

Employers' Secretary, Simon Pannell
Local Government House, Smith Square,
London, SW1P 3HZ
Telephone 020 7187 7335
e-mail: firequeries@local.gov.uk

Employees' Secretary, Matt Wrack
Bradley House, 68 Coombe Rd
Kingston upon Thames KT2 7AE
Telephone 020 8541 1765

NATIONAL JOINT COUNCIL FOR LOCAL AUTHORITY FIRE AND RESCUE SERVICES

**To: Chief Fire Officers
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of HR (Fire Authorities)**

Members of the National Joint Council

30 September 2014

CIRCULAR NJC/05/14

Dear Sir/Madam

TIME OFF TO ACCOMPANY TO ANTE-NATAL APPOINTMENTS

1. The information below provides authorities with a number of amendments to the Scheme of Conditions of Service (Grey Book) arising from legislative change.
2. The Employment Rights Act 1996 (ERA) has been amended by the Children and Families Act 2014 to introduce a right to time off to accompany someone to an ante-natal appointment. The Act suggests that an employer should require a declaration from employees who wish to do so. The right will apply from **1 October 2014**. The required amendments to Section 4, part D, of the Scheme of Conditions of Service (Grey Book) are shown below.

3. Inclusion of a new paragraph 13:

13. Where an employee has a qualifying relationship with the pregnant woman, or the expected child, he/she is entitled to unpaid time off of up to six and a half hours on no more than two occasions to accompany the pregnant woman to an ante-natal appointment. The fire and rescue authority may request a signed declaration from the employee to verify the application. This provision applies to:

- (i) the husband or civil partner of the pregnant woman;
- (ii) the partner, including same sex partners, who live with the woman;
- (iii) the father of the expected child;

- (iv) a parent of the expected child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (HFEA) (same sex partner treated as parent in case of assisted reproduction); or
 - (v) a potential applicant for a parental order under section 54 of HFEA in respect of the expected child (surrogacy cases).
4. The pre-existing paragraph 13 has been renumbered as paragraph 14 and amended as follows:
- 1314.** Fire and rescue authorities may wish to give sympathetic consideration, subject to the exigencies of the service, to reasonable time off for partners to attend ~~ante-natal~~ relaxation and parentcraft classes.
5. Subsequent paragraph numbers (15 to 41) in Section 4, part D, have all increased by one as a consequence of inclusion of the new paragraph 13.
6. Further to paragraph 3 above, fire authorities will wish to notify all personnel of these changes and to modify existing guidance and/or procedures so that the process is clear to employees, including that of provision of a declaration which may be required and is referred to in the new paragraph 13. This will additionally ensure that any application can be processed speedily. In accordance with the legislation that declaration must include the following information:
- that the employee has a qualifying relationship with a pregnant woman or her expected child;
 - the purpose of taking time off is to accompany a woman to an ante-natal appointment;
 - the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse; and
 - the date and time of the appointment.
7. Further amendments to Section 4, part D, of the Scheme of Conditions of Service (Grey Book) will be required to comply with legislation from 2015 and a circular on these amendments will follow shortly.

Yours faithfully

SIMON PANNELL
MATT WRACK
Joint Secretaries