currently, parents of a baby or babies in neonatal care rely on their statutory leave entitlements to enable them to be off work while the baby is in hospital. This means that for mothers, a proportion of their 52 weeks of maternity leave is spent with the baby in hospital; and for fathers and partners, typically their whole, or a large portion of their, two weeks of paternity leave is spent with the mother and baby in hospital.

As a result, these parents are unable to spend time caring for their child outside of a medical environment for at least a proportion of their family leave. Where the baby has been in neonatal care for a prolonged period, fathers and partners often find themselves having to rely on annual leave entitlements or unpaid leave after their statutory two week paternity leave has elapsed.

Neonatal Leave and Pay would give them an entitlement to be absent from work to care for the baby, with the idea being that parents have some additional time at home with their baby (or babies) to compensate for the time they were in hospital after birth.

Parents would still benefit from other family-related leave and pay rights, such as maternity/paternity, and shared parental leave and pay.

Neonatal Leave and Pay is proposed to be restricted to the individuals who would have had the main responsibility for caring for the child, had they not been admitted to neonatal care. This means that the following groups of parents would potentially be eligible for Neonatal Leave and Pay:

- the mother/father of the baby or babies
- the mother's spouse; civil partner or a partner who will be living with the mother and baby that is in neonatal care in an enduring family relationship
- the intended parents in a surrogacy arrangement (where they are eligible for and intend to apply for a Parental Order)
- the intended parents in cases of adoption, where the intention was that the baby or babies would be placed with the individuals that they have been matched with at birth or shortly after birth

In order to qualify for Neonatal Pay, the current plan is that parents must have:

- average earnings over a prescribed reference period above the 'Lower Earnings Limit' set by the government and be continuously employed by the employer who is liable to pay them Neonatal Pay up until the baby's birth, and
- at least 26 weeks' continuous service with their employer at the 15th week before the baby is due.

Neonatal Pay would be paid at the statutory flat rate that applies to other types of parental leave (currently, this is £148.68).

A parent who is on Neonatal Leave would have some additional employment protections, including the right to not be treated unfavourably, or to be dismissed because they are taking, or are seeking to take, Neonatal Leave.

As well as setting out the proposals around Neonatal Leave and Pay, the consultation paper also looks at, and seeks views on, some other aspects of family-related leave.

Increasing transparency around flexible working opportunities and family-related leave and pay policies

The consultation explores and asks for views about whether:

- employers should be required to say in job adverts whether they may be open to flexible working, and
- large employers (i.e. those with 250+ employees) should be required to publish their family-related leave and pay and flexible working policies.

Flexible working in job adverts - the consultation asks whether the preferable approach would be for employers to be required to include a simple statement (such as 'Happy to Talk Flexible Working') in job adverts or more information (such as covering the organisation's approach to place, hours and times of work). It also canvasses views on whether employers should have to record whether they have advertised jobs as flexible (e.g. on the gender pay gap reporting portal).

Requirement for large employers to publish policies - if a requirement to publish family-related leave and pay and flexible working policies was introduced, large organisations might be required to provide a link to the relevant policies on their website. As the purpose of the requirement is to achieve greater transparency,

the government believes that this should be the case whether they are more generous than the statutory minimum entitlements or not. Where the employer does not offer more than the statutory minimums, the paper says that a simple statement should suffice. The consultation also asks whether a voluntary approach to this in the first instance may be a better way forward.

The overall approach to parental leave and pay

Finally, the consultation also seeks views on the UK's overall approach to parental leave and pay. As part of this, it explores the objectives of parental leave and pay; how government policy supports parents and employers; the factors which enable parents to combine work and childcare and the impact of each of these factors; and high level options for reforming parental leave and pay. In terms of the high-level options for reform, the consultation does not set out any specific plans but asks for views in response to a number of questions.

The government is currently evaluating the statutory shared parental leave and pay scheme and says it will report on this later in the year.

The consultation on parental leave and pay closes on 29 November 2019 and the consultation on neonatal leave and pay and transparency closes on 11 October 2019. Interested parties can have their say by responding to the questions asked in the consultation. We will have to wait and see whether and if so, how these proposals are taken forwards.

Related link:

Region: Europe ^[3]

Source URL (modified on 27 Jan 2022): <https://childcarecanada.org/documents/child-care-news/19/08/uk-paid-leave-parents-babies-needing-neonatal-care-after-birth>
Links

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[3] <https://childcarecanada.org/category/region/europe>