# 1. Proposals for New Employment Rights: supporting parents of babies requiring neonatal care

The consultation is available at: [https://www.gov.uk/government/consultations/good-work-plan-proposals-to-support-families](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fconsultations%2Fgood-work-plan-proposals-to-support-families&data=02%7C01%7CLaurissa.Miles%40beis.gov.uk%7Ce3cb1dd018e34463a27708d70b7f76ef%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C636990515237209068&sdata=gFCffIHWx9skKn3id6D2thdqY9WgmonTkeHoHerCs7E%3D&reserved=0)

The closing date for responses is: 11 October 2019

Please return completed forms to:

Team: Family-related Leave and Pay Team  
Department for Business, Energy and Industrial Strategy  
Postal address: 1st Floor Spur, 1 Victoria Street, Westminster, London, SE24 0DN

Tel: 020 7215 5000  
Email: supportingfamiliesconsultation@beis.gov.uk

## Personal / Confidential information

Please be aware that we intend to publish a summary of all responses to this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the consultation document for further information.

If you want information, including personal data, that you provide to be treated as confidential, please explain to us below why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we shall take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential

Comments: Click here to enter text.

## About You

Name:  
Organisation (if applicable):  
Address:

|  | Respondent type |
| --- | --- |
|  | Business representative organisation/trade body |
|  | Individual |
|  | Legal representative |
|  | Large business (over 250 staff) |
|  | Medium business (50 to 250 staff) |
|  | Micro business (up to 9 staff) |
|  | Small business (10 to 49 staff) |
|  | Trade union or staff association |
|  | Other (please describe) |

|  | If you are an individual, are you: |
| --- | --- |
|  | Employed |
|  | Self-employed |
|  | Unemployed |
|  | Retired |
|  | Not looking for work |
|  | other |

|  | If you are an employer, how would you classify your organisation? |
| --- | --- |
|  | Private sector |
|  | Public sector |
|  | Charity/Voluntary sector |
|  | Other (please specify) |

Section 1: Eligibility for Neonatal Leave and Pay

#### Mothers, fathers and partners

We have concluded that it should be restricted to the individuals who would have had the main responsibility for caring for the child, had it 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 of the baby or babies;
* The 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.

Question 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 (i.e. those listed above)?

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

**If you disagree or disagree strongly, please specify who else you think should be entitled.**

Comments: Click here to enter text.

#### 

#### Ensuring that the new entitlement is targeted at those parents who are most in need

Question 2:

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

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

**If you disagree or disagree strongly, please provide a reason for your answer.**

Comments: Click here to enter text.

Question 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?

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

**If you disagree or disagree strongly, please specify who else you think should be entitled.**

Comments: Click here to enter text.

Question 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?

|  |  |
| --- | --- |
| After 2 weeks |  |
| 4 weeks |  |
| Other |  |

Please provide your reasons

Click here to enter text.

**Other circumstances**

Our internal review identified areas where the current regime is not working for parents in circumstances where a baby is admitted to neonatal care for a prolonged, continuous period immediately following birth. However, we recognise that there may be other circumstances in which parents face significant barriers to returning to and staying in work once they have used up their existing statutory leave and pay entitlements.

Question 5:

Are there other circumstances that you think should be considered for inclusion within the scope of Neonatal Leave and Pay? What are they?

Comments: Click here to enter text.

Please provide a reason for your answer.

Comments: Click here to enter text.

Qualifying Conditions for Neonatal Leave and Pay

Question 6:

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

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please provide reasons for your answer.

Comments: Click here to enter text.

Question 7:

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?

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please provide a reason for your answer.

Comments: Click here to enter text.

Section 2: The Leave and Pay

Length of entitlement to Neonatal Leave and Pay

Question 8

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

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please provide reasons for your answer.

Comments: Click here to enter text.

1. 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?

|  |  |
| --- | --- |
| 2 weeks |  |
| 4 weeks |  |
| 6 weeks |  |
| 12 weeks |  |
| Other |  |

Please provide reasons for your answer

Comments: Click here to enter text.

Question 9

Do you agree that the maximum number of weeks of Neonatal Leave should be the same as the maximum number of Neonatal Pay in order to ensure eligible parents can receive pay throughout their leave period?

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please provide reasons for your answer.

Comments: Click here to enter text.

1. If you disagree with question 9A do you agree that the number of weeks of Statutory Neonatal Pay that is available to parents should be capped?

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please provide reasons for your answer.

Comments: Click here to enter text.

Question 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?

|  |  |
| --- | --- |
| 2 weeks |  |
| 4 weeks |  |
| 6 weeks |  |
| 12 weeks |  |
| Other |  |

Please provide reasons for your answer.

Comments: Click here to enter text.

#### When Neonatal Leave and Pay can be taken

Question 11:

1. 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?

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please provide reasons for your answer

Comments: Click here to enter text.

Section 3: Notice and Evidence requirements

Question 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?

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please provide a reason for your answer.

Comments: Click here to enter text.

Question 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?

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please give a reason for your answer

Comments: Click here to enter text.

Question 14: What would be a reasonable notice period for Neonatal Leave:

1. For fathers/partners taking Neonatal Leave at the end of Paternity Leave?

|  |  |
| --- | --- |
| 2 weeks |  |
| 1 week |  |
| Less than 1 week |  |
| Other |  |

1. For mothers taking Neonatal Leave at the end of Maternity Leave?

|  |  |
| --- | --- |
| Less than 4 weeks |  |
| 4-8 Weeks |  |
| More than 8 weeks |  |
| Notice that should be given as soon as baby discharged from neonatal care |  |
| Notice should be given at point baby admitted to neonatal care |  |

Please provide reasons for your answers.

Comments: Click here to enter text.

Question 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?

|  |  |
| --- | --- |
| Employer should be kept informed on a weekly basis |  |
| Communication should be light-touch, and only when new information is available |  |
| No requirement to communicate with employer |  |

Section 4: Evidence of entitlement to Neonatal Leave and Pay

**Evidence of entitlement to Neonatal Leave and Pay**

**Question 16: Do you agree that employers should be allowed to ask for evidence of entitlement to Neonatal Leave and Pay:**

1. **From fathers and partners taking Neonatal Leave and Pay at the end of Paternity Leave?**

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

1. **From mothers taking Neonatal Leave and Pay at the end of Maternity Leave?**

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

1. If you agree or strongly agree, what evidence would it be reasonable for an employer to request?

Click here to enter text.

Section 5: The right to return

**Employment protections and the right to return**

Question 17:

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

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please provide reasons for your answer

Click here to enter text.

Question 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?

|  |  |
| --- | --- |
| Strongly agree |  |
| Agree |  |
| Neither agree nor disagree |  |
| Disagree |  |
| Strongly disagree |  |
| Don’t know |  |

Please provide reasons for your answer

Comments: Click here to enter text.

Thank you for your views on this consultation.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply ☐

At BEIS we carry out our research on many different topics and consultations, and your views are valuable to us. Would you be happy for us to contact you again from time to time either for research or about other consultations?

☐Yes ☐No