

# **Cherwell District Council**

## **Personnel Committee**

**11 March 2015**

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| <b>Draft Family Friendly Policy</b> |
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### **Report of Head of Transformation**

This report is public

#### **Purpose of report**

To seek Member approval for a revised Family Friendly Policy that has been brought together in one guidance document, from a number of policies across both Councils that relate to maternity, paternity, adoption leave, time off for dependants and parental leave.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To approve the revised policy guidance documents appended to this report.

#### **2.0 Introduction**

- 2.1 The Councils are fully committed to helping working parents balance the needs of work and family life and appreciate the importance of providing greater choice for parents in how they arrange parental care during the first year of a child's life.
- 2.2 The revised policy brings together all family policies including maternity, paternity, adoption, parental leave and time off for dependants leave.
- 2.3 It also introduces shared parental leave which will apply to children born or adopted on or after 5<sup>th</sup> April 2015. This leave will give parents a greater choice as to how they share the care of their child during the first year of birth or adoption.

#### **3.0 Report Details**

- 3.1 The revised policy seek to bring together all family related policies as named in section 2.2 and incorporate the new statutory shared parental leave provisions.
- 3.2 We have moved some responsibilities from the HR team to line managers where it is in the best interests of the employee such as conducting maternity risk assessments, and the line manager has more regular contact with the employee

throughout their pregnancy and can determine if things need to be amended on a more regular basis.

- 3.3 A section has been added at the end of the policy giving useful support from other organisations and their contact numbers.
- 3.4 The individual policies have been reviewed and streamlined and any legislation updates have been incorporated including the following changes:-
  - 3.4.1 Section 5. Changes to statutory parental leave. This is a statutory right whereby eligible employees can take up to 18 weeks unpaid leave to care for their child before their 5<sup>th</sup> birthday or 5<sup>th</sup> anniversary after adoption.
  - 3.4.2 With effect from April 2015 this leave can be taken by eligible parents up to the child's 18<sup>th</sup> birthday. The leave is unpaid and can be taken in blocks of up to 4 weeks per year.
  - 3.4.3 Section 3. Changes to paternity leave. This enables fathers and partners to take up to 2 weeks leave to help assist in the care of a child following birth or adoption.
  - 3.4.4 The revised policy streamlines paternity pay across both Councils. All employees who meet the eligibility criteria are entitled to one week's ordinary paternity pay (OPP) which is paid at the employee's normal weekly rate. Employees who have completed 26 week's continuous service by the 15<sup>th</sup> week before the baby is expected are entitled to 2 week's consecutive paternity leave and pay, payable at the employee's usual rate.
- 3.5 Section 4 outlines the new Shared Parental Leave Regulations that will apply to children born on or after the 5<sup>th</sup> April 2015. The main elements of this new legislation are:-
  - 3.5.1 The mother can curtail her maternity leave and pay and share up to 50 weeks leave and 39 weeks maternity pay.
  - 3.5.2 The leave can be taken in one continuous block or in several discontinuous blocks. It can be taken by both parents at the same time or individually.
  - 3.5.3 Shared parental leave can be taken by mothers; fathers; partners; parents in surrogacy arrangements; civil partners and adopters.
  - 3.5.4 Shared paternity pay mirrors current maternity pay i.e. 9/10ths of average weekly earnings for the first 6 weeks and then the flat rate of statutory maternity pay (SMP) currently £138.18 for the remaining 33 weeks
  - 3.5.5 Each parent will need to sign a declaration confirming that they are eligible for shared parental leave.
- 3.6 Although management of family friendly arrangements is not a common occurrence when it does occur a manager and employee need to be able to find clear guidance on what they can either expect in terms of entitlement or how the process will be managed and who is responsible for what. There are a wide variety of policies at both Councils at present so it is hoped that by bringing all of the policies together into one and by having the same for both Councils this will ensure equity, clarity and consistency.

## 4.0 Conclusion and Reasons for Recommendations

- 4.1 At present each Council has a number of policies that relate to family friendly considerations, some of which were out of date due to changes in legislation and some that required a review to rationalise and to ensure the approach is the same at both Councils. This will reduce the risk of any potential challenge in terms of fair treatment and will ensure compliance with legislation, in an area that can be complicated to understand if not referred to on a regular basis.

## 5.0 Consultation

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| CDC/SNC Joint Management Team                      | Support the Proposals |
| South Northamptonshire Trade Union                 | Support the Proposals |
| Cherwell District Council Trade Union              | Support the Proposals |
| Cherwell District council staff Consultation Group | Support the Proposals |

Feedback from the consultees has been taken into consideration and is included in the draft policy.

## 6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Retain the current individual policies of each Council which would not provide a clear, consistent approach across both Councils, and would not meet the requirements of legislation.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 The recommended increase in paternity pay to 2 weeks full pay will have a financial implication of an additional week's pay for each applicant. It is expected that this can be met from existing salary budgets.

Comments checked by:

Paul Sutton, Head of Finance and Procurement, 0300 0030106  
[paul.sutton@cherwellandsouthnorthants.gov.uk](mailto:paul.sutton@cherwellandsouthnorthants.gov.uk).

## Legal Implications

7.2 The policies to a large extent reflect the statutory position and in this respect the Council therefore must adhere to them.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107  
kevin.lane@cherwellandsouthnorthants.gov.uk

## 8.0 Decision Information

### Wards Affected

N/A

### Links to Corporate Plan and Policy Framework

N/A

### Lead Councillor

None

## Document Information

| Appendix No         | Title  |
|---------------------|--|
| Appendix 1          | Draft Family Friendly Policy                                     |
| Appendix 2          | Consultation Log   |
| Background Papers   |  |
| None                |  |
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