

Date 31/12/2025  
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Dear

## FREEDOM OF INFORMATION – POLICIES

I write in response to your request for information in relation to staff policies and paternity leave.

Question:

1. Your parental leave policies, including paternity leave and pay and maternity leave and pay. If you have different policies for medical and non-medical staff, please include all different policies.

Answer:

Please find enclosed.

Question:

2. In the last three years for which you have data, how many staff members were eligible for paternity leave?

Answer:

We are not able to centrally identify how many members of staff are eligible for New Parent Support Leave however the policy applies to all NHS Scotland employees who meet the standard eligibility criteria, regardless of role or department.

Question:

3. In the last three years for which you have data, how many staff members took paternity leave, and for how many weeks on average?

Answer:

Between 1st April 2022 to 30th November 2025, 543 employees took New Parent Support Leave. In line with policy, all eligible staff are entitled to two weeks new parent support leave.

Question:

4. In the last three years for which you have data, what was the average salary for staff who were eligible for paternity leave? (If it is not possible to provide this, please provide the average salary for all the trust's staff instead)

Headquarters  
Mainpoint  
102 West Port  
Edinburgh EH3 9DN

Chair Professor John Connaghan CBE  
Chief Executive Professor Caroline Hiscox  
*Lothian NHS Board is the common  
name of Lothian Health Board*

Answer:

As of current pay rates, the average salary for staff who were eligible for New Parent Support leave between 1st April 2022 and 30th November 2025 was £48,837.

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal). If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhsllothian.scot/FOI/Pages/default.aspx>

Yours sincerely

**ALISON MACDONALD**  
**Executive Director, Nursing**  
Cc: Chief Executive



**Workforce**

## **New Parent Support Policy**

# Aim

The New Parent Support Policy aims to:

- Outline the procedure that eligible employees must use to request new parent support leave, also known as paternity leave.
- Provide details about employees' statutory and contractual rights to new parent support pay, also known as paternity pay.

# Scope

The New Parent Support Policy applies to all employees who meet the eligibility criteria.

This policy complies with current legislation and meets the aims of the [Public Sector Equality Duty](#) of the [Equality Act 2010](#).

# Definitions

For the purposes of new parent support leave, a **child** is a person who is under the age of 18 when they are placed with the adopter for adoption.

The **due date** is the estimated date of childbirth.

**Expected week of childbirth (EWC)** is the week, starting on a Sunday, in which the doctor or midwife expects the individual to give birth.

The **intended parent** or **intended parents** are employees who intend to have a child via adoption or surrogacy.

**Occupational Paternity Pay (OPP)** is a payment the NHS provides to support employees in taking new parent support leave.

A **parental order** is an order from a court confirming the parental agreement of a child.

A **partner**, whether opposite or same sex, is a person living with the mother or birth parent in an enduring family relationship. They cannot be an immediate relative of the mother or birth parent.

**Paternity leave** is the statutory name for new parent support leave.

**Statutory Paternity Pay (SPP)** is a payment provided by the government to support employees in taking new parent support leave.

# Roles and responsibilities

There is a range of standard expectations which underpin all policies. [Read more about standard roles and responsibilities](#). In addition, the following specific responsibilities apply to this policy.

## Manager

The manager should:

- Provide a prompt response, in writing, to notifications by employees of their intention to take new parent support leave, setting out their entitlement to new parent support leave and new parent support pay, where applicable.
- Accept later notification of the employee's intention to take new parent support leave than the timeframes stipulated below if there is good reason to do so.
- Be flexible to accommodate any changes to the new parent support leave start date.

The employer should advise the employee about the following policies:

- [Parental Leave Policy](#)
- [Shared Maternity and Shared Adoption Policy](#)
- [Flexible Work Location Policy](#)
- [Flexible Work Pattern Policy](#)

## Employee

The employee should:

- In the case of a birth child, notify their manager by the end of the 15th week before the due date using the [Becoming a birth parent form](#). Wherever possible, the formal request for leave should be submitted no later than 28 days before the leave commences.
- In the case of an adopted child, notify their manager no later than 7 days after the date on which they receive notification of the child being matched for adoption, using the [Becoming an adoptive or parental order parent form](#) and [Adopting a child from abroad form](#). Where the leave request is for a later period, 28 days notice should be given.

- Promptly update their manager if their new parent support leave start date needs to change.

There are specific notification requirements if an employee is [adopting from overseas](#).

## Procedure

### Antenatal support

An employee or eligible agency worker may take unpaid time off to accompany a pregnant person to an antenatal appointment. The employee must be the spouse or civil partner, partner, or nominated carer of a mother who gives birth to a child. Otherwise, they must be the biological father of the child.

Intended parents eligible to apply for a parental order are entitled to unpaid time off to accompany their surrogate.

Time off is limited to 2 antenatal appointments for each pregnancy. The time taken for each appointment cannot exceed more than 6 and a half hours, including travel and waiting time.

Employees and eligible agency workers requesting time off to accompany a pregnant person for antenatal care must provide evidence such as the certificate and appointment confirmation provided by the doctor, midwife, or health visitor.

### New parent support leave

An employee is entitled to take up to 2 weeks of new parent support leave, which does not affect their contractual rights. They must be the spouse or civil partner, partner, or nominated carer of a mother who gives birth to a child. Otherwise, they must be the biological father of the child.

New parent support leave is also available to intended parents on the birth of a child through a surrogacy arrangement.

New parent support leave is also available to employees who are adoptive parents where a child is matched or newly placed with them for adoption. Either adoptive parent may take new parent support leave while the other parent has chosen to take adoption leave.

The employee can take their new parent support leave either as a block of 2 weeks or 2 single weeks.

New parent support leave can start either from the date the child is born or from the date the child is placed for adoption. In the case of overseas adoption, the start date is when the child arrives in the UK. In all cases, the leave may start an agreed number of days afterwards.

The period of new parent support leave must end within 52 weeks of the date the child is:

- born, or the due date if the child is born early
- placed for adoption
- placed or arrives in the UK in the case of overseas adoptions

Employees are entitled to new parent support leave where a child:

- dies in the first 28 days of life
- is stillborn after 24 weeks of pregnancy
- is no longer to be placed for adoption
- is returned after being placed

Under these circumstances, employees can continue to take new parent support leave, which has already been agreed.

Employees who have not agreed new parent support leave continue to be entitled to it. Under these circumstances, the leave period is restricted to 8 weeks from the date the child:

- dies in the first 28 days of life
- is stillborn after 24 weeks of pregnancy
- is no longer to be placed for adoption
- is returned after being placed

## **New parent support pay**

Employees may be entitled to paid new parent support leave if they meet the eligibility criteria for Statutory Paternity Pay (SPP) or Occupational Paternity Pay (OPP).

Only one period of new parent support pay is available when there are multiple births, such as twins.

## Statutory Paternity Pay (SPP)

Employees may be entitled to SPP during their new parent support leave.

To qualify for SPP, an employee must have:

- Completed at least 26 weeks of continuous employment with their current NHS employer at the end of the 15th week before the EWC or the end of the week the adoption agency notifies them of a match. In the case of overseas adoptions, it is the date the child arrives in the UK or when the employee wants their pay to start.
- Average earnings above the lower earnings limit for National Insurance contributions during the 8 weeks before the end of the qualifying week.
- Followed the application procedures set out in this policy.

SPP is the lesser of the statutory weekly rate of SPP or 90% of the employee's average weekly earnings. [View UK Government statutory paternity pay and leave guidance.](#)

## Occupational Paternity Pay (OPP)

Employees granted new parent support leave will receive full pay during this period if they have at least 12 months of continuous service with an NHS employer.

Full pay will be calculated based on the average weekly earnings rules for calculating Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) entitlements. These are subject to the qualifications set out within sections 15.22 and 15.39 of the [NHS Terms and Conditions of Service Handbook](#).

The eligible employee will receive full pay, which will include any SPP receivable.

To calculate continuous service eligibility criteria, the employer should consult the relevant [NHS Terms and Conditions of Service Handbook](#).

## Financial support

Employees who do not meet SPP or OPP criteria should ask their local Jobcentre Plus office about financial support.



## Bank and agency staff

Bank staff have no entitlement to OPP. However, they may be entitled to SPP, depending on their level of earnings. The employer may review entitlement to OPP in exceptional cases, such as if the worker can demonstrate regular work patterns over an extended period. Agency staff may be entitled to SPP if they are considered an employee of their agency. This should be checked with the relevant agency.

## Application process

Employees should notify their manager by the end of the 15th week before the due date in the case of a birth child or a child born to a surrogate, or no later than 7 days after the date on which they receive notification of the child being matched for adoption, using one of the following forms:

- Becoming a birth parent
- Becoming an adoptive or parental order parent
- Adopting a child from abroad

There are specific notification requirements if an employee is adopting from overseas.

The formal request for leave should be submitted no later than 28 days before the leave commences, wherever possible.

The employer must respond in writing to the employee confirming new parent support leave and pay.

Should the employee need to change their agreed leave dates, the employee should provide as much notice as possible to their manager.

## Resolution of disagreements

Should a disagreement arise, the employee has the right to raise matters under the [Grievance Policy](#). It may be appropriate for either party to seek advice on resolving the matter from HR colleagues or a trade union representative. They should seek early resolution wherever possible.

## Related policies

The following policies are related to the New Parent Support Policy:

- [Maternity Policy](#)
- [Parental Leave Policy](#)
- [Shared Maternity and Shared Adoption Policy](#)
- [Adoption, Fostering and Kinship Policy](#)



**Workforce**

## **Maternity Policy**

# Aim

The Maternity Policy aims to:

- outline the eligibility procedure employees must use to request maternity leave
- provide details about employees' statutory and contractual rights
- confirm maternity leave and pay arrangements

# Scope

This policy applies to all employees who meet the eligibility criteria. It also applies to bank, agency, and sessional workers who meet specific eligibility criteria.

This policy complies with current legislation and meets the aims of the [Public Sector Equality Duty](#) of the [Equality Act 2010](#).

# Definitions

**Employing board** is the employer of an individual.

**Expected week of childbirth (EWC)** is the week, starting on a Sunday, in which the doctor or midwife expects the individual to give birth.

**Keeping in touch (KIT) days** help employees on maternity leave keep up to date with any changes at work or maintain their professional registration where appropriate. They also support employees in returning to the workplace after maternity leave.

**Maternity Allowance (MA)** is a payment the UK Government may make to employees who do not receive statutory maternity pay.

A **miscarriage** is when an employee has a miscarriage before the start of the 25th week of pregnancy.

**Neonatal** means newborn or the first 28 days of life.

**Occupational Maternity Pay (OMP)** is an enhanced payment to eligible employees while on maternity leave.

**Placement board** is the organisation providing a training placement to an individual who is not their employee.

A **pregnant employee** is when an employee carries a baby.

**Pre-term birth** is when an employee's baby is born before the 37th week of pregnancy.

**Qualifying week** is the 15th week before the expected week of childbirth (EWC) and determines statutory maternity pay entitlements.

**Statutory Maternity Pay (SMP)** is a payment to eligible employees when on maternity leave.

A **stillbirth** is when an employee's baby is stillborn after the end of the 24th week of pregnancy.

A **surrogate** is when an employee carries and gives birth to a baby for another person or couple.

## Roles and responsibilities

There is a range of standard expectations which underpin all policies. [Read more about standard roles and responsibilities](#). In addition, the following specific responsibilities apply to this policy.

### Manager

The manager should:

- make sure that employees, bank, and agency workers have completed an individual pregnant workers and new mothers risk assessment
- provide a prompt response to a notification of maternity leave
- plan for effective team working, including KIT days
- make sure the employee receives regular communication in departmental, organisational, and career opportunities
- action return to work considerations, such as reinstating the employee on payroll and breastfeeding

### Employee

The employee should:

- notify their manager by the 15th week before their EWC with the required evidence
- talk to their manager about their intentions for maternity leave, return to work, and KIT days as applicable
- maintain their professional registration

Employees, bank, and agency workers should also take responsibility for their health and safety at work in support of their maternity risk assessment.

## Procedure

The employee should notify their manager of their intention to take maternity leave by submitting a [Maternity leave form](#). The employee should submit the form by the end of the 15th week before the EWC. If this does not happen, they should submit the form as soon as possible.

The manager should forward the Maternity leave form and the employee's Maternity Certificate (MATB1 form) in line with local arrangements.

As soon as the employee has notified their manager that they are pregnant, an individual pregnant workers and new mothers risk assessment should be completed. It may be completed before the employee submits their Maternity leave form.

The employee will receive confirmation of the maternity leave and maternity pay arrangements in writing within 28 days of receipt of the documents.

The written confirmation will include:

- paid and unpaid leave entitlements or statutory entitlements if the employee does not qualify
- expected return date, based on 52 weeks of paid and unpaid leave entitlement
- early return date, if requested

The employee can extend maternity leave longer than originally planned, up to a maximum of 52 weeks. They should provide 28 days' notice when requesting an extension to their maternity leave.

## Maternity leave

### Maternity leave eligibility

All employees will have a right to take 52 weeks of maternity leave, whether or not they return to NHS employment, provided they comply with the notification requirements. No minimum length of service is required to be eligible for maternity leave. The employer cannot refuse

maternity leave or change the amount of leave the employee wants to take.

## **Maternity leave entitlement**

Employees must take at least 2 weeks of maternity leave immediately after their child's birth, or 4 weeks if the employee is considered a factory worker. In the NHS, examples of a factory worker include:

- laundry services
- sterile services
- mechanical maintenance

Employees can start maternity leave 11 weeks before their EWC unless the baby is born before the 11th week.

The latest maternity leave can start is the day following the birth of the baby. This also applies when a baby is born pre-term.

An employee can change the start date of their maternity leave. To do so, they should give their manager at least 28 days' notice of the new date. If this is not achievable, the employee must inform their manager of the date change as soon as possible.

If an employee is absent from work wholly or partly because of pregnancy during the last 4 weeks before their EWC, the employee's maternity leave will start from the second day of continuous absence.

Employees are not entitled to sick leave or sick pay while they are on maternity leave.

Annual leave and public holiday hours will accrue as normal during maternity leave.

To calculate maternity leave entitlement, use the [maternity leave calculator](#).

## **KIT days**

The manager and the employee should discuss and agree on voluntary arrangements for keeping in touch before maternity leave starts, including:

- making the employee aware of developments at work to support their return
- supporting employees in maintaining their professional registration

- advising the employee about developments that may affect their intended date of return

Employees can return to work for up to 10 days without bringing their maternity leave or SMP to an end. KIT days are optional but help to facilitate a smooth return to work for employees returning from maternity leave.

An employee cannot take KIT days within the first 2 weeks following childbirth. Any KIT days taken will not extend the maternity leave period.

KIT days can be consecutive or not. They can include training or other activities which enable the employee to keep in touch with the workplace. Working for part of any day will count as one KIT day from the 10-day allowance. Managers must carry out a risk assessment for any breastfeeding employee. The employer must provide breastfeeding facilities.

KIT days are paid as if the employee is at work and include any Occupational Maternity Pay (OMP) or Statutory Maternity Pay (SMP) if the employee is not eligible for OMP. The combination of OMP and SMP cannot exceed normal average weekly pay. If a KIT day is worked in the full pay period, the employee will receive a day of paid leave in lieu once they have returned to work. If a KIT day is worked on a day of leave in the half-pay period, the employee will receive a half day of paid leave in lieu once they have returned to work.

## **Maternity pay**

### **Maternity pay eligibility**

An employee must meet the following eligibility criteria to qualify for paid maternity leave. To be eligible for SMP, they must have completed at least 26 weeks of continuous employment with their employer by the end of their qualifying week. To be eligible for OMP, they must have completed 12 months of continuous service with one or more NHS employer at the beginning of the 11th week before the EWC.

### **Statutory Maternity Pay (SMP)**

SMP is a benefit for employees on maternity leave. The UK Government determines the conditions and amount, but the employer pays it as follows:



The first 6 weeks of maternity leave are paid at 90% of the employee's average weekly earnings.

If this is less, the next 33 weeks are paid at a standard SMP rate or 90% of average weekly earnings.

Normal weekly earnings are calculated based on a statutory calculation which considers earnings over the 8 weeks before the end of the qualifying week.

Employer and employee pension contributions will continue to be paid during paid periods of maternity leave. [Find out more about pension contributions](#).

The employee should contact the SPPA or other pension provider to obtain information about their personal pension situation.

SMP may start on any day of the week.

## **SMP eligibility**

To qualify for SMP, an employee must have:

- completed at least 26 weeks of continuous employment with their current NHS employer
- average earnings above the lower earnings limit for National Insurance contributions during the 8 weeks before the end of the qualifying week
- followed the application procedures set out in this policy

All eligible employees will receive SMP regardless of whether they intend to return to work after maternity leave.

## **Occupational Maternity Pay (OMP)**

OMP gives enhanced benefits to employees who intend to return to work for any NHS employer for at least 3 months after maternity leave.

Employees will receive full pay for the first 8 weeks of maternity leave. They will also get SMP or maternity allowance, including any dependents' allowances. The total receivable will not exceed full pay.

For the next 18 weeks, employees will receive half pay. They will also get SMP or maternity allowance, including any dependents' allowances. The total receivable will not exceed full pay.

For the next 13 weeks of maternity leave, employees will receive any SMP or maternity allowance entitlement, including any dependents' allowances.

To qualify for OMP, employees must have completed 12 months of continuous service with one or more NHS employer at the beginning of the 11th week before the expected week of childbirth.

The employee must also notify their employer by completing the [Maternity leave form](#). They must complete the form by the end of the 15th week before their EWC. If it is not achievable, they must complete it as soon as possible.

To calculate continuous service eligibility criteria, the employer should consult the [NHS Terms and Conditions of Service Handbook](#).

## **Unpaid leave**

In addition to a period of paid leave, eligible employees can also take a further 13 weeks of unpaid leave. It will bring their total maternity leave period to 52 weeks. In exceptional circumstances, unpaid leave may be extended by local agreement, for example, when employees have sick pre-term babies or multiple births.

By prior agreement with the employer, OMP may be paid in a different way. For example, a combination of full pay and half pay, or a fixed amount spread equally over the maternity leave period.

## **Employees not returning to NHS employment**

If an employee does not return to NHS employment for a minimum of 3 months after their maternity leave has ended, they must repay their OMP. Employers have the discretion to waive the rights to recovery where repayment of OMP would cause undue hardship or distress to the employee.

## **Maternity allowance (MA)**

Employees who do not meet SMP or OMP criteria should contact their local Jobcentre Plus office to ask about MA. It is paid directly by the UK Government.

## **Bank and agency staff**

Bank staff have no entitlement to OMP or maternity leave. However, they may be entitled to SMP, depending on their level of earnings. The employer may review entitlement to OMP in exceptional cases, such as if the worker can demonstrate regular work patterns over an extended period.

Agency staff may be entitled to maternity leave and SMP if they are considered an employee of their recruitment agency. This should be checked with the relevant agency.

Bank staff may undertake KIT days. However, there is no expectation for them to do this.

## **Returning to work**

The employee must give at least 28 days' notice if they wish to return to work before the expected return date.

Employees returning from maternity leave have the right to return to their job under their original contract. Their terms and conditions must be no less favourable than before.

## **Employees on a fixed-term or training contract**

Employees may be on a fixed-term or training contract that expires after the 11th week before their EWC. If they satisfy the eligibility criteria, their contract will be extended by such period as to allow them to be eligible to receive 52 weeks of maternity leave and OMP or SMP.

## **Rotational training contracts**

Employees such as doctors and dentists on the Scottish Medical Training Programme are employed on regional training contracts. They must notify their manager within the placement board about their intention to take maternity leave. The placement board will arrange to do a maternity risk assessment.

The placement board will also notify the employing board of the employee's intention to take maternity leave. The employing board will confirm the employee's maternity pay entitlement.

An employee on a rotational training contract should refer to the relevant [NHS Terms and Conditions of Service Handbook](#).

## **Pregnancy loss**

Employees who experience a miscarriage before the end of the 24th week of pregnancy should refer to the following policies:

- [Special Leave Policy](#)
- [Attendance Policy](#)

If an employee's baby is stillborn after the end of the 24th week of pregnancy, they will be entitled to maternity leave and pay.

## **Occupational child bereavement leave**

Employees who experience a stillbirth from the 24th week of pregnancy or a neonatal loss are eligible for paid occupational child bereavement leave. This is in addition to maternity pay and leave. Employees and managers should refer to the Special Leave Policy.

## **In Vitro Fertilisation (IVF)**

Employees attending medical appointments for IVF and fertility treatment should refer to the Special Leave Policy.

If an employee becomes pregnant as a result of any fertility treatment, then they should notify their manager as outlined in this policy.

## **Antenatal care**

Pregnant employees and eligible agency workers have the right to paid time off for antenatal care. Antenatal care may include relaxation and parentcraft classes the employee's doctor, midwife, or health visitor has advised them to attend, in addition to medical examinations.

To be eligible, agency workers must have completed their 12-week qualifying period within a single assignment. Agency workers should discuss antenatal appointments with their employing agency.

Employees and eligible agency workers who need time off for antenatal care must provide a certificate from their doctor, midwife, or health visitor. Except for the first appointment, they should also produce evidence of the appointment, where available.

Employees must give their manager advance notice of antenatal appointments. They must also try to arrange appointments outside working hours or at the start or end of the working day. However, it is recognised that this may not always be possible.

Eligibility for employees to be accompanied at antenatal appointments is provided in the [New Parent Support Policy](#).

## **Postnatal care**

Employees who have recently given birth should have paid time off for postnatal care. It may include attendance at health clinics. Employees must provide evidence of appointments if required.

The employee should give their manager advance notice of postnatal appointments. They must also try to arrange them outside working hours or at the start or end of the working day. However, it is recognised that this may not always be possible.

## **Multiple births**

Only one period of maternity pay and leave is available where there are multiple births.

## **Surrogacy**

A surrogate employee is entitled to maternity leave and pay as outlined in this policy.

When the surrogate employee notifies their manager of their pregnancy, they must follow the procedures outlined in this policy.

## **Resolution of disagreements**

Should a disagreement arise, the employee has the right to raise matters under the [Grievance Policy](#). It may be appropriate for either

party to seek advice on resolving the matter from HR colleagues or a trade union representative. They should seek early resolution wherever possible.

## **Related policies**

The following policies are related to the Maternity Policy:

- [New Parent Support Policy](#)
- [Parental Leave Policy](#)
- [Shared Maternity and Shared Adoption Policy](#)
- [Adoption, Fostering and Kinship Policy](#)
- [Special Leave Policy](#)
- [Attendance Policy](#)
- [Breastfeeding Policy](#)
- [Flexible Work Pattern Policy](#)
- [Flexible Work Location Policy](#)