

EMPLOYMENT MATTERS COMMITTEE

28 JANUARY 2015

INTRODUCTION OF A SHARED PARENTAL LEAVE POLICY AND GUIDELINES

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Summary

The report seeks agreement to introduce a Shared Parental Leave policy to meet the requirements of The Shared Parental Leave Regulations 2014

1. Budget and Policy Framework

- 1.1 The Policy lies within the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

2. Background

- 2.1 The Policy has been introduced to meet the statutory right for a qualifying employee of the council to share parental leave as introduced into statute in December 2014 through The Shared Parental Leave Regulations 2014.

Note: Although the legislation was introduced in December 2014, the regulations only have effect in relation to children whose expected date of birth (or date of adoption) is after 5 April 2015. The revised policy is attached at Appendix 1.

3. Advice and analysis

- 3.1 The policy will apply to all employees of Medway Council.
- 3.2 This policy does not apply to schools based staff. This is because schools do not have to adopt the Council's policies. This policy will be recommended to schools for adoption.

- 3.3 The purpose of this policy is:

- to ensure that the council meets its statutory obligations under legislation
- to make it clear for applicants and their manager as to their individual role in fulfilling the detail of the policy

4. Risk Management

- 4.1 It is important that all staff are made aware of this policy and their responsibilities within it.
- 4.2 Failing to implement the policy in a fair and consistent manner may result in successful legal challenges.
- 4.3 Failing to adhere to the policy may bring the Council into disrepute.
- 4.4 It is therefore necessary for the new policy, included at Appendix 1 to the report, to be promoted throughout the council.

5. Diversity Impact Assessment (DIA)

- 5.1 A Diversity Impact screening has been undertaken and it is considered that a full DIA is not required. This is included at Appendix 2 to the report.

6. Financial and legal implications

- 6.1 It is not envisaged that there will be any additional financial implications with the implementation of this policy.
- 6.2 Implementation of this policy enables the Council to comply with its various statutory obligations. Implementation of the policy is within the council's powers. In the application of this policy it is essential that a fair and consistent approach is to be applied to all staff in order to minimise successful legal challenges. The council must ensure that in the application of the policy due regard must be given to all relevant legislation and in particular The Shared Parental Leave Regulations 2014, The Equality Act 2010 and The Employment Rights Act 1996.

7. Recommendation

- 7.1 That the Employment Matters Committee approves the revised Annual Leave Policy and Guidelines as set out in Appendix 1 to the report.
- 7.2 That this policy is reviewed in two years time and any proposed changes are referred to this Committee.

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