



ActifHR

Where people matter..

February 2025 Update

Welcome to this month's update - where we discuss the latest guidance and legislation.

In this Edition we report on:

- Neonatal Care
- Parental Leave and Paternity Leave
- Unfair dismissal – incomplete CV

Neonatal Care

The Department for Business and Trade have confirmed that a day one right to neonatal leave for working families with babies in neonatal care will be introduced from 6th April this year. This is contained in the passing of the Neonatal Care (Leave and Pay) Act in 2023.

Neonatal Care Leave will apply to parents of babies who are admitted into neonatal care up to 28 days old and who have a continuous stay in hospital of 7 full days or longer. These measures will allow eligible parents to take up to 12 weeks of leave on top of any other leave they may be entitled to, including maternity and paternity leave. Alongside the leave entitlement, Statutory Neonatal Care Pay will be available to those who meet continuity of service requirements and a minimum earnings threshold.

The government has laid regulations to implement the change which, subject to Parliamentary approval, will take effect from 6th April 2025.

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Employers: makes sure you update your Company policies

Contact us: we can assist with employment contracts and handbooks.

Parental Leave and Paternity Leave

As part of the raft of new legislation, parental leave is set to become a "day one right". This means that employees will be eligible to take parental leave from the very first day of their employment, thus eliminating any required period of service beforehand.

Currently employees are required to have been employed for more than 12 months to qualify for this right.

This change is expected to promote greater work-life balance and support employed parents by providing immediate access to parental leave. However, parental leave is still unpaid.

In addition, currently an employee must have been continuously employed for at least 26 weeks up to any day in the 'qualifying week' of childbirth to be eligible for paternity leave and pay. It is proposed paternity leave also becomes a "day one right".

This and other changes are set out in the new Employment Rights Bill which aims to significantly change family-friendly policies by making both paternity and parental leave accessible from day one.

Employers: make sure you are aware of these new changes.

Contact us: we can assist with review of contracts and company handbooks.

Unfair dismissal – incomplete CV

In a recent case of *Easton v Secretary of State for the Home Department (Border Force)*, Mr Easton applied for a job with the Home Department. The application form included a text box for 'Employment History', where he listed only years of employment.

Mr Easton therefore concealed a three-month gap after he had been dismissed for gross misconduct from another Home Office role. He did not mention the dismissal or the gap on his CV during his interview.

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After he was hired, the Border Force discovered his previous dismissal and lack of disclosure. As a result, they dismissed him for gross misconduct.

The employment tribunal found that the dismissal was fair. The employer had reasonably concluded, after investigation, that Mr Easton had deliberately failed to disclose his previous dismissal and unemployment period.

Mr Easton appealed. The Employment Appeal Tribunal dismissed his appeal, finding that the tribunal had adequately addressed the question of whether the employer had been entitled to conclude that a reasonable applicant would understand that an 'Employment History' section required a full and transparent account. Therefore, an applicant should disclose gaps in their employment history.

Employers: with employment rights soon to become a day one right employers need to be as thorough as possible in the recruitment process.

Contact us: we can assist with recruitment, interviews and induction



Caroline has a wealth of experience supporting business clients with practical hands on HR and Employment Law advice. Caroline's pragmatic approach helps businesses of all sizes deal with complex HR situations. She qualified as a Solicitor in 1999 and now acts as a specialist Human Resource / employment Law Consultant to business.

Caroline Robertson, Director



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