

Briefing on new arrangements for shared parental leave and flexible working

The Government has announced that new mothers will be able to return to work two weeks after childbirth and share the rest of their maternity leave with their partner. From 2015 parents will be able to take time off together or in turns and from the summer of 2014 (originally April, but now postponed) the right to request flexible working will be extended to all employees, including those without caring responsibilities, provided they have 26 weeks of service.

Flexible working

- The right to request flexible working will be extended to all employees as long as they meet the 26-week qualifying period. The statutory procedure governing how requests are made and responded to will be replaced by a duty on employers to consider a request in a reasonable manner and a statutory Code of Practice from Acas. The draft Code was consulted on in 2013 and Acas have published their response in January 2014:
<http://www.acas.org.uk/media/pdf/q/4/Acas-response-to-consultation-for-handling-flexible-working-requests.pdf>

Paternity/partner leave and rights for fathers/partners

- There will be no extension to paternity leave. Fathers' rights remain as they are now - 2 weeks' paid at the statutory flat rate around the time of the birth provided they are employees with 26 weeks' service before the expected week of childbirth.
- There will be a new right to unpaid time off for fathers to attend up to 2 ante natal appointments.
- Provisions also apply to partners in same sex relationships

Maternity leave and flexible parental leave

- The right to 52 weeks' maternity leave and 39 weeks' pay will remain but if a woman chooses to bring her maternity leave to an end early the remainder can be converted to flexible parental leave which is open to either parent to take. The leave can be converted to flexible parental leave from any time

after the compulsory 2 weeks of maternity leave so there's a maximum of 50 weeks' flexible parental leave and 37 weeks' pay.

- Parents will be able to take flexible parental leave at the same time, which is something that cannot be done under the current system of Additional Paternity Leave where mother has to return to work before the father can take any of the leave.
- Employees, subject to their employer's agreement, will be able to take the leave in discontinuous blocks of 1 week (e.g. 1 week off, 1 week in work, 1 week off). If the employer doesn't agree to this kind of pattern of leave-taking it will default to one continuous block of leave to be started at a date decided by the employee.
- Parents will be allowed to have up to 20 days at work per parent while on shared parental leave. These days will be renamed and will be in addition to the 10 KIT (Keeping in Touch) days which will continue to be available to a woman while she is on maternity leave
- Employees who take shared parental leave will have the right to return to the same job when returning from periods of maternity/paternity/adoption/shared parental leave even if this is taken in discontinuous blocks
- Employees will be required to give eight weeks' notice to take specific periods of leave

Unpaid parental leave

- Unpaid parental leave was extended in March 2013 to 18 weeks for eligible employees to take at any time before their child's fifth birthday (or 18th birthday if the child is disabled). It will be made available to parents of all children up to the age of 18 from 2015.

Adoption rights

- Adoption rights will become a day one right (previously 26 weeks' service needed)
- The first 6 weeks of leave will be paid at 90% of earnings
- Surrogate parents will get new rights to leave and pay as once they have applied for a parental order they are to be treated as adopters and qualify for the same leave and pay rights as adoptive parents
- New right to time off to attend adoption meetings: paid time off to attend five meetings for the primary adopter and unpaid time off for the secondary adopter to attend two meetings
- Eligible adopters will also be able to take shared parental leave

Unpaid parental leave

- The unpaid parental leave that derives from the EU Parental Leave Directive will increase from 13 weeks to 18 weeks from March 2013 (the Government is required to do this because of the Revised Parental Leave Directive) and then from 2015, when other changes to leave rights come in, the upper age limit for taking the unpaid parental leave will rise from 5 years to 18 years.

Next steps

The extension to the flexible working right to request is due to come into effect in April 2014, the new shared parental leave system from will come into effect for babies due on or born after 5 April 2015.

What can UCU do next - proposed further work

Continue to campaign as part of the Families and Work Coalition:

- to develop future policy
- to work towards a Manifesto for Families and Work
- encourage flexible recruitment and job design
- to push for paid leave for fathers/partners
- monitor take-up and review in 2018
- raise awareness in branches
- guidance to be produced on flexible working requests

More information

UCU Equality & Participation Unit
Charlotte Nielsen: cnielsen@ucu.org.uk

Working Families
<http://www.workingfamilies.org.uk/>

Helpline: 0300 012 0312
Maternity Action
<http://www.maternityaction.org.uk/wp/>