Overview

NHS Employers is the employers’ organisation for the NHS in England. We help employers to develop a sustainable workforce, improve staff experience and be the best employers they can be.

Our response to the consultation on proposals to support families is based on collective views, feedback and suggestions received from employers in the NHS following a consultation published on 23 September 2019.

Background

As part of the Good Work Plan: Proposals to support families consultation, NHS Employers undertook its own survey to gather the views of employers in the NHS.

The NHS Employers survey focused on the same three areas:

1. Parental leave and pay
   The consultation sought views on the options available to help balance the gender division of parental leave and the options for reforming parental leave and pay, specifically in relation to benefits and associated costs.

2. Neonatal leave and pay
   The consultation sought employer views on government proposals for a new paid leave entitlement for parents of babies who require neonatal care.

3. Transparency of employer work-life balance policies

Employers were asked for their views on new measures to promote transparency of the employer offer on flexible working and family related leave and pay.
Consultation findings

Parental leave and pay

We sought views on a range of proposed changes to parental leave, including the extension to statutory paternity leave and pay and choice over when periods of paternity leave could be taken.

Many substantive NHS employees in England benefit from occupational new parent support leave (paternity leave), as outlined in section 15 (England & Wales), where 12 months continuous NHS service can be demonstrated prior to leave being taken. Where employees are eligible, statutory paternity pay forms part of their total occupational paternity pay. Where 12 months continuous service cannot be demonstrated, eligible staff rely on statutory pay.

- Most respondents support an extension to statutory paternity leave and an increase in the rate of statutory paternity pay.
- Many expressed the need to be more inclusive and delivering this objective would help achieve a fairer, more equitable system which supports modern families.

Extending statutory paternity leave and increasing the level of statutory pay would promote fathers and partners to take a more active role in their child’s care who may otherwise have been prevented by the limited amount of leave and pay. The proposed changes could have a positive effect by supporting a reduction to the gender pay gap, and helping women move towards becoming an equal carer and moving away from being known as the primary carer.

- An overwhelming response of over 93 per cent agreed or strongly agreed that families should be provided with choice and flexibility over when paternity leave is taken.

The assumption that families needed or wanted to take leave immediately after the birth of the child does not support or enable families to appropriately manage their work-life balance and take leave at a time most convenient to their needs. Respondents felt that employees should be able to make choices over situations such as these when financial circumstances are likely to impact upon their personal life.

- Employers were supportive of full flexibility to help support retention within the NHS and individual career progression.

Organisations could also benefit from a relaxation of these rules, for example, this may contribute to increased staff retention and engagement in their work since it may allow staff to manage their workloads and better balance their work-life commitments. Being able to take leave in single days rather than blocks of weeks was one suggestion to address flexibility needs.

We asked for views on the existing statutory shared parental leave scheme and whether access should remain dependent on the mother or the primary adopter. Unsurprisingly, most respondents had had limited exposure to shared parental leave and therefore its success is hard to measure. This could be as a result of its complexity in terms of administration and application. Employers would welcome a simplification of both aspects. Most respondents (69 per cent) did, however, agree that mothers or primary adopters should continue to be the gatekeeper of shared parental leave.

Looking forwards, over 81 per cent of respondents wanted to see a move towards a single set of family leave entitlements. It was felt that consolidation of entitlements in to one policy would be clearer and more equitable for staff and employers and would help to reduce the administrative
burden faced by organisations. Having one set of leave entitlements should be easier to navigate for both staff and employers. This, therefore, would support staff to understand their leave entitlements and by default help increase take up.

Views were sought on what aspect(s) should be considered the most important to consider if a new model for parental leave was introduced. Flexibility was highlighted as the single most important aspect, particularly over when leave can be taken. This was to ensure the modern working family has control over how they lead their family life, and not having decisions imposed upon them.

**Neonatal leave and pay**

At present, parents of babies admitted to neonatal care, regardless of the length of admission, are expected to take leave (and pay where applicable) from existing family leave entitlements. Namely, this applies to maternity, adoption and paternity leave.

- Over 80 per cent of respondents agreed that parents of babies who are admitted to neonatal care for a minimum of two weeks should be eligible for additional leave and pay.
- Over 75 per cent of respondents agreed with the government’s proposal to introduce neonatal leave and pay as a day one right.

Many sighted the need to demonstrate compassion as an employer of choice and saw this as another opportunity to do this. Others sighted implementing this as an opportunity to support recruitment and retention in a climate where the NHS continues to grapple with over 100,000 vacancies.

Views were sought on the government’s proposals to mirror the qualifying period for statutory neonatal pay in line with statutory paternity and shared parental pay. Mixed responses were received, but overall 40 per cent agreed that the qualifying period should align. It is hoped that only a small number of staff would need to access neonatal leave and pay, and therefore mirroring the qualifying period would be the correct approach as a compassionate, employer of choice. This approach would ensure consistency with other statutory benefits. However, other respondents were uncertain about the eligibility criteria and some suggested making statutory neonatal pay a right from day one.

There were mixed views on capping the number of weeks of neonatal leave. Whilst there was no broad consensus, some felt that this should reflect of the length of time the baby is in neonatal care on a case by case basis (no cap applied), while others referenced evidence-based statistics on the average number of weeks babies spend in neonatal care. Other respondents indicated a preference for a limit to 12 weeks, but the option to limit leave to two weeks received the lowest number of responses.

**Transparency of flexible working and family-related leave and pay policies**

The survey sought views on the proposal for large employers (those with 250 or more employees) to publish their family related policies on their website. Over 80 per cent agreed with this proposal. We believe this strong response rate may be attributable to a need to increase recruitment and retention particularly through increasing awareness of available family benefits to potential staff.

Views were also sought on whether organisations should be required to state whether flexible working is available on all job adverts. More than 85 per cent of respondents either strongly agreed or agreed with this proposal. Respondents felt its introduction would lead employers to think more creatively about flexibility and the working week whilst others identified that this should be
introduced simply as good practice. Employers were also clear that promoting flexibility would benefit staff’s work-life balance and therefore a return on investment would be noted by employers.

Employers did raise caution to trying to adopt an approach which requires all jobs to be advertised as flexible, as there will be occasions when the request cannot be accommodated. A potential way to manage this would be to include a statement on adverts indicating a willingness to discuss options around flexible working. Using a statement like this helps facilitate a conversation.

Employers are aware that more work needs to be done to help some recruiting managers think differently about flexible working so that everyone feels able, and empowered, to make assessments and decisions based on the individual ask and the work context.

NHS Employers has produced a flexible working guide which discusses the importance of predictability as well as flexibility, and shares ideas to support the increase of flexible working approaches in the NHS workforce.

Conclusions and recommendations

Employers in the NHS strongly support flexibility across all leave types. This supports the shift to modern working families and the need to promote equality between parents; moving away from the stereotypical assumptions that females will always be the primary carer. Increasing and promoting flexibility will allow families to take leave at the most appropriate time for them. This may not necessarily be at the time of the birth.

To demonstrate inclusivity and ensure fathers and secondary carers can take an active role in their child’s upbringing, whilst supporting their wider family network, an extension to paternity leave and an increase to paternity pay was strongly supported.

To promote awareness of the different leave benefits and ensure ease of access, there was a strong preference to move to a single-family set of leave entitlements.

Employers advocated the introduction of a new leave type for parents of babies who receive neonatal care for a minimum of two weeks. Based on our findings, we would recommend further research be undertaken on what would be considered an appropriate cap to the length of leave available, or whether it is appropriate to implement a cap at all. This should be balanced against the number of individuals expected to access this leave type.

In terms of transparency, employers were supportive of publishing their family related and flexible working policies on their website. Similarly, there was overwhelming support to introduce a requirement for all job adverts to identify whether flexible working is available. This would help promote the employer of choice model across the NHS and support recruitment and retention. However, its introduction needs to be meaningful so as not to mislead prospective applicants and we have suggested using wording which we feel would be helpful to facilitate a conversation between applicant and employer.

The NHS provides a lot of flexible working opportunities, like many other industries, but recognises that it needs to go further. The focus in the national NHS People Plan on flexible working provides a helpful opportunity to focus on this area of employment practice.
NHS Employers has a stream of work to share what has worked well in some organisations to help deliver changes on a greater scale.

We would be happy to discuss any of our work with you in more detail as you develop the government response to the consultation.

**Further information**

For more information about the work in this report, please contact the Employment Relations team at NHS Employers.

**Email:** EmploymentRelationsSupport@nhsemployers.org

**Phone:** 0113 306 3000

---

**NHS Employers**

NHS Employers is the employers’ organisation for the NHS in England. We help employers to develop a sustainable workforce, improve staff experience and be the best employers they can be.

Our practical resources and expert insights help make sense of current and emerging healthcare issues, to keep employers up to date with the latest thinking and ensure they are informed and equipped to support the NHS workforce.

We generate opportunities to network and share knowledge and we actively seek the views of workforce leaders to make sure their voice is front and centre of health policy and practice.

We also lead the national collective relationships with trade unions on behalf of the NHS and the Secretary of State for Health and Social Care.