



The Bigger Picture



To be eligible for shared parental leave, employees must:

- Be the mother, father, or the mother's spouse, civil partner or partner
- Have the main responsibility for the care of the child
- Have worked for the employer for 40 weeks by the date on which the child is due to be born

we need to talk about...

Shared Parental Leave

(and what it could mean for your business)

A new system of shared parental leave is due to become law in April next year. Richard White, partner and head of the employment law team at Withy King in Bath, explains why businesses must start planning now.

Have you considered how your business will cope if several male members of your team suddenly announce they want to take a significant amount of time off work to help look after their babies?

The impact of the new laws is difficult to gauge but businesses need to prepare themselves for the possibility that employed fathers may take up to 12 months off to care for their babies due after 5 April 2015 or any children adopted from this date, giving their employers as little as eight weeks' notice. This is not to be confused with additional paternity leave which is currently in place and which will be replaced by the new system of shared parental leave.

Under the new system, qualifying parents will be able to share up to 50 weeks of leave and 37 weeks of pay

following the birth of their baby or adoption of a child, in what many have described as one of the biggest shake-ups in employment law in recent years.

This is a radical change being introduced by the Government who have in the past been criticised for sending out a message that it is a mother's responsibility to look after children and the father's responsibility to bring in a salary. Many modern families want to be able to share the parenting role equally.

The new shared parental leave regulations

mean that a greater number of new mothers might go back to work a lot earlier and both parents will

be able to spend more time with their children.

While this provides families with a great deal of flexibility and will be welcomed by most, we are concerned

about the possible impact on businesses, particularly small companies which may not have the resources to deal with the loss of a key member of staff, for weeks or even months at a time.

One of the ways employers can mitigate the risks is to plan and budget now for potential scenarios.

As fathers will only be required to give eight weeks' notice of entitlement and intention to take leave, employers will need to be able to react quickly. Eight weeks is not a long time to arrange temporary cover, particularly for employees in highly specialist or skilled roles, nor to communicate changes to customers.

The other thing to consider is that parents will be able to take shared parental leave at the same time as each other, or separately.

They can take their leave in blocks of one week or more at a time. This may mean that businesses need to find frequent temporary cover which is potentially even more difficult, costly and disruptive.

Employers can expect to start getting enquiries from their staff on shared parental leave any time now. It's a good idea to draw up a policy in consultation with staff, encouraging them to give as much notice as possible of their intention to take advantage of the new rules.

We recognise that many employers will do nothing, partly because it is extremely difficult to predict the impact on their business and partly because

they may assume that the majority of mothers will continue to want to take their

full maternity leave entitlement, so little will change.

However, it's worth bearing in mind that there may be personal or financial factors involved in the decision-making process which neither employees nor employers currently foresee, so it really is worth remembering the old adage, forewarned is forearmed.

RICHARD WHITE is head of the employment law team at Withy King in Bath. He regularly advises on discrimination issues, complex redundancies, restructuring and transfers. Richard is recommended as a leader in his field in Chambers Independent Guide to the Legal Profession and is described as a 'standout lawyer' in the Legal 500 directory. For advice on shared parental leave or any other employment matter, please contact Richard on 01225 730100 or email richard.white@withyking.co.uk



THE FIRST THREE THINGS YOU SHOULD KNOW IF...

...an employee asks for shared parental leave

Your employees can take shared parental leave on relatively short notice.

Your employee will have to give a minimum of eight weeks' notice of their intention to start shared parental leave. This means you may not have much time to cover the absence of a key employee for what could be a significant period.

DO:

Educate your employees in relation to shared parental leave and encourage them to give you as much notice as possible.

DON'T:

Forget to put plans in place so you can deal with the temporary loss of a key employee at relatively short notice.

Employees will be able to request discontinuous periods of leave.

You may receive requests from employees to take a pattern of shared parental leave, for example, two months' leave, two months back at work and then two months' leave again. This could present you with major challenges.

DO:

Consult with your employees about requests for discontinuous leave to agree on alternative scenarios, if possible.

DON'T:

Reject requests for discontinuous leave out of hand.

You may receive requests for shared parental leave in the near future.

Expectant mothers and fathers may be looking to employers in the near future to understand their rights and obligations in relation to shared parental leave.

DO:

Implement a shared parental leave policy as early as possible to help staff understand how the business will deal with requests for shared parental leave. Guidance is available from Acas and via the BIS website.

DON'T:

Ignore the issue until one of your employees notifies you that they wish to take shared parental leave.