

The Scottish Government
Health Workforce
Culture, Pay and Partnership Division



Scottish Government
Riaghaltas na h-Alba
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Dear Colleague

UPDATE TO THE AGENDA FOR CHANGE HANDBOOK: NEONATAL CARE (LEAVE AND PAY) ACT

1. The Neonatal Care (Leave and pay) Act received royal assent in May 2023 and will come into force on 6 April 2025. This will apply to England, Scotland and Wales. The Act will provide parents of babies who require neonatal care additional leave and pay and aims to provide parents with dedicated time to care for their newborns during a challenging period.

2. In response to this change in the law, the UK Staff Council agreed to add a paragraph covering the new provisions to Section 15 of the Agenda for Change Handbook. The Scottish Terms and Conditions Committee has agreed to make the same update to the Scottish Handbook. The changes to Section 15 are set out in the Annex to this circular for reference. The up-to-date version of the Scottish Handbook can be found at:

www.msg.scot.nhs.uk/pay/agenda-for-change.

3. The Scottish Workforce and Staff Governance Committee (SWAG) will consider the implications of the new law for the relevant NHS Scotland workforce policies and confirm any updates in due course.

Cabinet Secretary Approval

4. The provisions of this circular have been approved by Scottish Ministers under Regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (SI 1991 No 537). A copy of the formal approval is attached.

1 April 2025

Addressees

For action

Chief Executives,
Directors of Finance,
Directors of Human Resources:
NHS Boards and Special
Health Boards, NHS National
Services Scotland (Common
Services Agency) and
Healthcare Improvement
Scotland

For information

Members, Scottish Partnership
Forum
Members, Scottish Terms and
Conditions Committee
Members, Scottish Workforce
and Governance Committee

Enquiries to:

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Action

5. NHS Boards, Special Health Boards, NHS Education Scotland, NHS National Services Scotland, Scottish Government colleagues and the Scottish Workforce Advisory Group (SWAG) are asked to note this change in Agenda for Change provisions.

Enquiries

6. Employees should direct their personal enquiries to their employing NHS Board or Special Health Board.

7. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at:

<https://www.publications.scot.nhs.uk/>

Yours sincerely

A handwritten signature in black ink that reads "Jane Hamilton". The signature is written in a cursive style with a large initial 'J'.

JANE HAMILTON

Deputy Director

Health Workforce: Culture, Pay and Partnership Division



NATIONAL HEALTH SERVICE

APPROVAL OF REMUNERATION AND CONDITIONS OF SERVICE

In accordance with regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537) the remuneration and conditions of service set out in the attached Scottish Government Health Workforce Directorate circular of 1 April 2025 – PCS(AFC)2025/4 – in respect of the Neonatal Care (Leave and Pay) Act are hereby approved for the purposes of the said Regulations.

JANE HAMILTON

Deputy Director

Health Workforce: Culture, Pay and
Partnership Division

1 April 2025

Section 15: Leave and pay for new parents

[The following new paragraph has been added to this section]

15.11 Paragraph 15.118 outlines the leave and pay available for neonatal care leave.

[Previous paragraphs 15.11 to 15.116 have been renumbered 15.12 to 15.117, as appropriate, with any internal cross references updated. In addition, the following new section has been added]

Neonatal care leave and pay

15.118 All NHS employers must ensure local policies incorporate the statutory neonatal care Act 2023 provisions. This provision provides statutory leave and pay provisions for parents whose newborns have received medical or palliative neonatal care for a period of seven days or more in the first 28 days post birth.

[The previous paragraph 15.117 covering further information is now re-numbered as paragraph 15.119]