

Responding to the Neonatal Leave and Pay consultation

A guide to support your response



This guide gives you a detailed question-by-question breakdown of the Neonatal Leave and Pay consultation, with plenty of evidence to help shape your own answers.

The consultation does not need to be completed all at once, and you can leave and come back to this guide as much as you need to.

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Part one: Background

The Government wants your views on their proposal to introduce **Neonatal Leave and Pay** for parents whose baby or babies need neonatal care after they are born. If introduced, this would be available to all employed parents who live in Britain.

This follows a review which found that parents of premature, sick and multiple babies can face significant challenges, particularly if their baby had a long neonatal stay. Bliss, along with other organisations, fed into this review and highlighted how current policies do not support parents fully.

This consultation is **your** chance to have your say.

The Government is proposing that Neonatal Leave and Pay will be available to employed parents. They think both parents should 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.

Why should you respond?

Your voices and your experiences matter most. By sharing your views and your own personal experience, you will add to the weight of evidence which shows why this change is needed.

The Government thinks Neonatal Leave and Pay should only be available to [employed](#) parents – and will not cover those who are [self-employed](#) or parents who are classed as a [worker](#). If this describes you, make sure you use the comment boxes throughout the consultation to share your experience and show how **every parent** should have access to this support.

How does this guide work?

The consultation document sets out lots of questions to help inform how a Neonatal Leave and Pay entitlement might work in practice. To help inform your response, this guide sets out:

- Each question and its answer options. If Bliss has a strong view on a particular question, the answer option will be in **bold and in orange**.
- A summary of what each question is trying to find out
- A **'inform your view'** box, which may give information about Bliss' own view and contain some helpful evidence for when you're putting together your own response.

You might want to copy and paste lines from the 'inform your view' box into your own response, or you might want to use these as a starting point for what you want to say.

When answering the questions, you might want to include examples from your own experience to explain why you have chosen the answer you have. This personal experience will be extremely

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Neonatal Leave and Pay is one of several proposed changes to parental leave policies.

The Government views the current parental leave system as 'generous and flexible' but believes more needs to be done so that both parents can play an active role in their young baby's life. Other areas for consultation include:

- Seeking views on how Paternity Leave and Pay could be changed to be more flexible for families, and the impact of this.
- How Shared Parental Leave and Pay could be reformed.
- Parental leave for parents of older children could be reformed.

valuable to the Government when making their decision on whether to introduce Neonatal Leave and Pay, and how it should work if it is introduced.

Responding to the consultation

To take part and make your voice heard, you will need to:

- **Read** the [consultation document](#). This sets out why the Government is considering Neonatal Leave and Pay and their initial thoughts on how it should look.
 - The Neonatal Leave and Pay Chapter **begins on page 29**.
 - The findings of the Government's internal review **begins on page 61**
- **Use** this guide for further information about what the questions mean, suggested responses and useful evidence.
- **Respond** to the consultation, either by [filling in the online form](#) or by [downloading a form](#) to return by post or email:
 - supportingfamiliesconsultation@beis.gov.uk
 - Labour Market Directorate
Department for Business, Energy and Industrial Strategy
1st floor Spur
1 Victoria Street
London
SW1H 0ET

You do not have to complete the consultation all at once. If you complete the online form, you will be able to save and continue at a later time.

- **Tell** your friends and family to share their views too!

The deadline to submit your response is by:

Friday 11 October 2019

Part 2: Responding to the consultation questions

The consultation asks 18 separate questions about the proposed Neonatal Leave and Pay entitlement. These are divided into 5 sections:

- **Section 1:** who should be entitled to Neonatal Leave and Pay? [in the question document called 'Eligibility for Neonatal Leave and Pay']
- **Section 2:** how long should parents be able to claim Neonatal Leave and Pay for [in the question document called 'The Leave and Pay']
- **Section 3:** What notice, if any, should be needed for parents to access neonatal leave and pay [in the consultation document called 'Notice and Evidence Requirements']

- **Section 4:** What evidence, if any, should parents provide to prove they are entitled to Neonatal Leave and Pay [in the consultation document called 'Evidence of entitlement to Neonatal Leave and Pay']
- **Section 5:** What rights and protections should parents receive when they are returning to work [in the consultation document called 'The right to return']

You do not have to answer all the questions, and you may find you provide lots of detail for some questions and simply tick the box you agree with most for others.

Section 1: who should be entitled to Neonatal Leave and Pay?

This sections asks questions about **who** should receive Neonatal Leave and Pay and **what** other eligibility criteria should be in place.

This section covers Questions 1-7 of the consultation.

To be read alongside pages 33-37 of the consultation document.

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?

Answer options: Strongly agree/Agree/Neither/Disagree/Strongly Disagree/Don't know.

Additional comments can also be added.

This question wants to know **who** should be eligible for Neonatal Leave and Pay. The Government thinks it should only be available to the people who would have the main responsibility for caring for the baby. This means the following groups would potentially be eligible, which is in line with other parental leave rights:

- The mother of the baby or babies
- The father of the baby or babies
- The mother's spouse, civil partner or partner who will be living with the mother and baby or babies in an enduring family relationship.
- The intended parents in a surrogacy arrangement.
- The intended parents in cases of adoption, where the intention was that the baby or babies would be placed with the people they had been matched with either at birth, or shortly after birth.

Inform your view

Based on your own experiences, you may believe additional people should be included and you should include your thoughts in as much detail as possible in the comments box.

Bliss' view is that the Government should also consider extending Neonatal Leave and Pay to individuals who are included in the list, but who are self-employed or have a work status of 'worker'.

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?

Answer options: **Strongly Agree**/Agree/Neither/Disagree/Strongly Disagree/Don't know
Additional **comments are only needed if you select 'Disagree or Strongly Disagree.'**

This question wants to know if you agree with the principle of the Government's proposal that parents should have extra additional leave and pay if their baby is born premature or sick, and spends time being cared for in a neonatal unit.

Inform your view

Bliss **strongly agrees** that parents should have extra leave and pay if their baby or babies are admitted to neonatal care. For babies to have the best possible outcomes it is essential that parents are able to be with their baby for long, uninterrupted periods of time so they can take the lead in delivering their care. High levels of parental involvement have been shown to have clear benefits for babies, including increased weight gain and increased breastfeeding rates (O'Brien, 2018).

In the UK, the length of parental leave does not change when a baby is born early, or extremely sick, resulting in many parents feeling that their baby is not ready for them to return to work when they reach the end of their leave. A lack of leave is a significant barrier to parents being with their baby for as long, or as often, as they would like (Bliss 2019).

Bliss also strongly agrees that additional leave **must be paid**. The financial cost of having a baby in neonatal care can be a barrier to parents being involved in their baby's care. Families surveyed by Bliss said they faced extra costs of around £2,225 while their baby was in neonatal care, on top of their usual costs (Bliss, 2014).

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?

Answer options: Strongly Agree/Agree/Neither/ **Disagree** / Strongly Disagree /Don't know
Additional **comments are only needed if you select 'Disagree or Strongly Disagree.'**

The Government thinks that parents should only be entitled to Neonatal Leave and Pay if their baby or babies are extremely ill. The consultation sets out that while a neonatal experience is difficult for every family, babies who spend two weeks or more in neonatal care are likely to be more seriously ill, and their parents may need the most support.

Inform your view

Bliss **disagrees** that only parents of seriously ill babies who receive neonatal care for two or more weeks should be entitled to Neonatal Leave and Pay:

- For dads and partners who are entitled to one week paternity leave, they may still have to return to work, even if their baby is discharged before two weeks.
- Some dads and partners who are entitled to two weeks paternity leave will still have to choose between returning to work and saving their paternity leave for when their baby is discharged, or using all of their paternity leave while their baby is in hospital.
- A baby who was seriously ill on admission, may still be discharged under two weeks. Some very sick and seriously ill babies may be discharged from the neonatal unit to a paediatric ward or to a hospice. Where possible, this policy should consider that discharge from a neonatal unit, does not necessarily mean discharge home.
- Dads and partners frequently miss out on opportunities to carry out their baby's care due to returning to work and spending limited time on the neonatal unit. Even if a baby is not seriously ill, it is vital that parents are able to play an active role in their baby's care.

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?

Answer options: After 2 weeks/4 weeks/ **other**

There is a space for comments and reasons for your answer

This question wants to know how long a baby or babies should be in neonatal care for before their parents are entitled to Neonatal Leave and Pay.

The consultation sets out that while a neonatal experience is difficult for every family, babies who spend two weeks or more in neonatal care are likely to be more seriously ill, and their parents may need the most support.

The Government believes that a two week threshold will make sure Neonatal Leave and Pay is given to parents who may need it most. They do not want to set a higher threshold, as this will mean dads and partners will have a gap between their paternity leave and Neonatal Leave and Pay.

Inform your view

Bliss believes that due to the extremely short length of paternity leave entitlements **the threshold should be set at one week**. While the needs of businesses need to be balanced with the needs of families, a two week threshold will mean:

- Dads and partners who are entitled to one week paternity leave, may still have to return to work, even if their baby is discharged before two weeks.
- Some dads and partners who are entitled to two weeks paternity leave will still have to choose between returning to work and saving their paternity leave for when their baby is discharged, or using all of their paternity leave while their baby is in hospital.
- For babies to have the best possible outcomes it is essential that parents are able to be with their baby for long, uninterrupted periods of time in order to take the lead in delivering their care. High levels of parental involvement in their babies' care, such as through skin-to-skin contact, has clear benefits for the baby (O'Brien, 2018)
- Dads and partners frequently miss out on opportunities to carry out their baby's care due to returning to work and spending limited time on the neonatal unit.
- A Bliss 2019 survey found:
 - **66 per cent of dads and partners returned to work** while their baby was on the neonatal unit.
 - **Over a quarter** had to choose between taking time off when their baby was in hospital, or when their baby came home.
 - **36 per cent** of dads and partners were signed off sick while their baby was in neonatal care.

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?

Answer options: **comment box**

This question wants to know if there are any other situations when a parent might find it hard to return and stay in work once they have used their existing parental leave, which should also be covered by Neonatal Leave and Pay.

The Government is already considering parents being eligible in situations where their baby has been discharged home, only to be re-admitted to hospital with a potentially serious condition a few days later, or at a later point in their first year. The Government is also considering allowing parents to qualify for Neonatal Leave and Pay if they are receiving life-supporting treatment outside of the neonatal unit – for example if they have been discharged home on oxygen.

Inform your view

Bliss welcomes this proposal and agrees that Neonatal Leave and Pay should be extended to parents who have experiences similar to the ones set out in the consultation document. Bliss would also like to see support given to:

- Parents of babies born with a serious condition which means they will spend only part their journey in a neonatal unit, before being transferred to a specialist paediatric service.
- Parents of babies who are discharged to a hospice, rather than home, after a neonatal stay.

The Government is also using this consultation to gather more evidence about how much of an impact a neonatal experience has on parents. You might want to think about if there were any other circumstances where you would have benefitted from additional parental leave and pay, even if your baby had already been discharged.

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?

Answer options: **Strongly Agree**/Agree/Neither/Disagree/Strongly Disagree/Don't Know
There is also a comment box to provide reasons for your answer.

In order to qualify for most parental leave rights, you need to have worked with your employer for a certain length of time. For dads and partners this can be a particular challenge. To qualify for Paternity Leave, dads and partners need to have been working with their employers for 26 weeks.

The Government is proposing that Neonatal **Leave** should be a 'day one right'. This would mean all employed parents could take Neonatal Leave, regardless of how long they had worked with their employer and will mean all employed parents are entitled to time away from work when their baby is born needing neonatal care. This is only the proposal for **Leave**. The proposal for **pay is separate** and the Government proposes this shouldn't be a day one right (discussed in question 7).

Inform your view

Bliss **strongly agrees** that Neonatal Leave should be a day one right. Having a baby admitted to neonatal care is an extremely stressful and anxious time. Every parent should be entitled to time from work to be with their baby. Currently, around one in four working men in the UK do not qualify for two weeks paternity leave (TUC, 2017).

For babies to have the best outcomes their parents need to lead in delivering their care. High levels of parental involvement has clear benefits for the baby. A day-one-right would support all parents – including dads and partners – to play a hands on role in delivering their baby's care.

We know dads and partners want to be with their baby. Bliss' 2019 survey found 95 per cent of dads and partners felt leave was not long enough.

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?

Answer options: Strongly Agree/Agree/Neither/Disagree/ **Strongly disagree** /Don't Know
There is also a comment box to provide reasons for your answer.

While the Government proposes Neonatal **Leave** should be a 'day one right,' they think that Neonatal **Pay** should mirror existing family-related statutory payments, like Statutory Paternity Pay. This would mean:

- An employee's average earnings would need to be above a certain level (called the Lower Earnings Limit – currently £118 per week)
- An employee would need to have been working for their employer before the mother became pregnant, and been in their job for at least 26 weeks.

Inform your view

Bliss **strongly disagrees** and believes that Neonatal Pay should also be a day one right for parents when their baby or babies are admitted to neonatal care. Bliss' 2019 Parental Leave survey found pay was a significant barrier to parents taking the time from work they needed to be with their baby. Our survey found:

- **Half** of parents said they returned to work because they couldn't afford to take any longer off. This rose to **62 per cent** for parents whose baby was in neonatal care for 10 weeks or more.
- 36 per cent of dads were signed off sick when their baby was in neonatal care. This is stressful for parents, and far more costly to employers.

Half of dads do not take all of their paternity leave because of pay – rising to 75% for dads on the lowest incomes (Parliamentary Questions 189835 (2018) and 188224 (2018)).

Section 2: How long should parents be able to claim Neonatal Leave and Pay for?

This sections is asking for views on **how long** Neonatal Leave and Pay should last for. The Government sets out that **leave** and **pay** could be treated separately – so a parent might be entitled to a longer amount of leave, but not all of it would be paid (similar to maternity leave).

Your own personal experience, insight and reflections will be particularly important in these questions.

This section covers Questions 8-11 of the consultation.

To be read alongside pages 37-40 of the consultation document.

Question 8: Do you agree that entitlements to Neonatal Leave should be capped?

Answer options: Strongly Agree/Agree/Neither/**Disagree**/ Strongly disagree /Don't Know
There is also a comment box to provide reasons for your answer.

The Government thinks that Neonatal Leave and Pay should be capped. While they recognise that some babies will have a very long neonatal stay, they also need to balance this with the needs of business and affordability. Setting a maximum number of weeks Neonatal Leave a parent can claim would be one way to do this.

Inform your view

Bliss believes that for the policy to support as many parents as possible it must support the parents of the small number of babies who have a very long stay. Only 13 per cent of babies born needing neonatal care will spend more than a month in hospital.

Babies who have the longest stays are most likely to be the sickest, and to have the most uncertain journeys and long-term outcomes. This is extremely stressful for families. A recent Bliss survey found **80 percent of parents felt their mental health was worse after a neonatal experience**. Returning to work too soon, particularly when a baby is still in hospital, can make this stress worse, and lead to parents needing to take sick leave – which is much more difficult for parents, and much more disruptive and expensive for employers.

While businesses need to be able to plan to cover absences, **Bliss recommends guidance for employers** is released alongside any new entitlements, to explain what a neonatal stay may mean for a family, and what factors may lead to a baby needing a long stay in hospital receiving life-saving care.

Bliss' 2019 parental leave survey found **90 per cent of parents** whose babies spent 10 weeks or more in neonatal care felt their leave was not long enough, and a quarter of these had no choice but to take unpaid leave to extend the time they could be with their baby. **13 per cent ended up leaving their job**.

Question 8a: 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?

Answer options: 2 weeks/4 weeks/6 weeks/12 weeks/**Other**
There is also a comment box to provide reasons for your answer

This question wants to know if there was a cap to set the maximum amount of **Neonatal Leave** that could be taken, what you think that cap should be.

While the question suggests you only need to respond if you agree that there should be a cap, it may be worth leaving comments even if you disagree to set out why.

Inform your view

Bliss believes that, ideally, there should be no cap. Both parents should be entitled to a paid week of leave for every week their baby is admitted to neonatal care. However, **if** a gap is introduced it should be extended beyond the maximum option suggested of 12 weeks.

Babies born premature are likely to have the longest stays in neonatal care. A 12 week cut off would be in line with the average length of stay of a baby born at 27 weeks (NDAU, 2017).

Over 1500 babies were born 24-26 weeks in 2017 (ONS, 2017). Babies born this early are likely to have the longest stays in neonatal care, and are more likely to have an uncertain journey and ongoing health needs once they leave hospital. Babies born at these gestations have an average length of stay much longer than 12 weeks, with babies born at 24 weeks spending 18 weeks in neonatal care on average (Seaton, 2018).

Of those who responded to Bliss' 2019 survey, **17 per cent had a neonatal stay longer than 12 weeks**. Of these, **over a third** had a neonatal stay lasting 18 weeks or more.

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?

Answer options: **Strongly Agree**/Agree/Neither/Disagree/Strongly Disagree/Don't Know
There is also a comment box to provide reasons for your answer.

This question wants to know if you think the Neonatal **Pay** element should last for the same amount of time as the **Leave** element. For example, if the Government did decide that the maximum amount of Neonatal Leave a parent could claim was 12 weeks, they want to know if you agree that Neonatal Pay should be paid for all of those 12 weeks.

Inform your view

Bliss **strongly agrees** that Neonatal Pay should be available for every week of Neonatal Leave, so all parents can receive payment throughout this time. Bliss believes both parents should receive one paid week of leave for every week their baby is admitted to neonatal care, and that, ideally, this should not be capped. Bliss also believes **guidance for employers** should be published, setting out that they should pay higher than the statutory rate if they are able to do so.

The costs of having a baby in neonatal care can be a significant barrier to parents being with their baby as often as they would like. Families that Bliss surveyed said they faced extra financial costs of around **£2,225** while their baby is in neonatal care (Bliss, 2014). Parents have told Bliss that these extra costs lead to reductions in the family budget, negatively affect parents' physical and emotional health and stops them being with their baby. When we surveyed parents, 1 in 10 said that their baby's stay had impacted their ability to pay their rent or mortgage (Bliss, 2014).

Family finances play a big part in parent's decisions to take leave when they have a new baby. Half of new dads don't take their full entitlement to two weeks statutory paternity leave, but this rate rises to 75 per cent for dads on the lowest incomes (TUC, 2015). **Half** of parents responding to Bliss' 2019 survey said they could not afford to take more time away from work.

Question 9a: If you *disagree* with question 9 do you agree that the number of weeks of Statutory Neonatal Pay that is available to parents should be capped?

Answer options: Strongly Agree/Agree/Neither/Disagree/Strongly Disagree/Don't Know
There is also a comment box to provide reasons for your answer.

You only need to answer this question if you think neonatal pay should be capped so that it is available for a different length of time to neonatal **leave**. For example, a parent could be entitled to **12 weeks neonatal leave** but only receive **neonatal pay** for some of those weeks.

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?

Answer options: 2 weeks/4 weeks/6 weeks/12 weeks/Other
There is also a comment box to provide reasons for your answer

You only need to answer this question if you selected 'disagree' or 'strongly disagree' to Question 9 and think neonatal pay should be capped. If you do think that the length on Neonatal Pay should be capped, this question wants to know what you think is the maximum number of weeks' pay parents should be able to receive.

Question 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?

Answer options: Strongly Agree/Agree/Neither/Disagree/Strongly Disagree/Don't Know
There is also a comment box to provide reasons for your answer.

The Government thinks that Neonatal Leave and Pay would be **taken at the end of a parent's existing parental leave entitlements** and want your thoughts on if this is the right approach. The Government says that setting it out this way will make sure that other leave rights – like maternity, paternity and shared parental leave – will be unaffected by Neonatal Leave and Pay. This makes it easier for employers and parents to navigate, as there are a number of practical and legal issues that arise if Maternity Leave is interrupted or extended.

They also say this approach will balance the needs of families and employers. This set up will give both parents equal access to the scheme, and will also help employers to plan more easily for parents being away from work.

Inform your view

There are some important things the Government needs to consider, even if this seems the simplest way to implement the policy:

- This aspect of the proposal might contradict with the excellent suggestion that Neonatal Leave should be a 'day one right.' It is important this policy is put in place in a way that enables a 'day one right'.
- If a dad or partner is only entitled to one week paternity leave, there is a chance there could be a gap between paternity leave and Neonatal Leave and Pay, if this is implemented as described.

Your experience of parental leave and working with your employer will be valuable here.

Section 3: What notice, if any, should be needed for parents to access neonatal leave and pay?

Parents need to give notice to their employer before they take other forms of parental leave, such as maternity or paternity leave. The Government is looking for views on if it is necessary for parents to give their employers notice, and how that might work in practice.

This section covers questions 12-15 of the consultation

To be read alongside pages 40-42 of the [consultation document](#).

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?

Answer options: Strongly Agree/Agree/Neither/Disagree/Strongly Disagree/Don't Know

There is also a comment box to provide reasons for your answer.

This question wants to know whether you think dads and partners should tell their employer they are going to take Neonatal Leave **before** their paternity leave has finished, so their employer will know they will be away from work longer than they had planned. For dads and partners in particular, it will be harder to know exactly how much neonatal leave they will need once their paternity leave ends – particularly if their baby is still very sick and expected to need neonatal care for a long time.

Inform your view

Your own personal experience will be valuable when answering this question. You might want to think about how things were handled between yourself and your own workplace, and what about these communications was good, and what would have made things easier.

While it is important that employers know whether their employee needs to take leave, it is Bliss' view that informal notice, which is sensitive to the needs of dads and partners, is all that is required – similar to what is in place for bereavement leave.

It is also important to consider how this will work for dads and partners who do not qualify for paternity leave, but who may be entitled to Neonatal Leave as a day one right.

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?

Answer options: Strongly Agree/Agree/Neither/Disagree/Strongly Disagree/Don't Know

There is also a comment box to provide reasons for your answer.

This question wants to know whether mothers should tell their employer they are going to take Neonatal Leave **before** their maternity leave has finished. As most babies will be discharged from neonatal care before the end of their mother's maternity leave, it may be easier for mother's to

inform their employer of exactly how much neonatal leave they will need to take before their maternity leave finishes.

Inform your view

Your own personal experience will be valuable when answering this question. You might want to think about how things were handled between yourself and your own workplace, and what about these communications was good, and what would have made things easier.

In most cases, babies will be discharged before a mother's maternity leave finishes, so it may be practically easier, and reasonable, for her to inform her employer that she will be taking neonatal leave, and how long that leave will be lasting. However, it is important this notice is sensitive and as informal as possible – similar to what is in place for bereavement leave.

Question 14: What would be a reasonable notice period for neonatal leave:

A) For fathers/partners taking Neonatal Leave at the end of Paternity Leave?

2 weeks/1 week/**less than one week**/other

B) For mothers taking Neonatal Leave at the end of Maternity Leave?

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

This questions wants to know **how much notice** it is reasonable for parents to give to their employers that they will be taking Neonatal Leave. As Paternity and Maternity leave are available for very different lengths of time – a maximum of 2 weeks paternity leave versus a maximum of 52 weeks maternity leave – any notice requirements will have to be different.

Inform your view

Your own personal experiences about the reality and practicalities of keeping in touch with your employer will be valuable here. You may want to think about how your experience was different from your partners.

Paternity leave – for many babies, particularly those who are very sick, the length of time they will be in hospital, may be unknown by the time paternity leave ends. It is extremely important that any notice requirements are as flexible and sensitive as possible, particularly as at the end of paternity leave some babies will still be critically ill.

It is important that consideration is given to how this part of the policy will work if there is a day one right to neonatal leave, and how it will work for dads and partners who only have one week paternity leave.

Maternity leave – it will be easier for mothers to tell their employer that they will be taking neonatal leave, and the length of this leave. However, any notice period must be as flexible and sensitive as possible – particularly as many mums will not have been planning to take more than 39 weeks leave (when maternity pay ends).

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 their baby is in hospital and their employer?

Answer options: 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.

It is unlikely that many dads and partners will know exactly how long their baby will be in hospital when their paternity leave ends. This question is asking how they can best keep their employer informed about the length of neonatal leave they will be taking. The Government sets out that while employees need sensitivity and compassion, businesses also need to have a sense of how long their employee is going to be away from work.

Inform your view

When a baby is admitted to neonatal care, their parents' worlds are turned upside down. Regular contact between parents and their employees may cause upset, additional stress and be an extra burden. Any communication between dads and partners and their employer should be:

- Employee led, with the dad or partner getting in touch with their workplace only when they are comfortable to.
- There should be no requirements for employees to tell their employer sensitive information about their baby's condition.
- For parents of extremely sick babies, they may know early on that their baby will require weeks or months of care. Weekly updates are unnecessary and would potentially be upsetting, particularly in these circumstances.
- Stringent conditions may make dads and partners feel mistrusted, and less likely to take Neonatal Leave.

Your own experiences will be particularly valuable in shaping how Neonatal Leave could be implemented in a way that is sensitive and supportive to parents. You might want to think about what your employer did well while your baby was ill, and what they could have done better.

Section 4: What evidence, if any, should parents provide to prove they are entitled to Neonatal Leave and Pay?

Parents need to give evidence of their eligibility to take other forms of family-related leave and pay, and the Government thinks that might be necessary with Neonatal Leave and Pay. As mums, dads and partners will be taking leave at different times, they might need different types of evidence. They believe that Neonatal Leave and Pay 'could be open to abuse' so think employers should be able to ask for evidence. They also think employers should have to set out exactly how they are going to handle the information requested sensitively.

This section covers question 16 of the consultation

To be read alongside pages 42-43 of the [consultation document](#).

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

- A) From fathers and partners taking Neonatal Leave and Pay at the end of Paternity Leave**
Strongly agree/Agree/Neither/Disagree/Strongly disagree/Don't know
- B) From mothers taking Neonatal Leave and Pay at the end of Maternity Leave**
Strongly Agree/Agree/Neither/Disagree/Strongly disagree/Don't know
- C) If you Agree or Strongly Agree what evidence would it be reasonable for an employer to request.**

This question wants to know if you agree that parents should provide evidence to their employer that they are entitled to take Neonatal Leave and Pay, and, if you do, what this evidence should be. You are asked about mums and dads and partners separately because their entitlements to maternity and paternity leave are very different, so you might think the evidence they need to provide is different as well.

Inform your view

Your own personal experiences will be valuable for this question. You might want to think about how it would have felt to be asked for evidence while your baby was sick and how practical this would have been to provide. **Even if you disagree with the idea of providing evidence it might be worth outlining why in the comment box provided.**

While Bliss understands the need for new policies to balance the needs of families with businesses, and to protect the policy from abuse, it is extremely unlikely an employee will pretend their baby is hospitalised to secure additional time from work. **Asking for evidence will be extremely insensitive and could cause significant distress and extra admin at an already very stressful time – particularly if the baby is very ill.** It should be considered carefully whether this requirement would stop parents accessing the entitlement.

In all except the most extreme circumstances, employers will be aware that their employee is having a baby, and will be kept informed when the baby is born – including the news that the baby is receiving neonatal care.

If there is a requirement to provide evidence built into this policy, it must be handled extremely sensitively. Evidence must be easy to provide – for example a short form similar to the MAT B1 to be signed by a health care professional. It must not:

- Rely on sensitive personal information relating to the baby or their condition.
- Rely on photographic or other ‘physical’ evidence of a hospital stay.
- Be difficult for families to obtain, or complicated to access (for example, a lengthy form requiring multiple signatures).

If an evidence requirement is built into the policy it must:

- Have the ability to be provided retrospectively, like with Bereavement Leave and Pay.
- Take into account that parents may be staying near a hospital far from home and their workplace where it may not be possible to keep in touch with their employer.

The Government will also need to consider how evidence will work with the aspect of the policy which says Neonatal Leave is a day one right.

Section 5: What rights and protections should parents receive when they are returning to work?

This final section of the consultation looks at the rights of parents returning to work, and is seeking views on whether these rights and protections should be in line with other parental leave rights.

This section covers questions 17 and 18 of the consultation

To be read alongside pages 43–44 of the [consultation document](#).

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?

Answer options: **Strongly Agree**/Agree/Neither/Disagree/Strongly Disagree/Don't know

This question is asking whether parents receiving Neonatal Leave should have the same level of protections as other parents taking parental leave. This includes:

- The right to not be treated unfavourably
- The right to not be dismissed (fired) because they are taking Neonatal Leave

Bliss' View

Bliss **strongly agrees** that parents should be given the same protections that they would receive if they were taking other forms of Leave. If protections were not in place, it would make it difficult for some parents to take the Neonatal Leave they need.

You might want to share your own experiences of returning to work, and any difficulties you had with this. You might want to think about if there are additional protections you needed that aren't stated in the consultation.

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?

Answer options: **Strongly Agree**/Agree/Neither/Disagree/Strongly Disagree/Don't know

This question wants to know if you agree that parents who take Neonatal Leave should have the same right to go back the same job they were in before they went on Neonatal Leave, which is in line with other parental leave rights.

Bliss' View

Bliss **strongly agrees** that parents should have the same right to return to work that they would have if they were taking other forms of Leave. If protections were not in place, it would make it difficult for some parents to take the Neonatal Leave they need.

You might want to share your own experiences of returning to work, and any difficulties you had with this. You might want to think about if there are additional protections you needed that aren't stated in the consultation.