

FULL COUNCIL REPORT

Date Written	30 March 2015
Report Author	Lisa Jones
Service Area	Human resources
Exempt/Non Exempt	Non Exempt
Committee Date	22 nd April 2015

To: Mayor, Ladies and Gentlemen

SHARED PARENTAL LEAVE SCHEME

PURPOSE OF THE REPORT:

To seek approval from Council for the Shared Parental Leave Scheme to be implemented with immediate effect.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 On the 1st December 2014 legislation came into force that gave effect to the new shared parental leave legislation. This applies to all employees whose babies are due (or employees will adopt) on or after the 5th April 2015.
- 1.2 This replaces the previous system where the rights were with the mother only, and replaces the additional statutory paternity leave.
- 1.3 This new law allows the mother of the baby to convert part of her statutory maternity leave and statutory maternity pay entitlement into shared parental leave and pay. This also applies to adoption. This takes effect from the 5th April 2015.

2.0 KEY PRINCIPLES WITHIN THE NEW SCHEME

- 2.1 The mother / main parent must take the first two weeks of the leave themselves before they can consider sharing.

- 2.2 The current eligibility criteria remains, which is that continuous service has to have been for at least 26 weeks by the 15th week before the baby is born / adoption takes place.
- 2.3 There is an average weekly earnings test that also must be satisfied.
- 2.4 The leave must be full weeks, with a maximum of three separate blocks of leave.
- 2.5 The leave can be taken by both parents at the same time, as long as the total amount between them does not exceed the 52 weeks.
- 2.6 Both parents need to agree who will take which element, and how it will be shared.
- 2.7 The leave must be taken before the child's first birthday / first anniversary of the child being adopted.
- 2.8 A maximum of 39 weeks is payable, which may be reduced depending on any time taken by the mother or main adopter.

3.0 PROCEDURAL APPLICATION

- 3.1 The procedural application of this is not simple. It is more difficult when one parent works for a different organisation, making the evidence trail harder to manage.
- 3.2 A notice of entitlement must be sent in by the employee at least 8 weeks prior to the leave being taken. Both parents need to sign the form.
- 3.3 The employer is entitled to request further information on the other parent's employer to obtain relevant information.
- 3.4 Further evidence of a birth certificate / adoption certificate can also be requested.
- 3.5 Adjustments of the entitlement can become complicated and will need to be closely monitored so the correct payment is made.

4.0 FINANCIAL IMPLICATION(S)

- 4.1 There are no additional financial implications above the statutory and occupational payments made. However, previously the father / second parent or adopter would not have been eligible for more than 2 weeks of parental leave at no more than 90%. The new regulations allow for more time to be taken, increasing the time off and payments to these employees.

5.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

5.1 A Single Integrated Plan and Sustainability Impact Assessment has been completed and there are no negative aspects as this creates a more equal balance of opportunity. This scheme has a positive impact on equality.

6.0 EQUALITY IMPACT ASSESSMENT

6.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. The form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

6.2 The positive impacts are that both genders have equal treatment and more flexibility to care for new babies.

7.0 RECOMMENDATION(S) that

7.1 The Shared Parental Leave Scheme be approved with immediate effect.

GARETH CHAPMAN
CHIEF EXECUTIVE

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Shared Parental Leave Policy 2015		

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.