

18th September 2014

Government publishes guidance on the new statutory right to time off for ant-natal appointments

The Government has published a [guide](#) for employers on the new statutory right to time off to accompany a pregnant woman to ante-natal appointments. The new right, which comes into force on 1 October 2014 is provided for in the Children and Families Act 2014, and is available to both employees and qualifying agency workers.

From 1 October 2014, an employee who has a qualifying relationship with a pregnant woman or her expected child is entitled to take unpaid time off during working hours in order that they may accompany the woman when she attends an ante-natal care appointment which is made on the advice of a registered medical practitioner, registered midwife or registered nurse. This is limited to no more than two appointments, with the maximum time off during working hours for each appointment being no more than 6.5 hours.

A 'qualifying relationship' includes being the husband or civil partner of the pregnant woman, a person of a different or the same sex living with the woman in an enduring family relationship (but not a relative), the father or parent of the expected child, or a potential applicant for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008. This latter category means that an intended parent will be able to legally take time off to support a surrogate mother prior to childbirth.

Employers can ask employees to sign a declaration stating: (a) they have a qualifying relationship with the pregnant woman or her expected child, (b) they are taking the time off to accompany the pregnant woman to an ante-natal appointment which is made on the advice of a registered medical practitioner, midwife or nurse, and (c) the date and time of the appointment. However, no evidence of the pregnancy or the ante-natal appointment needs to be provided.

There will also be new protections in place for employees who suffer a detriment or who are unfairly dismissed in relation to exercising their statutory right to time off to accompany to ante-natal appointments.

Finally, the Act provides for a new right to paid and unpaid time off work for adopters to attend meetings in advance of a child being placed with them for adoption. This right will come into force on 5 April 2015.

This newsletter is brought to you by Axis Management Systems, providers of risk management services in Employment Law and Health & Safety

www.axis-ms.co.uk

Tel 0207 993 2434