



Once for Scotland Workforce Policies – Phase 2

Key Changes to Existing Policy

October 2023

Title:	Once for Scotland Workforce Policies – Phase 2: Overview of Key Changes to Current Policy/Guidance
Date:	October 2023
Author:	HR Support & Advice Unit
Reviewed by:	HR Support & Advice Unit

Contents

1. Adoption, Fostering & Kinship Policy
2. Breastfeeding Policy
3. Career Break Policy
4. Flexible Working Location
5. Flexible Working Pattern
6. Maternity Policy
7. New Parent Support Policy
8. Parental Leave Policy
9. Retirement Policy
10. Shared Maternity Adoption Policy
11. Special Leave Policy

1. Adoption, Fostering & Kinship Policy

- Introduction of policy on Kinship
 - A **kinship carer** is an employee related to the child through blood, marriage, civil partnership, or a person with whom the child has a pre-existing relationship. They care for the child if the child cannot remain with their parent or parents.
 - Employees who need time off should request it under the following policies:
 - Special Leave Policy
 - Flexible Work Pattern Policy
 - Career Break Policy
- Move to be more in line with Maternity leave provisions
 - Provision of KIT days during adoption leave.
- More detailed Adoption Leave eligibility criteria
 - An employee will have the right to 52 weeks of adoption leave if they are:
 - The primary carer in an adoption arrangement made by an official adoption agency.
 - Adopting a child from overseas and the relevant UK authority has approved the adoption.
 - The parent through a surrogacy arrangement and committed to applying for a parental or adoption order.
- More defined adoption leave pay arrangements
 - Eligible employees can take 52 weeks of adoption leave whether or not they return to NHS employment.
 - Employees may be eligible for payment of OAP. If an employee is not eligible for OAP due to insufficient service, they may meet the criteria for payment of SAP.
 - Policy explicitly states eligibility criteria for adoption pay in service and earnings.

- Provisions for Pre-Adoption Leave
 - Clarified 5 working days (pro-rata) given for appointments and/or meetings related to adoption.
 - No specified time period required for notification of appointments in OfS.

2. Breastfeeding Policy

- Responsibilities of the manager & employee more clearly outlined in the new policy.
- New policy highlights that temporary redeployment is to be considered if a risk assessment indicates that this would be appropriate.
- States employee's previous risk assessment should be reviewed on their return to work after maternity leave and include a section for breastfeeding employees.
- New policy highlights right to Grievance if disagreements arise.

3. Career Break Policy

- Clarifies Career Break applies to all employees with at least 12 months' continuous service with one or more NHS employers.
- Additional potential reason for career break included – Voluntary Work.
- New policy outlines specific circumstances where alternative employment is allowed.
- The existing policy states that the minimum time period for a career break is 6 months, in OfS policy this is reduced to 3 months. Maximum of 5 years remains unchanged.

- Under OfS extensions can be agreed with appropriate notice and mutual agreement.
- OfS policy includes provision of a new 'career break application form'.
- More clear time-frames included.
 - A decision made within 2 weeks following receipt of an application.
 - They should then arrange a meeting to discuss it with the employee within 28 calendar days from the date of the application.
 - If necessary and agreed upon by all parties, the manager can extend the timing of the meeting
- Manager & employee responsibilities more explicitly outlined in OfS.
- NHSGGC Policy states employees to make themselves available to undertake a minimum of two weeks' paid employment per annum. The OFS Policy doesn't specify how long employee will be required to attend work for, however, it states they can return to work for up to 10 days without bringing their career break to an end.
- New policy confirms when career break has a length of 1+ years, local redeployment policy should be used.
- Introduction of statutory sick pay and annual leave arrangements whilst on career break.
 - OFS Policy states there may be an entitlement to statutory sick pay, but there is no entitlement to occupational sick pay during the career break.
 - OFS Policy state annual leave will accrue for any KIT days worked during a career break.

4. Flexible Working Location

- The policy applies to all employees.
 - Change in eligibility from 26 weeks service to the right to request from day 1.
 - An employee is entitled to submit 2 flexible working requests within 12 months.
- One newly included category of work location
 - **Fixed** – where roles and duties are undertaken at one or more specified locations and not at home.
- This policy restricts remote working to working within the United Kingdom.
- Managers now required to respond to requests within 7 calendar days.
- Manager now obliged to consider 2 applications in a 12-month period.
- Agreements and applications more formalised, with templates provided.
- On an annual basis the employee's flexible work location arrangements should be reviewed. For employees who have requested hybrid working or to work from home, a formal review of the agreement should take place every 2 years. An employee or manager can request a review at any point. A review should also take place where circumstances or requirements change.
- If the agreement is being ended the employee should be given 3 months' notice of the date of change to their working location.

5. Flexible Working Pattern

- An employee is entitled to submit 2 flexible working requests within 12 months.
- More options for types of flexible working than before and explanations of all potential arrangements.
- Job Share policy incorporated streamlining application / processing of requests.
- Agreements and applications more formalised, with templates provided. 'Flexible Work Pattern Agreement' replaces the successful Flexible Working request notification.
- Once a manager approves a flexible work pattern proposal, the written agreement should confirm an employee's hours and working pattern. It should also confirm if this is for a temporary period.
- A formal review of the agreement should take place every 2 years.

6. Maternity Policy

- More informative and includes more useful information for both employee and manager around entitlement and rights.
 - Explanation of key phrases used when discussing maternity leave.
 - Additional guidance on relevant weeks for miscarriage, pre-term birth and stillborn.
- Clear responsibilities of the manager.
 - Undertaking risk assessments.
 - Prompt response to and approval of maternity leave applications.
 - Plan for and encourage the use of KIT days.
 - Keeping up regular contact and facilitating the employee's return to work.

- Now included in employee's responsibilities to maintain professional registration.
 - Keeping in touch (KIT) days can be used to maintain an employee's professional registration (where appropriate).
- Minimum of 2 weeks (or 4 weeks if the employee is considered a factory worker) maternity leave introduced.
- Guidance on pregnancy related sickness added. 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.
- More detailed guidance on using KIT days to keep employees involved and maintain open communication. More information of pay arrangements for KIT days.
- Added guidance on fixed-term contracts and Doctors and Dentists in Training relating to eligibility for maternity leave and pay.
- New guidance on pregnancy loss, occupational child bereavement leave, In Vitro Fertilisation (IVF), antenatal and postnatal care appointments and surrogacy.

7. New Parent Support Policy

- Replaces the Maternity Support (Paternity) Leave Policy to become more inclusive keeping the same entitlements to leave and pay.
- More clarity surrounding who is eligible for new parent support leave.
 - The spouse or civil partner, partner, or nominated carer of a mother who gives birth to a child.
 - Biological father of the child.
 - The spouse or civil partner in a surrogacy arrangement who is one of the child's biological parents and intends to apply for a parental

order.

- New provisions for attending antenatal care appointments.

8. Parental Leave Policy

- There is now a total of 18 weeks parental leave available, still 4 weeks paid and remaining weeks (now 14) still unpaid.
- Employee's responsibilities include giving notice.
 - Employees should request leave at least 3 weeks before the start of the leave.
 - If the employee intends to take more than 4 weeks in a continuous block, they should normally give their manager 2 months' notice.
- Employee has a responsibility to keep in touch if the period of leave exceeds 4 weeks.

9. Retirement Policy

- Employees considering retirement should notify their manager at least 6 months before their planned retirement date, particularly if they wish to access phased retirement.
- Bank Staff are not eligible for Phased Retirement or Retire and Return.
- Phased Retirement - Using annual leave during a phased retirement to bring forward their last working day will not usually be allowed.
- Employees are entitled to only one period of phased retirement. Employees can take their period of phased retirement in the lead up to their retirement date. Otherwise, it can form part of their retire and return agreement, if applicable.

- Retire and Return guidance.
 - Employees can request to return full-time when applying for retire and return, although most cases will be on a part-time basis.
 - Before offering a retire and return post, a discussion should take place with the appropriate redeployment coordinator.
- Partial retirement allows employees who are members of the NHS pension scheme to claim some or all their pension without: leaving their job or having a break in service.
 - As this will require a temporary or permanent reduction in hours, an application should be made under the Flexible Work Pattern Policy.

10. Shared Maternity Adoption Policy

- The birth parent must take a minimum of 2 weeks Maternity Leave. Any Maternity Leave taken before the birth of the baby would not count towards the 2 weeks compulsory leave as this must be after the birth.
- New Parent Support Leave (Paternity Leave) must be taken before any Shared Maternity Adoption Leave or it will be lost.
- If a SPLIT 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 SPLIT 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.
- Moves more in line with maternity provisions with the extending of contracts for fixed-term and rotational training contracts.

11. Special Leave Policy

- More defined uses for Special Leave.
 - Serious illness - generally up to one working week of paid leave for each occurrence. This can be extended up to 2 weeks, either paid or unpaid.
 - Bereavement - generally up to one working week of paid leave for each occurrence. This can be extended up to 2 weeks, either paid or unpaid.
 - Domestic emergencies - generally up to one working week of paid leave. This can be extended up to 2 weeks in cases of extreme difficulty, either paid or unpaid.
 - Carer's leave - generally up to one working week of paid leave. This can be extended up to 2 weeks, either paid or unpaid.
 - Civil and public duties - generally up to one working week of paid leave. This can be extended up to 2 weeks, either paid or unpaid.
 - Specialist clinical appointments - the time required for the appointment and reasonable travel to and from the appointment.

- There may be exceptional situations where the manager considers it reasonable to offer time off for other purposes. The manager should consider the reason for the employee's leave request while ensuring fairness and consistency with other employees. A manager should not unreasonably refuse an employee's request for special leave.