



Department
for Business
Innovation & Skills

**TIME OFF TO ACCOMPANY A
PREGNANT WOMAN TO ANTE-
NATAL APPOINTMENTS**

Employer guide

SEPTEMBER 2014

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The right for the other parent to take unpaid time off to accompany the expectant mother to ante-natal appointments

From **1 October 2014**, an expectant father or the partner (including same sex) of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. “Partner” includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.

Employees accompanying the expectant mother to her ante-natal appointments are entitled to unpaid leave for 1 or 2 appointments. The time off is capped at six and a half hours for each appointment.

The Government is aiming to achieve greater involvement of both of the child’s parents from the earliest stages of pregnancy.

An employer is not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card, as this is the property of the expectant mother attending the appointment.

However, an employer is entitled to ask the employee for a declaration stating the date and time of the appointment, that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

Frequently Asked Questions

Who can take the unpaid time off?

The leave is designed for a person who has a relationship with the pregnant woman or her unborn child. Employees and qualifying agency workers are entitled to time off to accompany an expectant mother to her ante-natal appointments if they are:

- a) the baby’s father;
- b) the expectant mother’s spouse, her civil partner, or partner (of either sex) in an enduring relationship; or
- c) intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.

Is there a qualifying requirement?

There is no qualifying period for employees. This is a “day one” right.

Qualifying agency workers are required to have been doing the same kind of job for the same hirer for at least 12 weeks.

How much time can the person accompanying the expectant mother take off?

The entitlement is to unpaid leave to attend to up to 2 appointments with the maximum time capped at 6 hours and 30 minutes per appointment.

We expect the other parent, or where different the mother's partner to take off the time that they need to attend an ante-natal appointment. A person can take the leave needed to cover travelling time, waiting time and attendance at the appointment. It is expected that no more than half a day will be needed for an ante-natal appointment, including travelling and waiting which is reflected in the statutory entitlement.

Employers, agencies and hirers are free to offer more time.

Extra time may be taken from annual leave.

Why is there a cap of 6 and a half hours?

It is expected that no more than half a day will be need for an ante-natal appointment. Six and a half hours represent half the maximum working day under the Working Time Regulations which specify that a working day can be a maximum of 13 hours.

This seems a reasonable absence from work to cover travel, waiting time and attendance at an ante-natal appointment.

Employers, agencies and hirers are free to offer more time.

Extra time can be taken from annual leave.

Who qualifies for the right if a woman's husband is not the father of the child?

Sometimes the pregnant woman's husband or partner and the father of the child will not be the same person. In such cases both the partner or husband and the father may *each* have a right to time off for up to 2 appointments.

In practice, where such circumstances arise the woman is unlikely to want both to accompany her to an ante-natal appointment. We expect very few instances where both would seek to exercise the right.

Given that the time off is unpaid and is of limited duration, it seems disproportionate to exclude such scenarios from the legislation.

What about a man who is an expectant father with 2 different women?

He can take time off to attend appointments with each pregnant partner if he is an employee or an agency worker who meets the qualifying requirements. We do not expect this to happen very often and it is in the best interests of each child for the father to establish a bond.

What evidence will have to be provided?

An employer can request an employee to provide a signed declaration stating:

- a) that the employee has a qualifying relationship with a pregnant woman or her expected child;
- b) that the employee's purpose in taking time off is to accompany a pregnant woman to an ante-natal appointment;
- c) that the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse; and
- d) the date and time of the appointment.

A hirer or work agency can request a similar declaration from an agency worker.

Does this mean a father has the right to attend ante-natal appointments?

No. This is a right to time off work to *accompany* their spouse, partner or the woman who is carrying their child to an ante-natal appointment, not a right actually to *attend* the appointment. It will always be open to the pregnant woman to refuse to have a person present.

A pregnant woman gets reasonable paid time off to attend her ante-natal appointments? Why does the father only have the right to attend two appointments?

Ante-natal care is important for the health and well-being of the pregnant woman and the unborn baby and the same considerations do not apply to a person who is not pregnant. Pregnant women normally attend around 10 ante-natal appointments. Partners, spouses and those who intend parent the child now have the right to take unpaid time off work to attend up to two ante-natal appointments. We expect these parents to want to attend scans and other tests, but they can choose how to use this entitlement and it may also be used to attend routine appointments.

Will a father need to have been with his employer for 6 months before he qualifies?

No. The right to unpaid time off to attend two ante-natal appointments will be a “day one” right for all employees and for employed agency workers.

Agency workers who are not employees of the work agency will have to satisfy a qualifying period.

Why is the government increasing the burden on employers by legislating for an expectant mother to be able to attend ante-natal appointments accompanied by the other parent of the child?

Research evidence shows that a third of fathers still do not take any time off before the birth of their child.

A right to time off to accompany the expectant mother to her ante-natal appointments will allow the other parent this opportunity where their employer would not otherwise give permission.

This is a crucial part of the Government’s strategic aim to encourage involvement of fathers with their children from the earliest possible stages. We want to encourage shared parenting from the very start.

We have minimised the cost to business by making the time off unpaid and by restricting the entitlement to 2 appointments of a maximum duration of 6 and a half hours each.

What happens if the employee or agency worker is refused time off to accompany the expectant mother to her ante-natal appointment?

Any employee or agency worker who is entitled to unpaid time off to accompany the expectant mother to an appointment and is denied this right by their employer or hirer can complain to the Employment Tribunal within a three month period. If the Tribunal upholds

the complaint it must make a declaration and order compensation calculated as twice the hourly rate of pay for each of the hours that the person would have taken off if the right had been respected.

Are there protections for fathers or a mother's partner if he or she asks the employer for time off to attend an ante-natal appointment?

Employees or agency workers who exercise or seek to exercise their statutory right to unpaid time off to accompany their spouse, partner or parent of their child to ante-natal appointments are protected in law from detriment arising from the exercise of that right. Detriment covers victimisation, being denied promotion or job opportunities, or otherwise being disadvantaged as a result of asking for, or taking, time off to accompany the expectant mother to an ante-natal appointment. If an employee is dismissed as a result of exercising or seeking to exercise these rights, the dismissal is automatically unfair.

Rights must come with remedies if they are to be effective. Only employers, hirers and work agencies who subject employees or agency workers to a detriment will be affected.

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