

BLP: LOOKING AHEAD

Key changes in employment law explained

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Family friendly rights – Government response to consultation published

The Government has today published its response to its earlier consultation paper on the new system of shared parental leave and pay, which is planned for April 2015.

The response sets out further detail on how the government's proposal for the new shared parental leave and pay system will be managed. For a link to the response paper, click [here](#). For our previous Looking Ahead factsheet on the original proposals, click [here](#) and for our Looking Ahead factsheet on the original consultation, click [here](#).

Key points from the response include:

Length of time during which shared parental leave is available to be taken and when: Shared parental leave will be available for up to 50 weeks from the end of the mother's two week compulsory leave period, and can be taken at any time up to 52 weeks from the date of birth.

Notification of shared parental leave plans: When employees notify employers of their intention to take shared parental leave, they will have to provide a non-binding indication of their proposed leave pattern. Employees will then have to give their employer eight weeks' notice of their specific leave pattern. The eight week notice includes a two-week discussion period to agree the leave pattern requested.

How shared parental leave could work in practice: Parents will be able to take the leave in large blocks or in a number of small blocks. However, employees will be limited to three notifications to take leave or to change previously agreed patterns of leave (the original notification and two further changes or notifications). Changes that are mutually agreed between the employer and employee will not count towards this cap.

Mother's right to revoke notice to end maternity leave: Mothers who give binding notice of their intention to end their maternity leave and take shared parental leave before the birth of their child will have up to six weeks after the birth to revoke that notice.

Number of KIT days available to employees taking shared parental leave: Both parents are entitled to up to 20 KIT days each (in addition to the 10 KIT days during maternity/adoption leave).

Rights that parents taking shared parental will have on their return to work: Employees returning from any period of leave that includes maternity, paternity, adoption and/or shared parental leave will have the right to return to the same job provided the leave totals 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks. Subsequent leave will attract the right to return to the same job, or if that is not reasonably practicable, a similar job.

Notification requirements for paternity leave and pay: The qualification requirements for paternity pay and leave will be aligned.

BLP Comment

Despite the government's repeated intention to make the new system of shared parental leave and pay simple to use and easy to understand, there remain many unanswered questions as to how the system will actually work in practice.

Although the decision to limit the number of change requests and to encourage employees to provide upfront notification of their leave intentions goes some way to reducing the level of uncertainty for employers, the potential for employees to take an unlimited number of small blocks of leave will still present employers with real challenges in planning effective cover during periods of absence.

Although employers are not obliged to agree to employees taking leave in small blocks, it remains unclear at this stage how refusals of such leave applications will work in practice and whether, for example, the legislation will set out limited specified grounds for refusing to grant such requests.

Further detailed guidance is critical if employers and employees are to have any chance of understanding the new system. We will continue to keep you updated.

For further information, please contact



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Getting in touch

If you would like to talk through your project or discuss solutions to your legal needs, please get in touch.

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