

Simplifying family leave – practical solutions for SMEs and HR practitioners

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Presented by...



MEET THE PRESENTERS AND TECHNICAL SUPPORT



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USING GOTO WEBINAR



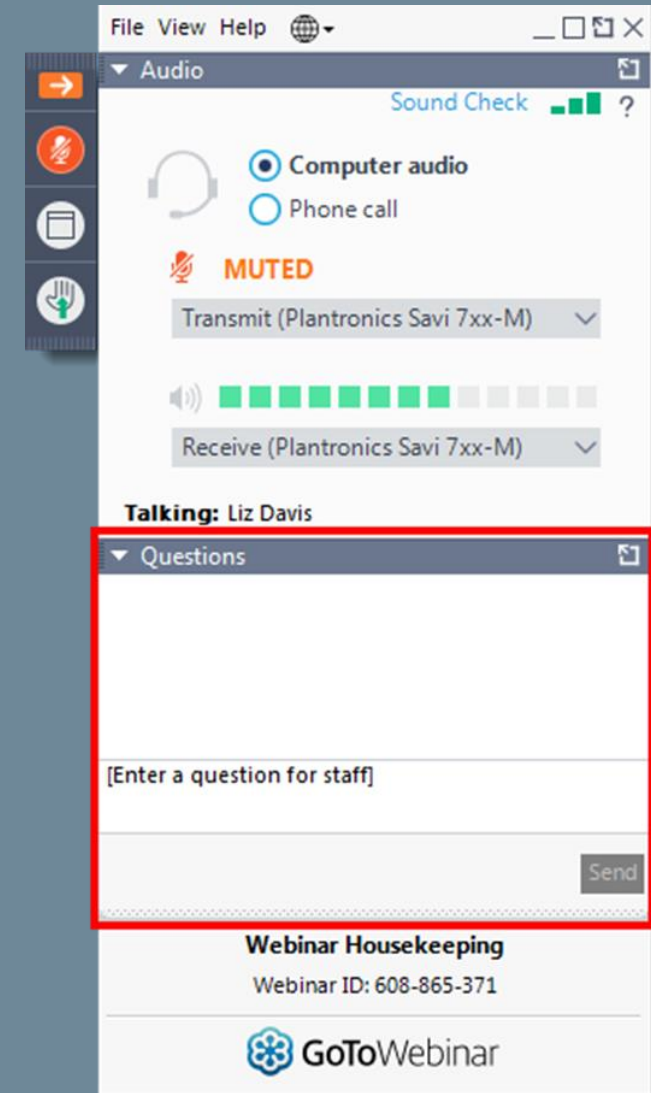
QUESTIONS...



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The screenshot displays the GoToWebinar interface. At the top, there is a menu with 'File', 'View', and 'Help'. Below this is the 'Audio' panel, which includes a 'Sound Check' indicator and three radio buttons: 'Computer audio' (selected), 'Phone call', and 'MUTED'. The 'MUTED' status is highlighted in orange. Below the radio buttons are two dropdown menus for 'Transmit (Plantronics Savi 7xx-M)' and 'Receive (Plantronics Savi 7xx-M)', each with a volume level indicator. Below the audio panel, it says 'Talking: Liz Davis'. The 'Questions' panel is highlighted with a red border and contains a text input field with the placeholder '[Enter a question for staff]' and a 'Send' button. At the bottom of the interface, it displays 'Webinar Housekeeping' with the ID '608-865-371' and the GoToWebinar logo.



POLL INCOMING...

WHAT DO YOU
THINK?

OUR AGENDA

1

Types of family leave

2

Managing family leave: what the law says, and applying the law

3

Recent and forthcoming legislation

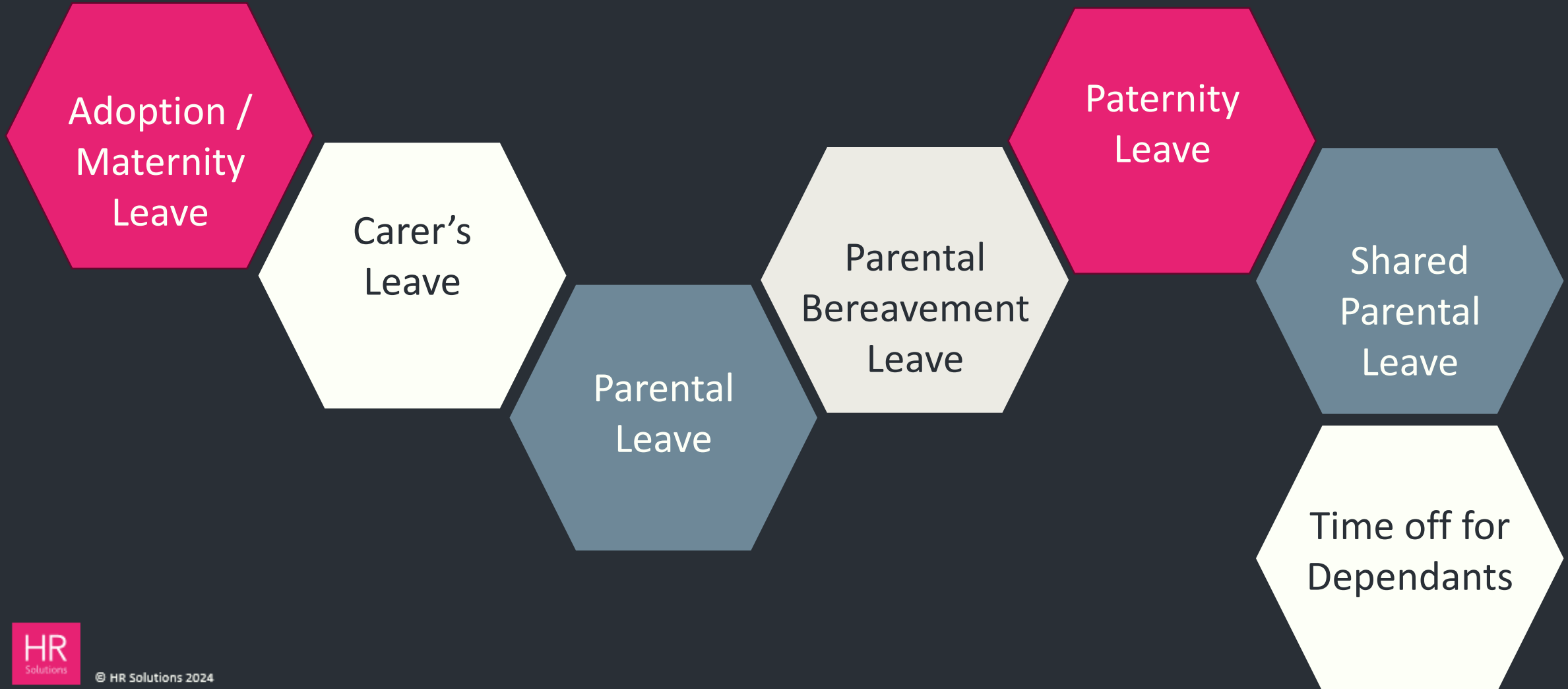
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Q & A



TYPES OF FAMILY LEAVE

TYPES OF FAMILY LEAVE





MANAGING FAMILY LEAVE: WHAT THE LAW SAYS & APPLYING THE LAW

KEY AREAS





POLL INCOMING...

WHAT DO YOU
THINK?



NOTIFICATION

NOTIFICATION

Adoption Leave

Employee:

No later than 7 days after the date in which they have been informed by the adoption agency that they have been matched for adoption.

Employer:

Within 28 days from receiving notification of the start date, the Employer must confirm in writing the date the leave will come to an end.

Carer's Leave

Employee:

Twice as many days as the number of days requested, or 3 days if the leave is longer.

Employer:

Postponement in writing within 7 days of receipt of request
New date proposed no later than one month after original requested date.

Maternity Leave

Employee:

No later than the end of the 15th week before the expected week of childbirth.

Employer:

Within 28 days from receiving notification of the start date, the Employer must confirm in writing the date the leave will come to an end.

Parental leave

Employee:

At least 21 days' notice of their intention to take parental leave.

Employer:

Postponement in writing within 7 days of receipt of request.
New date proposed no later than 6 months from original requested date.

NOTIFICATION

Parental bereavement leave

At least one week's notice after the initial period but not immediately following the child's death.

Paternity leave

Notice of entitlement by the 15th week before the EWC

OR no more than 7 days after the date on which they are notified of their match with a child for adoption.

Then, for births: At least 28 days' notice before the dates upon which they intend to take each period of paternity leave.

Shared parental leave

Notice of entitlement and intention to SPL must be no less than 8 weeks before the start date chosen for the first period of SPL

OR

at least 8 weeks before they wish to bring their adoption leave to an end

Time off for dependants

The right to time off is either in response to an unexpected or sudden event or to make necessary longer-term arrangements for the care.

If the problem was reasonably foreseeable, they are unlikely to be entitled to this type of leave.

APPLYING THE LAW IN PRACTICE

- Ensure your policy sets out employee and employer responsibilities and clearly communicates the timescales for notification and acknowledgement.
- Introduce checklists to help you to adhere to the legislation that can be used throughout the employee's period of absence.
- Implement template letters to ensure consistency in what you communicate and that you are compliant with the law.
- Train your line managers in the area of family leave to prevent risk of tribunal claims





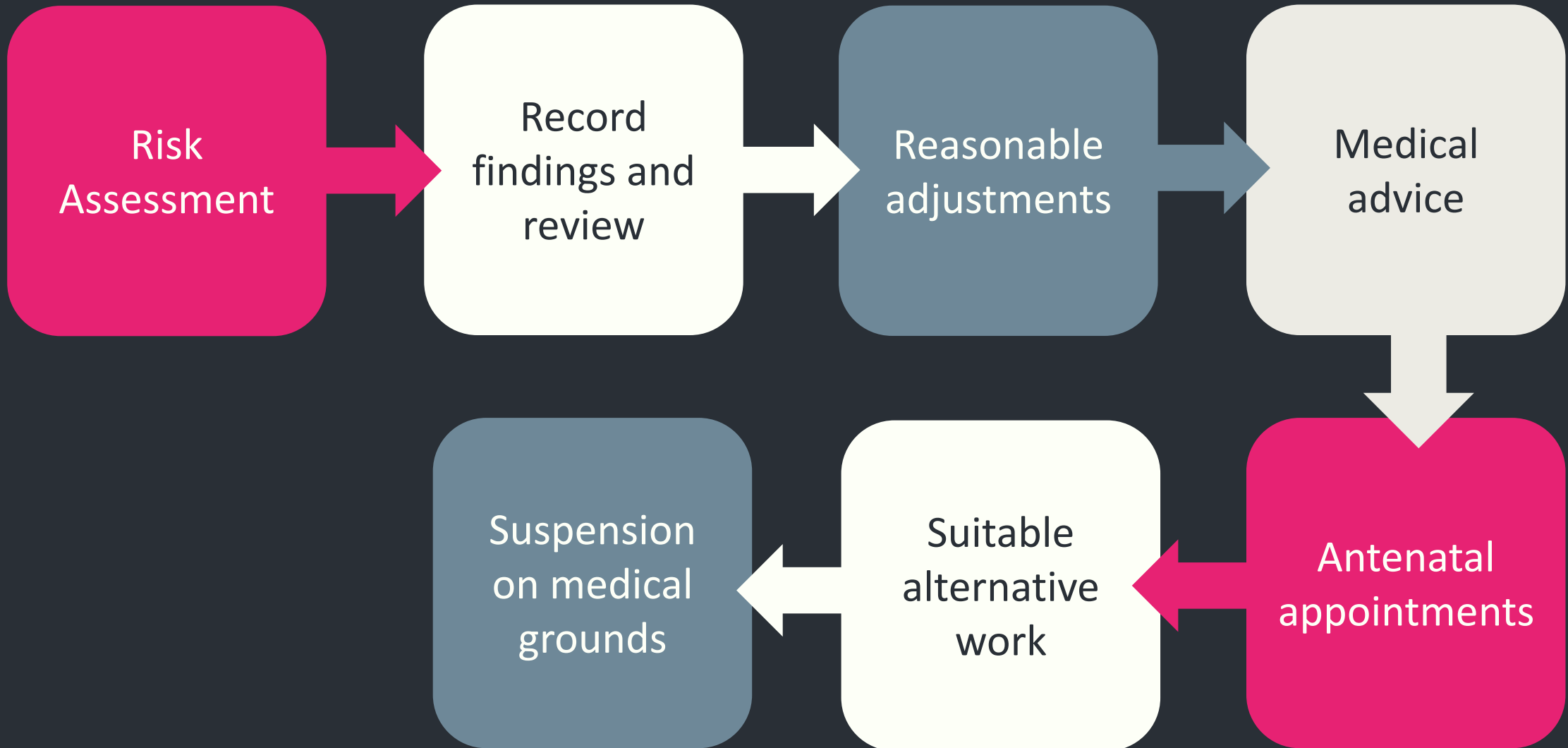
HEALTH AND SAFETY

WHAT THE LAW SAYS

- All employers are under a legal duty to protect the health and safety of their employees and anyone else who may be affected by the undertaking
- This includes your employee's unborn child
- Management of Health and Safety at Work Regulations
 - To assess the workplace risks posed to new or expectant mothers, or their babies
 - To alter an employee's working conditions or hours of work to avoid significant risk
 - Offer suitable alternative work (obligation also within the Employment Rights Act 1996)
 - Paid suspension on maternity grounds (obligation also within the Employment Rights Act 1996)



APPLYING THE LAW IN PRACTICE



APPLYING THE LAW IN PRACTICE

- Ensure you have a risk assessment template available for all your managers to use
- Educate your managers on how to carry out risk assessments
- Ensure your Health and Safety Policy sets out your approach to supporting employees who are pregnant, returning from maternity leave and who may be breastfeeding
- Keep records of your discussions in which you are trying to implement reasonable adjustments, exploring suitable alternative work or suspension
- Suspension on maternity grounds must be confirmed in writing





COMMUNICATION

WHAT THE LAW SAYS

- The law was previously changed to address concerns that existing laws did not do enough to encourage effective communication during periods of family leave
- **Be careful!** ‘Out of sight, out of mind’
- Maternity and Parental Leave Regulations 1999 include provisions for ‘reasonable contact’ and a statutory right to keeping in touch days (KIT)
- ‘Reasonable contact’
 - “reasonable contact from time to time between an employee and her employer which either party is entitled to make during a maternity leave period”
- KIT days – enables the employee to carry out work without bringing their leave to an end



APPLYING THE LAW IN PRACTICE

Agree an approach

- Find out before the leave how much contact they would like
- How would they like the contact to be made
- On what matters to be communicated on
- Include them on the distribution list for workplace news, social events, training courses unless they request otherwise

Reasonable contact

- Unless they specifically request otherwise:
- Provide updates on important developments at work
 - Inform them of any promotion opportunities or vacancies
 - Discuss return to work arrangements

KIT/SPLIT days

- Up to 10 days' / 20 split days each without bringing leave to an end
- Can be paid at a rate agreed between both parties
- Usual for the normal contractual pay to be given
- Carry out training
- Attend team meetings/business updates
- Can be used towards the end of the leave period to create a flexible phased return to work.

Redundancy

- Must be informed of the proposed business change
- When dismissed on redundancy grounds, must be offered suitable alternative employment over other employees

APPLYING THE LAW IN PRACTICE

- Remember – avoid “out of sight, out of mind”
- Meet with the employee before the leave starts and agree frequency of contact, method and what information
- Let them know that even though they will receive updates, invites to training, notification of vacancies, they have no obligation to respond and act.
- Keep a record of what you agree
- Set Outlook reminders to ensure you maintain your agreed communications





CONTRACTUAL OBLIGATIONS

WHAT THE LAW SAYS

- Throughout all the various forms of family leave, the contract of employment continues
- Adoption/Maternity
 - Continue to benefit from all terms and conditions that would have applied had they been at work except for remuneration
 - Remuneration is defined as wages of salary and is replaced with statutory pay (where eligible)
 - Benefits include holiday accrual, company cars (given for job purposes), insurance schemes
 - The employee is also bound by the implied obligation of good faith and any express terms and conditions relating to notice, disclosure of confidential information, acceptance of gifts and other benefits as well as participation in any other business.



WHAT THE LAW SAYS

- When returning to work after adoption/maternity leave:
 - **Ordinary adoption/maternity leave** – the right to return to the same job
 - **Additional adoption/maternity leave** – the right to return to the same job unless this is not reasonably practicable.
 - Any alternative role must be suitable and appropriate and on terms no less favourable than those which would have applied had they not been absent.



APPLYING THE LAW IN PRACTICE

- We advise making your policies non contractual
 - Minimise the risk of breach of contract claims
 - Makes it easier for the business to change the policy when needed
- Where you offer benefits such as bonus schemes, performance related pay, ensure you have clear and non-ambiguous written rules explaining the schemes
- Complex area of employment law, and we would advise seeking advice if you are unsure on a contractual matter.





REDUNDANCY SITUATIONS

WHAT THE LAW SAYS

- Employees on adoption, maternity and shared parental leave and who are pregnant, have a legal protection in a redundancy situation
- If made redundant whilst on family leave (or when pregnant) they must be given a suitable alternative role in preference to other employees
- The law changed earlier this week:
 - Include employees who are pregnant
 - The protection period has been extended
 - Now protects employees who suffer a miscarriage or stillbirth



WHAT THE LAW SAYS

Employee taking adoption leave

Starts: Beginning of adoption leave

Ends:

- 18 months from the date of placement (UK)
- 18 months from the date of entry to Great Britain (overseas)

Pregnant employee taking maternity leave

Starts: When the employer is notified of their pregnancy

Ends:

- 18 months from child's date of birth when notified before end of maternity leave
- 18 months from the ERWC if not notified

Pregnant employee suffering a miscarriage

Starts: When the employer is notified of their pregnancy

Ends:

- 2 weeks after the miscarriage when it occurs before 24 weeks
- See maternity rules for pregnancies ending after 24 weeks (still birth)

Employee taking shared parental leave (no adoption or maternity leave taken)

Starts: Beginning of shared parental leave

Ends:

- At the end of SPL when less than 6 weeks taken
- 18 months from the child's date of birth when more than 6 consecutive SPL weeks taken

APPLYING THE LAW

- If you are planning a redundancy programme, identify all those who may be entitled to greater protection should their role be made redundant
- Ensure you have all the key dates relating to the adoption/birth.
- Introduce checklist to support the running of a redundancy project and legal compliance
- Monitor all vacancies across the business throughout the redundancy programme and establish early on which roles are likely to be considered “suitable alternative”





STATUTORY LEAVE AND PAY

STATUTORY LEAVE AND PAY

Type of rate	How it is used	Amount
Family Friendly Payments: adoption, maternity and shared parental leave	Statutory pay as follows: 1. Weeks 1 – 6 2. Weeks 7 – 39	1. 90% of average weekly earnings 2. whichever is the lower: £184.03 per week or 90% of average weekly earnings
Family Friendly Payments: paternity, parental bereavement	Statutory pay for 2 weeks	
Lower earnings limit	Minimum level of earnings an employee needs to qualify for benefits Used when calculating family leave payments	£123 per week

STATUTORY LEAVE AND PAY

Family Leave	Length of leave	Pay	Qualifying service
Adoption & Maternity Leave	52 weeks	Mixture of statutory pay & unpaid	<ul style="list-style-type: none"> • Leave - Day 1 right • Pay - Completed 26 weeks continuous service by the end of the 15th week before EWC / by the week they are matched with a child for adoption
Carer's leave	Up to 1 week	Unpaid	<ul style="list-style-type: none"> • Day 1 right
Parental leave	Up to 18 weeks	Unpaid	<ul style="list-style-type: none"> • 1-year continuous service • Day 1 right if the child is entitled to a Disability Living Allowance
Parental bereavement leave	Up to 2 weeks	Statutory pay	<ul style="list-style-type: none"> • Day 1 right
Paternity leave	Up to 2 weeks	Statutory pay	<ul style="list-style-type: none"> • At least 26 weeks continuous service at the 15th week before the baby is due/date notified of adoption
Shared parental leave	Up to 50 weeks (2 weeks already taken as compulsory maternity leave/2 weeks of adoption leave)	Untaken statutory pay converted into Shared parental pay	<ul style="list-style-type: none"> • Leave - at least 26 weeks' continuous service at the 15th week before the baby is due/date notified of being a match for adoption. • Pay – partner has earned an average salary equivalent to the lower earnings limit
Time off for dependants	Reasonable amount	Unpaid	<ul style="list-style-type: none"> • Day 1 right

STATUTORY RATES

Type of rate	When used	Amount
Maximum week's pay	For redundancy, unfair dismissal basic award and other statutory compensation	£700
Ordinary unfair dismissal:	Maximum basic award Maximum compensatory award	£21,000 £115,115
Minimum basic award for specific types of automatically unfair dismissal:	Such as health and safety	£8,533
Breach of Contract	Noncompliance with contractual terms	£25,000
Discrimination	Discrimination cases	Unlimited
Vento bands	Lower band Middle band Upper band (although exceptional cases can exceed)	£11,700 £35,200 £58,700

APPLYING THE LAW

- Flow chart for managing leave and pay
- Government calculator for determining pay
- Template letters to ensure employees are clearly informed of their entitlements and how their family leave is to be managed
- Introduce an employee guide that provides all the key information in one document that the employee can keep





RECENT AND FORTHCOMING CHANGES





The Paternity Leave (Amendment) Regulations 2024

PATERNITY LEAVE

EWC after 6
April 2024

Expected date
of placement
or entry to UK
is **on/after 6**
April

Taken as **either**
one week, as
one block of
two consecutive
weeks, or as two
one-week blocks

Notice of
entitlement
remains as being
on or before the
15th week before
EWC/7 days for
adoption

Notice for each
chosen period
of leave is
reduced to 28
days

Can be taken at
any time in the
52 weeks after
the child's
adoption/birth

Carer's Leave Act

CARER'S LEAVE

- It came into force 6 April 2024 and is a day 1 right. Giving employees up to 1-week of unpaid time off to provide or arrange care for a dependant who has a long-term care need
- The definition of a dependant, is the same as that used in the Time off for dependants leave
- Employers can't refuse but can postpone. Employers must state in writing within 7 days from receipt of the request and the new date must be within one month of the original date.
- Employees cannot be penalised for taking advantage of carer's leave and a dismissal connected to the taking of carer's leave will be automatically unfair.



Neonatal Care (Leave and Pay) Act 2023

THE NEONATAL CARE (LEAVE AND PAY) ACT 2023

- Expected 2025 and to be a day 1 right
- Neonatal care is a type of care a baby receives in a neonatal unit if they are born premature, sick, or with a low birth weight. It can include medical or palliative care.
- Eligibility is:
 - a parent of a baby/ies which are admitted into hospital as a neonate (28 days old or less) and
 - The admission lasts for a continuous period of 7 days or more
 - It will apply to someone with parental or other personal relationship with a child that is to receive or has received neonatal care.
- The total amount of statutory neonatal leave is capped at a maximum of 12 weeks and can be taken in blocks of one or more weeks.



QUESTIONS...



OUR HR KNOWLEDGE BASE

The HR Knowledge Base is an online HR resource for busy professionals. It makes it easy for thousands of business owners and managers across the UK to manage their teams by giving them access to:

- Template HR documents and policies
- HR articles and guides to keep you fully informed
- HR guidance on a wide range of topics



[HR Knowledgebase - HR Solutions \(hrsolutions-uk.com\)](https://hrsolutions-uk.com)

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- Effective Appraisal Skills
- Managing Performance
- Recruitment and Selection
- Holding Difficult Conversations
- Equality, Diversity & Inclusion
- Managing Grievance
- Managing Disciplinary
- Employment Law
- ILM Level 3
- ILM Level 5



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UPCOMING WEBINARS

Managing the new rules on flexible working and predictable terms and conditions

9 May 10am – 11am

Prioritising employee wellbeing

13 June 10am – 11am

Protecting employees from harassment

11 July 10am – 11am



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COMING SOON...



STRATEGIC HR THINKING FOR 2024: ALIGNING PEOPLE AND BUSINESS STRATEGY

*An Insightful Guide to Catalysing Business
Growth through Human Resources*



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POLL INCOMING...

WHAT DO YOU

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Thank you

Any question? Please get in touch:

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