

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

ITEM FOR STAFFING COMMITTEE

21 March 2016

1. SHARED PARENTAL LEAVE POLICY AND PROCEDURE

Submitted by: Executive Management Team

Portfolio: Policy, People and Partnerships

Purpose of the Report

To obtain the Committee's approval to adopt the Shared Parental Leave Policy.

Recommendation

That the policy detailed at Appendix A be approved.

1. Background

- 1.1 From 5 April 2015 the UK Government implemented a new statutory entitlement for Shared Parental Leave. The right to shared parental leave applies to babies with an expected week of childbirth starting on or after 5 April 2015. The Council has been operating the statutory provisions until a policy was approved.
- 1.2 The default position remains that a mother is entitled to 52 weeks' maternity leave and 39 weeks' maternity pay, two weeks is compulsory. This leave is available to both parents which enables mothers to commit to ending their maternity leave and pay at a future date and to share the untaken balance of leave and pay as shared parental leave (SPL) with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. The balance of the maternity leave and pay period becomes available for either parent to take as shared parental leave and pay.
- 1.3 A parent will only qualify to take shared parental leave if the other parent meets basic work and the earnings criteria and the parent taking the leave meets the individual eligibility criteria (such as having 26 weeks' continuous service at the 15th week before the Expected Week of Childbirth (EWC) and remaining in the same employment).
- 1.4 An employer must have at least eight weeks' notice of any period of shared parental leave and each parent can make up to three requests for periods of shared parental leave. Whether the employer can refuse a request depends on whether the employee has asked for a continuous or discontinuous period of leave.
- 1.5 Eligible partners will still be entitled to two weeks basic paternity pay and if the eligible parents take shared parental leave then the remaining weeks of maternity pay transfers to statutory parental pay.
- 1.6 Shared parental pay is paid at either the SMP fixed rate (currently £139.58 per week) or 90% of normal weekly earnings if less. However, the Occupational maternity pay does not transfer to the partner. The total period of paid leave will not exceed 39 weeks, whichever parent takes the leave.

- 1.7 A mother who enters into Shared Parental Leave during her period of Occupational Maternity Pay will reduce her entitlement to Statutory Maternity Pay.
- 1.8 Keeping in touch days will be replaced by Shared Parental Leave in Touch Days which will see an increase from 10 days to 20 days for the employee.

2. Aims of the Policy

- 2.1 The overall aim of the proposed policy is to provide guidance to both parents to consider the best way to care for their child during the child's first year by enabling them to share the caring responsibilities by sharing the leave and pay entitlement with their partner.

3. Issues

- 3.1 At its meeting on 26 February 2016, the Employees Consultative Committee recommended that the Policy and Procedure be adopted.

4. Legal and Statutory Requirements

- 4.1 It is important that the council's policy on Shared Parental Leave reflects current best practice and ensures the council fulfils its obligations in accordance with the statutory legislation.

5. Equality Impact Assessment

- 5.1 Implementation of the policy will help to ensure the Borough Council fulfil its responsibilities as an equal opportunities employer.

6. Financial and Resource Implications

- 6.1 None

7. Major Risks

- 7.1 None identified.

8. List of Appendices

Appendix A –Shared Parental Leave Policy and Procedure

9. Earlier Committee Resolutions

Employees Consultative Committee – 26 February 2016