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Public Health  
Wales

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## Family Leave Policy

### Policy Statement

This policy sets out the entitlement of all staff to maternity, new parent support (paternity), adoption, surrogacy, and other parental leave, and also the entitlements for those staff planning/in receipt of In Vitro Fertilisation (IVF) treatment.

### Policy Commitment

Public Health Wales is committed to creating a vibrant, inclusive, and healthy culture where all our people are supported to thrive.

As an organisation, we are committed to nurturing a positive, flexible and sustainable work environment. Our aspiration is to be an exemplar organisation for wellbeing, where our staff are supported to ensure that their experience of work enables them to be healthier, happier in work, and able to be at their best.

The organisation recognises the importance of family life and aims to support all employees to be able to make the choices that best support their wellbeing as they welcome a new member to their family, whether that be through childbirth, surrogacy or adoption.

The purpose of the policy is to advise staff of their rights in relation to maternity, new parent support (paternity), adoption, surrogacy and other parental leave, and also in respect of IVF treatment. It should be read in conjunction with the Family Leave Procedure, and the Family Leave Pack on the staff intranet, which provide further detail on entitlements and responsibilities within each of these areas for both staff and managers.

### Supporting Procedures and Written Control Documents

[All corporate policies and procedures are available on the Public Health Wales website](#)

Other related documents are:

- Family Leave Procedure - Pay and Leave for New Parents
- Family Leave Pack (staff intranet)
- Breastfeeding Guidelines
- How to: Apply for Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)
- Flexible Working Policy
- Special Leave Policy
- [Family Leave intranet pages \(sharepoint.com\)](#)

<b>Scope</b>	
<p>The policy will apply to all employees of Public Health Wales, regardless of sexual orientation or gender identity, for matters relating to their maternity, new parent support (paternity), adoption, surrogacy and other parental leave and also to those staff planning In Vitro Fertilisation (IVF) treatment.</p> <p>The maternity policy and the guidelines around IVF are relevant to those giving birth or planning to give birth, regardless of gender identity; there are no restrictions on sex or gender identity to any of the other leave entitlements, which are also explicitly available to same-sex couples, so gender neutral terms are used throughout wherever possible.</p>	
<b>Equality and Health Impact Assessment</b>	An Equality, Welsh Language and Health Impact Assessment has been completed and can be viewed on the policy webpages.
<b>Approved by</b>	People and Organisational Development Committee
<b>Approval Date</b>	15 March 2023
<b>Review Date</b>	15 March 2026
<b>Date of Publication:</b>	05 April 2023
<b>Group with authority to approve supporting procedures</b>	People and Organisational Development Committee
<b>Accountable Executive Director/Director</b>	Neil Lewis, Director of People and Organisational Development
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**Disclaimer**

**If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or [Corporate Governance](#).**

<b>Summary of reviews/amendments</b>				
<b>Version number</b>	<b>Date of Review</b>	<b>Date of Approval</b>	<b>Date published</b>	<b>Summary of Amendments</b>
	August - December 2022	15 March 2023	05 April 2023	<p>Policy renamed to Family Leave Policy.</p> <p>Contents revised and updated throughout to reflect updated terminology.</p>

				<p>Added reference to further advice for employees and managers on the Family Leave pages of the staff intranet, <a href="#">Family Leave (sharepoint.com)</a></p> <p>Updated information provided in relation to surrogacy.</p> <p>Updated New Parent Support (Paternity) provisions.</p> <p>Added a section on review and feedback.</p>
	March 2018			Updated to use gender neutral language where possible throughout the policy and explicitly state that the policy is for all staff regardless of sexual orientation or gender identity
	December 2017			Added a paragraph to Scope of Policy to explain use of gender neutral terminology wherever possible.
	December 2017			Updated gendered language throughout, excluding statutory leave and statutory pay terms such as 'Maternity', 'Paternity'.
	December 2017			Added reference to the Equality Act (2010); Shared Parental Leave Regulations (2014); Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations (2014).
	December 2017			Added reference to the Foster to Adopt scheme.
	December 2017			Updated summary of Shared Parental Leave
	December 2017			Added a section on Equality and Welsh Language Monitoring.

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## **1. Introduction**

Public Health Wales' values are working together with trust and respect to make a difference. We are committed to creating and nurturing a positive, flexible and sustainable work environment, where all our people are supported to thrive. Our aspiration is to be an exemplar organisation for wellbeing, where our staff are supported to ensure that their experience of work enables them to be healthier, happier in work, and able to be at their best.

The organisation recognises the importance of family life and aims to support all employees to be able to make the choices that best support their wellbeing as they welcome a new member to their family, whether that be through childbirth, surrogacy or adoption.

## **2. Legislative and national initiatives**

Pregnancy and maternity is a protected characteristic under the Equality Act 2010. Discrimination covers the unfavourable treatment of an employee, during the "protected period" in relation to their pregnancy or illness suffered by them as a result of that pregnancy. Unfavourable treatment during the protected period because an employee is on compulsory maternity leave or they are exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave, is also covered.

Public Health Wales has updated existing policies to reflect changes in relevant legislation. The Policy has been produced to ensure that all of the provisions offered to employees comply fully with:

- The Employment Rights Act (1996)
- The Employment Relations Act (1999)
- The Employment Act (2002)
- The Paternity and Adoption Leave Regulations (2002)
- The Social Security, Statutory Maternity Pay and Statutory Sick Pay (Miscellaneous Amendments) Regulations (2002)
- The Civil Partnership Act (2004)
- The Statutory Paternity Pay and Statutory Adoption Pay (Amendment) Regulations (2004)
- Work and Families Act (2006)
- Maternity and Parental Leave etc. Regulations (2009)
- Equality Act (2010)
- NHS Terms and Conditions of Service Handbook (March 2010)
- Additional Paternity Leave Regulations (2011)
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations (2014)
- Shared Parental Leave Regulations (2014)

- The Children and Families Act (2014).

### **3. Roles and responsibilities**

The relevant responsibilities are detailed in each part of the policy and accompanying procedure, according to subject area.

### **4. Maternity provisions**

All employees having a baby have the right to take 52 weeks of maternity leave, regardless of length of NHS service. The amount of leave and maternity pay for which they will qualify will, however, differ.

Further information about payment during the maternity leave period, and rules around information and documentation required before taking leave, when returning to work after maternity leave, and all stages in between are set out in the Family Leave Procedure. Further advice, guidance and practical tools aimed at helping employees and managers are available on the [Family Leave pages of the staff intranet](#).

### **5. Adoption provisions**

Statutory Adoption Leave of up to 52 weeks is available to all employees irrespective of length of service. This also applies in the case of the Foster to Adopt scheme. Further information about adoption pay entitlements, rules around information and documentation that must be provided, returning to work after adoption leave, and all stages in between are set out in the Family Leave Procedure. Further advice, guidance and practical tools aimed at helping employees and managers are available on the [Family Leave pages of the staff intranet](#).

### **6. Surrogacy**

Public Health Wales is keen to support staff involved in a surrogacy process. Couples or individuals who engage the services of a surrogate are known as Intended Parents (IPs), and as long as they intend on making an application for a parental order within 6 months of the birth, and they expect that to be granted, they will have rights to pay and leave equivalent to adopting couples or individuals.

Both the Intended Parents of a child born through surrogacy, and the surrogate giving birth have rights to leave, which will depend on an individual's circumstances.

Further information can be found in the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **7. New Parent Support (Paternity) provisions**

This refers to a period of leave granted to an employee to enable them to support their partner following the birth of a child or, in the case of adoption, to support the parent who is taking adoption leave. Further information is set out in the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **8. Shared Parental Leave**

Shared Parental Leave (SPL) allows parents to share statutory leave and pay following the birth or adoption of a child. It enables parents to share 50 weeks of their 52 weeks maternity or adoption leave and 37 weeks of their 39 weeks statutory maternity or adoption pay with their partner. It is not necessary for both parents to be employed by Public Health Wales, but both parents have to meet the [eligibility criteria](#) in order to share leave in this way.

Further information is set out the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **9. Parental Leave**

This entitlement is not the same as *Shared* Parental Leave. Any employee of at least 1 year's continuous service with the organisation is entitled to take up to 4 weeks' unpaid parental leave in any one year (to a maximum total of 18 weeks); this leave is not connected to birth, adoption or surrogacy, and can be taken at any time by the parent of a child under 18. Further information is available in the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **10. In Vitro Fertilisation (IVF) and other fertility treatments**

Public Health Wales recognises that infertility can cause considerable distress and, as a provider of healthcare services, is sympathetic to staff who decide to undertake fertility treatment. Limited special leave will be provided for this purpose to employees with a minimum of 1 year's continuous service with Public Health Wales, where the request is supported by documentary evidence from the employee's GP or consultant/specialist. Further information can be found in the Family Leave Procedure, and there is further advice and guidance for employees and managers in the [Family Leave Pack on the staff intranet](#).

## **11. Training and awareness raising**

All staff will be made aware of this policy upon commencement with Public Health Wales. Copies can also be viewed on the Public Health Wales internet site or obtained via the People and OD Team, [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk).

In the event that individuals need to use this policy, advice and guidance can be sought from [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk)

## **12. Monitoring and auditing**

The policy lead will monitor and audit this policy as outlined in the EqHIA to ensure it is compliant with current legislation, and that it is implemented and adhered to.

## **13. Review and feedback**

The policy and will be reviewed every three years or whenever a relevant change in legislation occurs.

We are continually looking to improve our employment practices and welcome any feedback you may have in relation to this policy.

Feedback can be provided by emailing, [PeopleSupport.PHW@wales.nhs.uk](mailto:PeopleSupport.PHW@wales.nhs.uk)

## **14. Equality and Welsh language monitoring**

This policy and supporting procedures are inclusive of all staff regardless of age, disability, gender identity, marriage or civil



partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. This policy will be available in both Welsh and English.

## **15. Information governance statement**

All documents generated under this procedure are official records of Public Health Wales and will be managed and stored and utilised in accordance with the Public Health Wales' Guidance on Record Retention and Destruction.

This policy has the potential to deal with extremely sensitive information and Public Health Wales staff involved need to be fully aware of the material they are handling.