

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

29 June 2015

Report of the Director of Central Services

Delegated

1 SHARED PARENTAL LEAVE (SPL) POLICY

1.1 The Shared Parental Leave Regulations 2014 came into force from 1st December 2014 and are in relation to children whose date of birth was after 4th April 2015.

1.1.1 The attached Policy (Attachment 1) has been developed in order to inform employees of their rights and responsibilities should they choose to apply for SPL (which covers SPL as a result of Maternity and Adoption) and is supported by forms which detail the information that is required to be given to the employer (Attachment 2).

1.1.2 The majority of the policy reflects the terms of the legislation which are largely prescriptive. There are two areas of employer discretion: the first being the right to refuse a request for discontinuous leave (para.8.9); and a decision as to whether to match Shared Parental Pay (ShPP) with that of the Maternity Pay Scheme.

1.1.3 Following consideration of the sex equality issues that could arise from a difference in approach to ShPP and the examples of KCC and Medway councils, it is recommended that Members agree the policy as presented, with the wording at para.10.2 which recognises contractual pay for ShPP purposes, as does the Maternity Scheme.

1.2 Legal Implications

1.2.1 An employee has a legal right to apply for SPL and the policy ensures that the correct procedure and rights are observed.

1.3 Financial and Value for Money Considerations

1.3.1 Whilst an incidence of SPL has the potential for added cost, the Council is obliged to comply with the law and bear any additional cost.

1.4 Risk Assessment

1.4.1 It is not anticipated that there will be a great many employees who will apply for SPL, preferring the Maternity or Adoption schemes (or Paternity and Parental

Leave schemes) which are available. Those that do wish to apply for SPL however, will have the policy to guide them through the process of application.

1.5 Equality Impact Assessment

- 1.5.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people. The results of this analysis are set out immediately below.
- 1.5.2 The only identifiable impact would be in the event that contractual pay is offered for the Maternity scheme (affecting women) and not for the SPL scheme which may affect men, thereby creating the potential for sex inequality.
- 1.5.3 However, the policy as proposed does allow for Members to agree that the contractual pay element should apply to both schemes, thereby avoiding any unequal treatment.

1.6 Policy Considerations

- 1.6.1 Human Resources

1.7 Recommendations

- 1.7.1 Members are requested to agree the policy.

contact: Charlie Steel
Ext.6015

Adrian Stanfield
Central Services Director