

NON EXEMPT

**EAST HAMPSHIRE DISTRICT COUNCIL &
HAVANT BOROUGH COUNCIL**

Joint HR Committee

21st October 2015

Shared Parental Leave Procedure
Report of: Angela Sturgess HR Advisor (HR)

FOR DECISION

**Portfolio: Governance & Logistics: Councillor Wilson (HBC) &
Deputy Leader and Property and Contracts Councillor Millard (EHDC)**

1.0 Purpose of report

- 1.1 This report provides Joint HR Committee (JHR) with an overview of the proposed Shared Parental Leave Procedure which has been drafted for use across East Hampshire District Council (EHDC) and Havant Borough Council (HBC).
- 1.2 This procedure will ensure that there is an agreed approach to shared parental leave which has been drafted to comply with statutory legislation.

2.0 Recommendation

RECOMMENDED

- 2.1 That the members of Joint HR Committee are asked to:
- a) approve the attached Shared Parental Leave Procedure for use across both Councils.

3.0 Introduction

- 3.1 In April 2015 the coalition government introduced new legislation to allow parents to share the time that they care for their children. This covered children born on or after the 5th April 2015 and applied to all parents of children including those who were adopted or born through surrogacy.

- 3.2 In summary, the new rules allow parents to share the time they have off work to care for children who are born or placed for adoption on or after the 5th April 2015. The maximum amount of time that can be shared is 12 months and this is what the new legislation calls Shared Parental Leave. To support parents financially, the new legislation affords the provision of Shared Parental Pay.
- 3.3 This paper highlights the key aspects of the new legislation and proposes the adoption of the new policy to comply with the changes in legislation.

4.0 Subject of the report

- 4.1 The attached policy at Appendix A has been developed to support staff with the process for determining eligibility and to provide an understanding of how the rules work in practice.
- 4.2 The procedure aims to ensure that all requests for Shared Parental Leave are dealt with in a reasonable manner and with sufficient information to ensure the Council can respond.
- 4.3 This procedure applies to all employees who meet the eligibility criteria.

To be eligible for Shared Parental Leave, the child's mother or the adoptive parent must be eligible for maternity leave or pay, maternity allowance or adoption leave or pay.

- 4.4 Employees who wish to take Shared Parental Leave must:
- have at least 26 weeks continuous service by the end of the 15th week before the due date (or by the date you are notified of a match for adoption),
 - still be employed by the council when they take Shared Parental Leave,
 - have (or are expected to have) parental responsibility for the child, and provide the correct notice, including a declaration that their partner meets the employment and income requirements for Shared Parental Pay.
- 4.5 Employees may be eligible for Shared Parental Pay during a period of Shared Parental Leave if:
- they qualify for Statutory Maternity Pay, or Statutory Adoption Pay, or
 - they qualify for Statutory Paternity Pay and their partner qualifies for Statutory Maternity Pay, or Statutory Adoption Pay
- 4.6 If employees are eligible for Shared Parental Leave they can take the leave together or at different times. They may request Shared Parental Leave in continuous or discontinuous periods. A continuous period would be where they take the Shared Parental Leave in a fixed block of, for example, one month. A discontinuous period would be where they ask to take the leave in shorter blocks, so for example, ask to take every other week off over a period of eight weeks.
- 4.7 The circumstances for each individual are varied and the eligibility criteria and notification requirements are complex. As such, the HR team will be trained in the practical application of this policy to ensure individual support and guidance can be offered to staff who wish to explore the procedure.

5.0 Implications

Financial

- 5.1 As an employer, you can usually reclaim 92% of employees' Statutory Maternity (SMP), Paternity, Adoption and Shared Parental Pay.

As such, there will be a cost implication of 8% for Shared Parental Pay when a partner who is an employee of the council applies for Shared Parental Leave.

Legal

- 5.2 The development of this procedure ensures each Council meets its statutory requirements.

Strategy

- 5.3 Not applicable – this is required due to new legislation.

Customer access

- 5.4 None to report.

Risks

- 5.5 None to report.

Communications/Public Relations

- 5.6 The procedure will need to be communicated to staff following consultation with UNISON. We do not anticipate any significant concerns with regards to this procedure.

East Hampshire/Havant

- 5.7 This procedure will be suitable for use across both councils.

6.0 Links to other projects

- 6.1 The development and implementation of this procedure supports the delivery of the People Plan and in particular the rolling programme of policy development for each Council.

7.0 Conclusions

- 7.1 The implementation of this procedure is necessary in order for each council to meet its statutory obligations. It will enable managers and the HR team to support staff with requests for Shared Parental Leave and Shared Parental Pay and introduce a formal process for dealing with such requests.

8.0 Recommendations

8.1 For Joint HR Committee members to approve the procedure as detailed at Appendix A.

Appendices:

Appendix A - Shared Parental Leave Procedure

Agreed and signed off by:

Executive Head for Governance and Logistics: 2.10.15

Legal Services: 5.10.15

Executive Head for Marketing and Development: 2.10.15

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