

# Sharing the Childcare!

March 2010



## The Proposal

The government is proposing to allow new fathers to take up to 6 months of paternity leave. They say this change will make it easier for parents to share the childcare responsibilities.

Fathers will have the option of using all or some of the last 6 months of the mother's current 52-week maternity leave entitlement. If the mother decides to go back to work after 6 months, the new father will be able to take up to 6 months off. This will be described as 'Additional Paternity Leave'.

Statutory maternity pay (SMP) at the moment lasts for 39 weeks, so if the mother returns to work after 6 months, this will enable the father to have 13 weeks of paid leave and 13 weeks of unpaid leave afterwards. It will be paid at the SMP rate - currently £123.06 per week (although there are proposals to extend SMP to 52 weeks). This is on top of current rights to which new fathers are entitled - see current position aside.

## When will this happen?

The government hopes this will become law in April and applied to children born after 3 April 2011. Therefore from this Autumn, employers may be asked to approve additional paternity leave for next year. The father will not be able to take this until the mother has completed at least 6 months of maternity leave.

The only upside of this is that employers approving the leave will have plenty of time to plan for the absent employee.

## Current Position

To be eligible for paternity leave now, an employee must have or expect to have responsibility for the child's upbringing, be the biological father of the child or the mother's husband or partner (including same sex partners) and have worked continuously for their employer for 26 weeks ending with the 15<sup>th</sup> week before the baby is due.

Employees can choose to take either 1 or 2 consecutive weeks of leave but not 'odd days'. It can start on any day of the week on or following the birth but has to be completed within 56 days of the birth date or within 56 days of the first day of the expected week of childbirth if the baby is born before that date.

The employee must inform the employer by the 15<sup>th</sup> week before the expected week of the child's birth. If they wish to change the date (e.g. if the baby is born early) they should give 28 days notice or as much notice as they can.

## Burden on the Employer

Currently, as the 2-week Paternity Leave is paid at the same rate as maternity pay, uptake is minimal (less than 20,000 fathers annually) with the majority of fathers preferring to take 2 weeks of paid holiday leave.

However as the economic climate continues to recover, maybe mothers on higher salaries than fathers will choose to go back to work sooner rather than later and let the father and the employer take the strain!

## What else is happening?

Last week, an EU committee voted to give women full maternity pay for 20 weeks (currently women in the UK get 6 weeks of full pay). This will now be debated at an EU parliamentary level and if it goes through, could be active in 18 months. This is financially scary and if introduced here could cost Britain some £2 billion a year.

## STOP PRESS

### Fit Notes from April 2010

From April 2010, fit notes will replace sick notes. Doctors will say whether a patient is fit or not for work, or fit for some work. GPs will say what work patients could do and suggest temporary adaptations to duties or hours. These recommendations could be reasonable adjustments under the Disability Discrimination Act 1995, so employers should consider them carefully.

## New Payment Rates

Our next Factsheet will detail the new statutory payment rates that become effective from April 2010.

## Can We Help?

If you are concerned about how these changes will affect you, or you would like to discuss any issue related to the employment or performance of your employees, simply call us on 01708 758958 or visit [www.hrinsight.co.uk](http://www.hrinsight.co.uk).

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## Contact Us

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