

EAST HERTS COUNCIL

LOCAL JOINT PANEL - 11 MARCH 2015

HUMAN RESOURCES COMMITTEE - 25 MARCH 2015

REPORT BY SECRETARY TO THE EMPLOYER'S SIDE

SHARED PARENTAL LEAVE POLICY

WARD(S) AFFECTED:      NONE

---

**Purpose/Summary of Report**

To approve the Shared Parental Leave Policy

<b><u>RECOMMENDATION FOR LOCAL JOINT PANEL:</u></b>	
<b>That:</b>	
(A)	the Shared Parental Leave Policy be recommended for approval.
<b><u>RECOMMENDATION FOR HUMAN RESOURCES COMMITTEE</u></b>	
<b>That:</b>	
(A)	The Shared Parental Leave Policy be approved.

1.0 Background

1.1 A new Policy has been created to encompass the following employment law which comes into force on 5 April 2015:

- Children and Families Act 2014
- Shared Parental Leave Regulations 2014 (SI 2014/3050)
- Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051)
- Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)
- Draft Statutory Maternity Pay and Statutory Adoption Pay (Curtailed) Regulations 2014

1.2 The drafting of a Shared Parental Leave Policy has been created with a Regional District Council working group.

## 2.0 Report

### 2.1 **Key Changes**

2.2 The Shared Parental Leave Policy has been created in line with employment law legislation which comes into effect on 5 April 2015 as stated above.

2.3 Shared Parental Leave is a period of leave available to parents with babies due on or after 5 April 2015. Shared Parental Leave 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 with their partner, or to return to work early from maternity leave and opt in to shared parental leave at a later date. Shared Parental Leave is also available to adoptive parents where the child is being placed for adoption on or after 5 April 2015.

2.4 The amount of Shared Parental Leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared Parental Leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

2.5 The notices that the parents must give to the relevant employer, to be able to take shared parental leave, are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);

- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that he or she is requesting; and
  - a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that he or she is requesting.
- 2.6 Employees are entitled to benefit from all of their contractual terms and conditions (with the exception of remuneration) during any period of shared parental leave.
- 2.7 Employees' usual remuneration is replaced by statutory shared parental pay, if they are eligible to receive it, with up to 37 weeks' statutory shared parental pay available for parents to share between them while on shared parental leave. It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.
- 2.8 The Shared Parental Leave Policy can be found at **Essential Reference Paper 'B'**.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None

Contact Officer: Emma Freeman – Head of People and Organisational Development  
01992 531635  
[Emma.Freeman@eastherts.gov.uk](mailto:Emma.Freeman@eastherts.gov.uk)

Report Author: Allyson Williams – HR Officer  
01992 531 630  
[Allyson.Williams@eastherts.gov.uk](mailto:Allyson.Williams@eastherts.gov.uk)