



Some significant changes to employment law started in April this year, mainly in the area of family leave. The headline news is the introduction of shared parental leave but various other changes will also take effect.

Gill Wilkinson our Head of Employment at Ware & Kay, looks at the main changes and what you need to do as a result.

Shared parental leave

A flexible system of shared parental leave and pay will be available where the expected week of childbirth started on or after 5 April 2015. The mother must still take the first two weeks off after the birth but the rest of her leave and pay can then be shared between the parents, either in turns or at the same time. This means that up to 50 weeks' leave and 37 weeks' pay can be shared.

Additional paternity leave

Additional paternity leave is being replaced by shared parental leave and will not be available where the expected week of childbirth started on or after 5 April 2015.

Changes to adoption leave

Adoption pay will be increased to match maternity pay so that the main adopter will get 90 per cent of pay for six weeks, then the basic rate for 33 weeks. Adoptive parents will no longer need to have 26 weeks' service in order to benefit from adoption leave and pay. A single adopter will have the right to paid time off to attend up to five adoption appointments. Where there are joint adopters, one parent will be able to attend up to five appointments with pay and the other can attend two appointments on an unpaid basis. Each appointment can be for up to six and a half hours. Adoptive parents will also be able to take shared parental leave.

New rights for surrogate parents

Until now, anyone who became a parent by using a surrogate birth mother had no rights to any statutory leave or pay. From 5 April 2015, the main new parent in the surrogacy arrangement (this could be the new mother or father) will have the right to adoption leave and pay and both parents will be able to take shared parental

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leave. The birth mother retains the right to maternity leave and pay.

Right to parental leave extended

A parent with one year's employment will be able to take unpaid parental leave of up to 18 weeks in respect of a child under 18; previously the child had to be under 5, or under 18 if disabled. This right also applies to adoptive parents.

Increase in tribunal awards

Tribunal compensation limits rose on 6 April in line with inflation. The maximum compensatory award for unfair dismissal will be £78,335 or 52 weeks' pay if less. A week's pay for calculating the basic award for unfair dismissal and statutory redundancy payments will rise to £475 and the maximum basic award or statutory redundancy payment will increase to £14,250.

New statutory payment rates

From 5 April statutory maternity, adoption, paternity, additional paternity and shared parental pay increased to £139.58 per week. From 6 April, statutory sick pay increased to £88.45 per week.

National minimum wage laws

From 6 April, all of the regulations dealing with the national minimum wage are being consolidated. No substantive changes are taking place but the laws are being clarified and simplified.

Repeal of the tribunals' power to make recommendations

In the past, where there was a successful discrimination claim, employment tribunals were able to make a recommendation that applied to the whole workforce, not just the claimant. Examples include introducing an equal opportunities policy and training staff. This power was rarely used and the government has decided to abolish it from 1 October 2015.

Action required

You need to update your family leave policies to include the new right to shared parental leave and the other changes to family leave outlined above. You will need to ensure you have standard forms and letters available for shared parental leave and consider what record-keeping procedures you need to put in place.

If you have any queries on these changes or would like us to help you update your policies, please contact Gill Wilkinson for advice.

Ware & Kay

Contact us

For a free, no obligation discussion call Gill Wilkinson on York **01904 716000** or Wetherby **01937 583210**.