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Good Work Plan: Proposals to support families Neonatal leave and pay

Submission to Department for Business, Energy and Industrial
Strategy

Chartered Institute of Personnel and Development (CIPD)



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Background

The CIPD is the professional body for HR and people development. The not-for-profit organisation champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years. It has 150,000 members across the world, provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.

Our membership base is wide, with 60% of our members working in private sector services and manufacturing, 33% working in the public sector and 7% in the not-for-profit sector. In addition, 76% of the FTSE 100 companies have CIPD members at director level.

Public policy at the CIPD draws on our extensive research and thought leadership, practical advice and guidance, along with the experience and expertise of our diverse membership, to inform and shape debate, government policy and legislation for the benefit of employees and employers, to improve best practice in the workplace, to promote high standards of work and to represent the interests of our members at the highest level.

Introduction

Neonatal care is provided for premature babies but also for many full-term but sick babies who can spend prolonged periods of time on a neonatal care unit in a hospital as a result of being born with congenital conditions, complications at birth, or experiencing serious health conditions shortly after birth.

The Government is interested in employers' views about whether a new, additional type of leave and pay is required to support parents whose babies are in neonatal care after they're born. Existing provisions for other family-related leave and pay rights, such as Maternity, Paternity, and Shared Parental Leave and Pay would be unaffected by this proposed statutory right.

The Government is consulting on the proposal that parents receive one week of Neonatal Leave and Pay for every week that their baby is in neonatal care, up to a maximum number of weeks and that this would apply to parents who have spent a minimum of two continuous weeks in neonatal care immediately after birth. Fathers and partners who are already entitled to paternity leave will also be entitled to neonatal leave which can be



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taken at the end of the paternity leave period. Eligibility to pay would be granted on the same grounds as existing rights to statutory maternity and shared paternity pay. Our responses to the consultation are outlined below. These are informed by evidence and insight gathered by a survey of 516 HR professionals and our previous guidance on working parents.

CIPD Recommendations

1. The CIPD is supportive of a neonatal pay and leave entitlement.
2. We think it makes sense that entitlement to Neonatal Leave and Pay be restricted to the individuals who would have the main responsibility for caring for the child following birth, had it not been admitted to neonatal care.
3. The CIPD is supportive of a neonatal leave and pay entitlement which is restricted to parents whose children have spent a minimum of two weeks in neonatal care. This would mean the entitlement would apply to parents most in need – i.e. those with children that are seriously ill or likely to be in hospital for an extended period of time.
4. However, we also recommend that organisations use their own discretion if they want to apply the entitlement to parents with children that have been in neonatal care for a shorter period of time.
5. We recommend that Neonatal Leave should be a ‘day one right’ in line with Maternity Leave, Adoption Leave and Parental Bereavement Leave.
6. The CIPD believes that the entitlement to Neonatal Leave should be capped to ensure that it is affordable.
7. We recommend that the Neonatal entitlement is capped between 4-8 weeks of leave and pay but that if individual organisations would like to enhance beyond this they should have the discretion to do so.
8. We recommend that the qualifying period of service for Statutory Neonatal Pay should mirror the qualifying period of Statutory Paternity and Shared Parental Pay.
9. We recommend that Neonatal pay is capped between 4-8 weeks but that if individual organisations would like to enhance beyond this they should have the

discretion to do so. We also think that Neonatal Leave and Pay should be the same in order to ensure eligible parents can receive pay throughout their leave period.

10. We are supportive of Neonatal Leave and Pay being taken in a continuous period at the end of existing entitlements to family-related leave and pay (such as Maternity, Paternity or Shared Parental Leave).
11. We agree that a father/ partner should be required to give notice in advance of the end of their statutory leave entitlement to Paternity Leave, in order to take Neonatal Leave. We also agree that a mother should be required to give notice in advance of the end of her statutory leave entitlement to Maternity Leave, in order to take Neonatal Leave. In both cases, this would open up the channels of communication and help organisations with their planning and allocation of resources.
12. We recommend, that wherever possible, notice be given at the point the baby/ babies are admitted to neonatal care for both mothers and fathers/ partners.
13. In terms of level of communication we would recommend something requiring the minimum effort from fathers/ partners such as a weekly written email or even text (whatever communication method is agreed and used normally) to their manager/ employer. This is likely to be a difficult time for fathers/ partners and it would not be helpful to make it more difficult by making the process of communication more burdensome.
14. We believe that employers should be allowed to ask for evidence of entitlement to Neonatal Leave and Pay from both fathers/ partners taking Neonatal Leave and Pay at the end of Paternity Leave and from mothers taking Neonatal Leave and Pay at the end of Maternity Leave. This could follow a right to request process where an employers has a right to request information if they choose to. In terms of what evidence would be reasonable for an employer to request this should be something that would be easy for employees to produce such as a copy of a letter from the hospital/ consultant dealing with the neonatal care or a form that they could get the hospital/consultant to sign.
15. We believe that parents of Neonatal Leave should have the same protections as employees on parental leave in respect of older children.
16. We believe that parents of Neonatal Leave should have the same right to return to work as employees on parental leave in respect of older children.

Our response

1. Do you agree with the principle that entitlement to Neonatal Leave and Pay should be restricted to the individuals who would have had the main responsibility for caring for the child following birth, had it not been admitted to neonatal care?

We think it makes sense that entitlement to Neonatal Leave and Pay be restricted to the individuals who would have the main responsibility for caring for the child following birth, had it not been admitted to neonatal care.

2. Do you agree that parents of babies who need to spend time in neonatal care should have access to additional pay and leave?

The majority of the 516 survey respondents (76%) either strongly agreed or agreed that parents of babies who need to spend time in neonatal care should have access to additional pay and leave. Just 9% disagreed and 3% strongly disagreed. HR professionals working for large organisations were significantly more likely to strongly agree than those working for organisations with under 250 employees (41% versus 31%). There were no differences in responses by sector. The CIPD is supportive of a neonatal pay and leave entitlement.

3. Do you agree that access to Neonatal Leave and Pay should be restricted to parents whose children have spent a minimum of two weeks in neonatal care, i.e. are seriously ill or likely to be in hospital for an extended period of time?

The CIPD is supportive of a neonatal leave and pay entitlement which is restricted to parents whose children have spent a minimum of two weeks in neonatal care. This would mean the entitlement would apply to parents most in need – i.e. those with children that are seriously ill or likely to be in hospital for an extended period of time. However, organisations could use their own discretion if they wanted to apply the entitlement to parents with children that have been in neonatal care for a shorter period of time.

4. If you agree that access to Neonatal Leave and Pay should be restricted to parents whose babies are most seriously ill, after what length of time in neonatal care should the parents' entitlement to Neonatal Leave and Pay crystallise?

We asked this question to those respondents who didn't disagree with the idea that parents with babies in neonatal care should have access to additional pay and leave. Of the 456 respondents to this question, 58% believe entitlement should start after 2 weeks; 31% said it should start after 4 weeks and 11% said 'other'. There were no regional, size of organisation or sector differences in responses.

Within the 'other' responses, people gave a range of answers, but the most popular suggested answer (27 people) was that the leave should start immediately. Four people said the length of time should depend on the individual case.

We therefore recommend that entitlement to neonatal leave and pay should be accessible after 2 weeks, but again as above, organisations could use their own discretion if they wanted to apply the entitlement to parents with children that have been in neonatal care for a shorter period of time.

5. Do you agree that Neonatal Leave should be a 'day one right' in line with Maternity Leave, Adoption Leave and Parental Bereavement Leave?

Of the 456 HR professionals who answered this question, 69% strongly agreed or agreed that neonatal leave should be a 'day one right' and 11% disagreed or strongly disagreed. A further 15% neither agreed nor disagreed and 5% didn't know. HR professionals working in large organisations with more than 250 employees were significantly more likely to strongly agree with this than those working in SMEs (less than 250 staff).

We recommend that Neonatal Leave should be a 'day one right' in line with Maternity Leave, Adoption Leave and Parental Bereavement Leave.

6. Do you agree that the qualifying period of service for Statutory Neonatal Pay should mirror the qualifying period of Statutory Paternity and Shared Parental Pay?

Of the 456 HR professionals who answered this question, 63% strongly agreed or agreed that the qualifying period of service for Statutory Neonatal Pay should mirror the qualifying period of Statutory Paternity and Shared Parental Pay, and 11% disagreed or strongly disagreed. Fifteen percent neither agreed nor disagreed and a further 11% didn't know.

We recommend that the qualifying period of service for Statutory Neonatal Pay should mirror the qualifying period of Statutory Paternity and Shared Parental Pay

7. Do you agree that the entitlement to Neonatal Leave should be capped?

Of the 456 HR professionals who answered this question, 49% strongly agreed or agreed that the entitlement to Neonatal Leave should be capped and 26% disagreed or strongly disagreed. Seventeen percent neither agreed nor disagreed and 8% didn't know. The CIPD believes that the entitlement to Neonatal Leave should be capped to ensure that it is affordable.

8. If you agree that the number of weeks of Neonatal Leave that are available to parents should be capped, what is the optimal maximum number of weeks of Leave that should be available?

We asked those who said that they thought the number of weeks of Neonatal Leave available to parents should be capped, what they think the maximum number of weeks of leave available should be. 221 HR professionals answered this question. As shown in the table below, the most popular response chosen by almost a third of the sample was capping Neonatal Leave to 12 weeks. However, over half (56%) indicated a response between 4-8 weeks.

We recommend that Neonatal leave is capped between 4-8 weeks but that if individual organisations would like to enhance beyond this they should have the discretion to do so.

Table 1: Optimal maximum number of weeks of Neonatal Leave

Number of weeks of leave available	Percentage agreement
2	4%
4	25%
6	14%
8	17%
10	4%
12	29%
Other	7%

9. Do you agree that the number of weeks of Statutory Neonatal Pay that is available to parents should be capped?

We asked HR professionals the extent to which they agree or disagree that the entitlement to Neonatal Pay should be capped to a maximum number of weeks. Of the 456 HR professionals who answered this question, 50% strongly agreed or agreed that it should be capped to a maximum number of weeks and 21% disagreed or strongly disagreed. A fifth (20%) neither agreed nor disagreed and 9% didn't know.

10. If you agree that the number of weeks of Statutory Neonatal Pay that is available to parents should be capped, what is the optimal maximum number of weeks of Pay?

We asked those who said they think the number of weeks of Neonatal pay available to parents should be capped, what they think the maximum number of weeks of pay available should be. 229 HR professionals answered this question. Again, the most popular response chosen by almost a third of the sample was capping Neonatal Pay to 12 weeks. Those working in large organisations are significantly more likely to say the cap should be set at 12 weeks than those working in SMEs (38% versus 21%). However, over half (55%) indicated a response between 4-8 weeks.

We recommend that Neonatal pay is capped between 4-8 weeks but that if individual organisations would like to enhance beyond this they should have the discretion to do so. We also think that Neonatal Leave and Pay should be the same in order to ensure eligible parents can receive pay throughout their leave period

Table 2: Optimal maximum number of weeks of Neonatal Pay

Number of weeks of leave available	Percentage agreement
2	6%
4	22%
6	16%
8	17%
10	4%
12	29%
Other	6%

11. Do you agree that Neonatal Leave and Pay should be taken in a continuous period at the end of existing entitlements to family-related leave and pay, e.g. Maternity or Paternity Leave?

We are supportive of Neonatal Leave and Pay being taken in a continuous period at the end of existing entitlements to family-related leave and pay (such as Maternity, Paternity or Shared Parental Leave).

12. Do you agree that a father/partner should be required to give notice in advance of the end of their other statutory leave entitlement to Paternity Leave in order to take Neonatal Leave?

We agree that a father/ partner should be required to give notice in advance of the end of their statutory leave entitlement to Paternity Leave, in order to take Neonatal Leave. This would open up the channels of communication and help organisations with their planning and allocation of resources.

13. Do you agree that a mother should be required to give notice in advance of the end of her other statutory leave entitlement to Maternity Leave in order to take Neonatal Leave?

We also agree that a mother should be required to give notice in advance of the end of her statutory leave entitlement to Maternity Leave, in order to take Neonatal Leave. Again, this would open up the channels of communication and help organisations with their planning and allocation of resources.

14. A What would be a reasonable notice period for Neonatal Leave for fathers/partners taking Neonatal Leave at the end of Paternity Leave?

456 HR professionals answered this question and the majority (62%) felt notice should be given at the point the baby/babies are admitted to neonatal care. Significantly more HR professionals working for large employers than SMEs said they think the notice period should be less than 1 week (10% versus 5%).

We recommend, that wherever possible, notice be given at the point the baby/ babies are admitted to neonatal care.

Table 3: Reasonable notice period for fathers/partners taking Neonatal Leave

Length of notice period	Percentage agreement
Less than 1 week	8%
1 week	12%
2 weeks	14%
Notice should be given at point baby is admitted to neonatal care	62%
Other	1%
No notice	3%

14.B What would be a reasonable notice period for Neonatal Leave for mothers taking Neonatal Leave at the end of Maternity Leave?

456 HR professionals answered this question and 50% felt notice should be given at the point the baby/babies are admitted to neonatal care.

Again, we therefore recommend, that wherever possible, notice be given at the point the baby/ babies are admitted to neonatal care.

Table 4: Reasonable notice period for mothers taking Neonatal Leave

Length of notice period	Percentage agreement
Less than 4 weeks	15%
4-8 weeks	10%
More than 8 weeks	6%
Notice should be given as soon as baby is discharged from neonatal care	15%
Notice should be given at point baby is admitted to neonatal care	50%
Other	1%
No notice	3%

15. What level of communication could be expected between a father/partner wishing to take Neonatal Leave at the end of Paternity Leave on a week-to-week basis while the baby is in hospital and their employer?

In terms of level of communication we would recommend something requiring the minimum effort from fathers/ partners such as a weekly written email or even text (whatever communication method is agreed and used normally). This is likely to be a difficult time for fathers/ partners and it would not be helpful to make it more difficult by making the process of communication more burdensome.

16. Do you agree that employers should be allowed to ask for evidence of entitlement to Neonatal Leave and Pay?

We believe that employers should be allowed to ask for evidence of entitlement to Neonatal Leave and Pay from both fathers/ partners taking Neonatal Leave and Pay at the end of Paternity Leave and from mothers taking Neonatal Leave and Pay at the end of Maternity Leave. This could follow a right to request process where an employers has a right to request information if they choose to. In terms of what evidence would be reasonable for an employer to request this should be something that would be easy for employees to produce such as a copy of a letter from the hospital/ consultant dealing with the neonatal care or a form that they could get the hospital/consultant to sign.

17. Do you agree that parents on Neonatal Leave should have the same protections as employees on parental leave in respect of older children?

We believe that parents of Neonatal Leave should have the same protections as employees on parental leave in respect of older children.

18. Do you agree that parents on Neonatal Leave should have the same right to return to work as employees on parental leave in respect of older children?

We believe that parents of Neonatal Leave should have the same right to return to work as employees on parental leave in respect of older children.