GIG CYMRU NHS WALES | Iechyd Cyhoeddus Cymru Public Health Wales	**Reference Number:** PHW 45 **Version Number:** 3 **Date of next review:**

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 colleagues 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 employees 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:

- Pregnancy loss Support Policy (All Wales)
- 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)
- Being Our Best
- Records Management Policy

Scope

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 colleagues planning In Vitro Fertilisation (IVF) treatment.

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.

Equality and Health Impact Assessment	An Equality, Welsh Language and Health Impact Assessment has been completed and can be viewed on the policy webpages.
Approved by	People and Organisational Development Committee
Approval Date	
Review Date	
Date of Publication:	
Group with authority to approve supporting procedures	People and Organisational Development Committee
Accountable Executive Director/Director	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 Board Business Unit

Summary of reviews/amendments				
Version number	**Date of Review**	**Date of Approval**	**Date published**	**Summary of Amendments**
	October 2025			Minor changes and amendments added to policy.

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				Added section on Neonatal Care Leave.
	August - December 2022	15 March 2023	05 April 2023	Policy renamed to Family Leave Policy. Contents revised and updated throughout to reflect updated terminology. Added reference to further advice for employees and managers on the Family Leave pages of the staff intranet, Family Leave (sharepoint.com) Updated information provided in relation to surrogacy. Updated New Parent Support (Paternity) provisions. Added a section on review and feedback.
	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 (Curtailment of

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				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 employees 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.
At Public Health Wales, we show compassion, respect, and support for one another, enabling everyone to be themselves. These principles are at the heart of our Being Our Best framework, which brings our values to life through everyday experiences, and should be applied throughout this policy.

2. Legislative and national initiatives

Pregnancy and maternity are 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 (Curtailment of Statutory Rights to Leave) Regulations (2014)
- Shared Parental Leave Regulations (2014)
- The Children and Families Act (2014)
- Neonatal Care Leave & Pay Act (2023)

3. Roles and responsibilities

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

In addition, Managers are expected to apply this policy in a way that reflects our organisational values and behaviours; with empathy, fairness and consistency, creating psychologically safe environments, supporting open and respectful conversations that ensure colleagues feel supported and informed, in line with the expectations set out in our people strategy.

4. Maternity provisions

All employees having a baby, or babies, have the right to take 52 weeks of maternity leave, regardless of length of NHS service. The amount of maternity pay for which they will qualify will, however, differ. If a stillbirth occurs from 24 weeks of gestation onwards, maternity provisions are available. For pregnancy loss before 24 weeks, support will be provided under the All Wales Pregnancy Loss Support Policy.

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.

The Neonatal Care Act 2023 introduced the right of up to 12 weeks of additional leave and pay depending how much time the baby is in neonatal care. Refer to section 10 of the Family Leave Procedure for further information.

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 committed to supporting 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, children 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/children or, in the case of adoption/surrogacy, 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.

Neonatal Care Leave provision is available for non-birthing partners, refer to section 10 of the Family Leave Procedure.

In the event of a miscarriage, provision is available for the non-pregnant partner, see the Pregnancy loss Support Policy.

8. Shared Parental Leave

Shared Parental Leave (SPL) allows parents to share statutory leave and pay following the birth, adoption or surrogacy of a child, or children. 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 with 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. Neonatal Care Leave

Under the Neonatal Care (Leave and Pay) Act 2023, parents of babies receiving neonatal care are entitled to Neonatal Care Pay and Leave. Eligible parents can take one week of leave for every 7 consecutive days their baby is in neonatal care, up to a maximum of 12 weeks

iThe neonatal care leave may be taken when the baby is no longer receiving neonatal care, for example at the end of maternity leave. Neonatal care could include:

- medical care received in a hospital
- care given to the baby after leaving hospital, under the direction of a consultant
- palliative or end-of-life care
- care or monitoring under the direction of a consultant but away from the hospital

Further information is available in the Family Leave Procedure.

11. 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 committed to support colleagues who decide to undertake fertility treatment. Special leave may be applicable in these circumstances 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, Special Leave Policy and there is further advice and guidance for employees and managers in the Family Leave Pack on the staff intranet.

12. 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.

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

Trade Unions are also available to support their members through these processes.

13. 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. Monitoring should include consideration of how the policy is experienced by staff to ensure it is applied in a way that supports wellbeing and inclusion.

14. Review and feedback

The policy 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

15. 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. Managers should be aware of the diverse needs of staff and apply this policy to reflect commitment to inclusive leadership and equitable access to support.

16. 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.
All personal information should be processed in accordance with the IG policy and procedures.
phw.nhs.wales/about-us/policies-and-procedures/policies-and-procedures-documents/information-governance-information-management-and-technology-policies/information-governance-policy/

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