

**Report for:** Staffing & Remuneration Committee, December 2021

**Title:** HR Parental Policy - Progress Report

**Report**

**authorised by:** Susie Faulkner, Interim Director Customer, Transformation & Resources

**Lead Officer:** Dan Paul, Chief People Officer

**Ward(s) affected:** None

**Report for Key/ Non-key  
Non-Key Decision:**

**1. Describe the issue under consideration**

1.1 The report outlines the key changes to pay and leave entitlements which are being proposed and which, if agreed by Committee, will form the basis of the new Parental Leave Policy & Practice Note.

**2. Cabinet Member Introduction**

Not applicable.

**3. Recommendations**

3.1 That the proposals for changes in benefits outlined in this report be agreed so that a policy can be prepared to be discussed with relevant stakeholder groups and Corporate Board.

**4. Reason for decision**

Not applicable.

**5. Alternative options considered**

Not applicable.

**6. Background information**

6.1 At the June Staffing and Remuneration Committee, Members were advised of the progress of the ongoing review of HR Policies. One of the key policies identified for early review was the new Parental Leave Policy, encompassing the current entitlement to leave and pay for Maternity, Adoption, Nominated Carers, Shared Parental, Ordinary Parental, Parental Bereavement, and Premature birth.

6.2 We have reviewed these to ensure we provide competitive and benchmarked enhanced benefits. We want to provide a broad foundation of support for our employees at key points in their lives and strengthen consistency and transparency in applying these benefits. We have equalised benefits where possible to promote inclusiveness. . Based on the benchmarking that we have

conducted, we have improved our benefits offering and removed out of date benefit options which will simplify our final policy and practice notes.

- 6.3 The entitlement to all types of parental leave and pay is currently to be found in a variety of documents. The purpose of the new policy and practice notes is to bring them together in one place, which can be standardised and simplified. The combined Policy will be legally compliant, use diversity terminology and be easier for managers and prospective or existing parents to read and understand. The main document (the policy) outlines the policy's primary purpose, what the organisation is trying to achieve, gives a clear indication of who it applies to, the key provisions, and the core principles and accountabilities.
- 6.4 The practice note, expands on the policy to set out the organisation's operational requirements. The practice note summarises the roles and responsibilities related to managers, individuals, the HR team and, where appropriate, staff representatives.
- 6.5 In Summer 2021, as part of our review, we began consultation on a new draft of Parental Policy. At the initial meeting with trade unions we discussed reviewing all relevant documents into one single Parental Leave Policy.
- 6.6 The key proposals for change from our current policies are listed below. We have also attached the summary of proposed changes and the impact on employees for ease of reference (Appendix 1).

#### 6.6.1 Maternity leave and pay:

We put in a growth bid to increase enhanced maternity benefit, but this was rejected as part of the annual budget process. A further application in the next budget process will be considered.

We currently have six options for maternity leave provisions, which is confusing and some of these options are outdated. We propose to streamline the options and have only four main categories of entitlement for employees.

The proposal removes the additional benefits given to those employed before April 1993 as they are highly unlikely to take maternity leave as they are all aged between 49 and 64. There is also the potential for indirect age discrimination if there is a differentiation in benefits between older and younger employees.

Consideration was given to moving to local government service rather than Haringey service. However, to pay SMP, the employee needs to have 26 weeks of service with Haringey at the appropriate point in the pregnancy. Without this service, we would need to pay an amount equivalent to SMP, but this would be too complex to administer on our systems.

It is important to note that the trade unions have not agreed to remove the current entitlement for those employed before April 1993. Unison has informed us that they will need to ballot their members as it could be viewed a diminution in benefits for this group of staff.

### 6.6.2 Adoption, fostering or surrogacy leave & pay

We propose to recognise in the new Parental Leave Policy that surrogacy has become more common. We also realise that welcoming a newly adopted child into the family poses the same challenges to parents and carers as welcoming a birth child. As with maternity leave, the proposal streamlines the options and removes the additional benefits given to those employed before April 1993. The changes will help to ensure that parents can spend time with their adopted child and ensure we are providing equal benefits and encouraging inclusivity across our enhanced benefits. These proposals will result in a significant increase in benefits for the vast majority.

It is important to note that the trade unions have not agreed to remove the current entitlement for those employed before April 1993. Unison has informed us that they will need to ballot their members as it could be viewed a diminution in benefits for this group of staff.

### 6.6.3 Nominated carers leave & pay

Currently, we have three different leave entitlement for nominated carers. The proposal is to reduce options to two and increase the benefit for those with at least 26 weeks of continuous service with Haringey, by the qualifying week, from one week to two weeks full pay, while those with less than 26 weeks of service will be entitled to five days paid leave.

### 6.6.4 Shared parental Leave & Pay

We put in a growth bid to introduce enhanced shared parental leave and pay, but this was rejected as part of the annual budget process. A further application in the next budget process will be considered.

Anyone who opts to take shared parental leave will receive statutory pay.

### 6.6.5 Premature baby leave & pay

The Committee agreed in March 2018 that employees had an entitlement to paid leave, for each week from the date of the premature birth until either the expected due date or the date of hospital discharge, whichever is earlier. The leave would be added to the end of the maternity, or nominated carers leave so that there is no impact on SMP payments.

### 6.6.6 Parental bereavement leave & pay

In the event of the death of a child up to the age of 18 or stillbirth, a parent or nominated carer can take up to two weeks of parental bereavement leave. We are proposing that this will be on full pay rather than statutory pay. Compassionate leave can be given in addition to this leave. We do not envisage that this proposal will have any financial impact as it is highly likely that the parent

or nominated carer would take sick leave if we did not provide bereavement leave on full pay.

#### 6.6.7 Time off for IVF treatment

Time off for IVF treatment – we recognise that undergoing IVF treatment is stressful and may require many ongoing medical appointments. To recognise this, prospective birth parents and nominated carers can claim up to 3 days of paid leave per rolling calendar year which may be taken in half days. Any additional leave may be taken as annual leave, unpaid leave, or with the line manager's agreement, the time taken may be made up at a later date.

Sickness resulting from IVF treatment will be treated as sickness absence in the usual way.

#### 6.6.8 Other updates to be included

Since the policies were last reviewed, additional statutory entitlements have been introduced, which will now be covered in the policy. These include:

- Ordinary parental leave – a statutory entitlement which gives birth or adopted parents and carers the right to take up to eighteen weeks of unpaid leave until the child reaches 18 (leave is taken in blocks of one week unless the child is disabled, with a maximum of four weeks per year). This is a statutory entitlement with no service requirement.
- There is no entitlement to paid leave for miscarriage before 24 weeks of pregnancy. Special leave may be claimed, and this is granted as paid or unpaid leave at the discretion of the Director. We will provide advice in the policy about supporting an employee following a miscarriage. Any sickness absence would not be used towards sickness absence triggers.

## 7. Numbers and Costs

7.1 The number of people who take parental leave in any one year is relatively low for an organisation of 2,500 employees. For example, only 90 women took maternity leave in the two years to March 2021 and 22 people took nominated carers leave during the same period. Because of the relatively low numbers, the additional costs that would be involved in implementing the proposals outlined in this report would be low. Appendix 1 gives a full summary of the existing benefit and the proposed changes.

Parental leave option	Pay Option	Number claiming April 2019 to March 2021	RAG
Maternity :Option B: post 1993,	Full pay option	10 people	

Maternity: Option B: post 1993,	Mix of full and half pay option	62 people	
Maternity: Options C,D,E,		15 people	
Maternity: Option F	unpaid	3 people	
Adoption leave	All options	0 people	
Nominated Carers: Option B, post 1993	paid	22 people	
Parental leave	paid	3 people	
Parental leave	Statutory pay	1 person	

## 8. Timescale

- 8.1 Initial discussions on changes to benefit provisions have taken place with the trade unions. If the committee agree to these proposals, the next step will be to draft a policy and circulate it to seek the views of relevant stakeholders. The final policy will then be brought back to the Committee for final approval in February 2022.

## 9. Statutory Officers' comments

### 9.1 Finance

- 9.1.1 This report proposes a number of policy changes to parental leave, the majority of which leave benefit levels unchanged. Where enhanced benefits are being proposed the direct financial implication is minimal as the number of employees accessing them is low (as evidenced in paragraph 7) and Services will in most circumstances cover the period of leave with existing resources.

- 9.1.2 Posts are budgeted for on the assumption the postholder will receive full pay for the whole year. There is no separate corporate budgetary provision for parental leave and Services are expected to manage requests within existing staffing budgets.

### 9.2 Legal

- 9.2 The Head of Legal and Governance has been consulted in the preparation of this report, and in noting that the Committee has within its Constitutional terms of reference:

*To consider policies, procedures and schemes relating to employment matters including pay and grading structure and changes to employee terms and conditions of employment.*

*To approve all human resources policies including pay and grading structures, and changes to employees terms and conditions of employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.*

advises that there is no legal reason why the Committee cannot adopt the proposals stated in the Recommendation section of the report.

**10. Use of Appendices**

Appendix 1- Summary of proposed changes

**11. Local Government (Access to Information) Act 1985**

Not applicable.

## Appendix 1- Summary of proposed changes

### KEY TO RAG STATUS

<b>Red:</b> Proposed deletion of option available <b>Amber:</b> No change to current benefit <b>Green:</b> Enhanced benefit proposed					
Policy	Option	Current Benefit	Proposed Benefit	RAG	Comments
Maternity	Option A: Joined the council before 1/4/93	Either 28 weeks at full pay OR 16 weeks full & 24 weeks half pay	Option 1: 14 weeks full pay or 8 weeks full & 12 weeks half pay + Statutory Maternity Pay.		When enhanced pay is exhausted, SMP is payable for the remaining weeks up to a maximum of 39 weeks
Maternity	Option B: Joined the council after 1/4/93 & employed continuously for 1 year at the beginning of the 11th week before the expected week of birth	14 weeks full pay or 8 weeks full & 12 weeks half pay + Statutory Maternity Pay.	Option 1: 14 weeks full pay or 8 weeks full & 12 weeks half pay + Statutory Maternity Pay.		When enhanced pay is exhausted, SMP is payable for the remaining weeks up to a maximum of 39 weeks.
Maternity	Option C: One year's continuous Local Govt. service at the start of 11th week before the expected week of birth AND 26 weeks continuous service with Haringey	6 weeks at 9/10 <sup>ths</sup> of a week's pay plus 12 weeks at half pay.	Option 2a): 6 weeks at 9/10 <sup>ths</sup> of one weeks' pay plus 12 weeks at half pay.		When enhanced pay is exhausted, SMP is payable for the remaining weeks up to a maximum of 39 weeks
Maternity	Option D: One year's continuous Local Govt. service at start of 11th week before the expected week of birth BUT without 26 weeks continuous service with Haringey at start of 15th week before the expected week of birth	No entitlement to Statutory Maternity Pay but 6 weeks at 9/10 <sup>ths</sup> of one weeks' pay plus 12 weeks half pay	Option 2b): 6 weeks at 9/10 <sup>ths</sup> of one weeks' pay plus 12 weeks half pay.  No entitlement to Statutory Maternity Pay		

Policy	Option	Current Benefit	Proposed Benefit	RAG	Comments
Maternity	Option E: 26 weeks of continuous Haringey service by the end of the 15th week before the expected week of birth	6 weeks at 9/10ths of one weeks' pay plus 33 weeks Statutory Maternity Pay	Option 3: 6 weeks at 9/10ths of one weeks' pay plus 33 weeks Statutory Maternity Pay		
Maternity	Option F: Less than 26 weeks continuous local government service by the end of the 15th week before the expected week of birth	No entitlement to Statutory Maternity Pay. Maybe eligible to claim Maternity allowance from DWP	Option 4: No entitlement to Statutory Maternity Pay. Maybe eligible to claim Maternity allowance from DWP		
Adoption	Option A: Joined the council before 1/4/93	24 weeks at half pay from the date of adoption. Statutory Adoption Pay for 39 weeks	Option 1: 14 weeks full pay or 8 weeks full & 12 weeks half pay plus Statutory Adoption Pay to make up to normal full pay 19 weeks Statutory Adoption Pay only		When enhanced pay is exhausted SAP is payable for the remaining weeks up to a maximum of 39 weeks.
Adoption	Option B: Joined the council after 1/4/93 & employed continuously for 1 year at the beginning of the 11th week before the expected week of matching	12 weeks at half pay from the date of adoption plus Statutory Adoption Pay for 39 weeks	Option 1: 14 weeks full pay or 8 weeks full & 12 weeks half pay plus Statutory Adoption Pay		When enhanced pay is exhausted SAP is payable for the remaining weeks up to a maximum of 39 weeks.
Adoption	Option C: 26 weeks - 1 year continuous Haringey service by the week of matching with the child	No stated benefit	Option 2: 6 weeks at 9/10ths of one weeks' pay plus 33 weeks Statutory Adoption Pay		
Adoption	Option D: Less than 26 weeks Haringey Service ending with the week the individual is matched with a child	No entitlement	Option 3: No entitlement to Statutory Adoption Pay. Entitlement to unpaid adoption leave		
Nominated Carers Leave	Option A: Joined the council before 1/4/93 who have 26 weeks continuous service	2 weeks full pay (including 5 days of Maternity Support	Option 1: 2 weeks full pay		

Policy	Option	Current Benefit	Proposed Benefit	RAG	Comments
	before the 15th EWC or week of matching	Leave, in line with National Conditions of service (Green Book)			
Nominated Carers Leave	Option B: Joined the council post 1993 and have 26 weeks continuous service before the 15th EWC or week of matching	1 week full pay, 1 week Statutory Parental Pay (including 5 days of Maternity Support Leave.	Option 1: 2 weeks full pay		
Nominated Carers Leave	Option C: Less than 26 weeks continuous service before the 15th EWC or week of matching	2 weeks unpaid leave	Option 2: 5 days paid leave (Maternity Support Leave), plus one week unpaid leave		
Ordinary Parental Leave	Statutory entitlement only, no policy	Statutory entitlement, up to 18 weeks unpaid leave per child (pro-rata for part-time employees). Taken in blocks of 1 week, maximum of 4 weeks per year. May be added to Nominated carers / Maternity leave.	Retain statutory entitlement		
Shared Parental Leave	No current policy. Option A: 26 weeks of continuous Haringey service by the end of the 15th week before the expected week of birth	Statutory entitlement only - the remainder of the 39 weeks of maternity or adoption pay will be paid.	Option 1: Statutory entitlement only - the remainder of the 39 weeks of maternity or adoption pay will be paid.		
Shared Parental Leave	Option B: Less than 26 weeks continuous local government service by the end of the 15th week before the expected week of birth	Option C: No entitlement to Shared Parental Leave or Pay	Option 2: No entitlement to Shared Parental Leave or Pay		

Policy	Option	Current Benefit	Proposed Benefit	RAG	Comments
Premature Baby Leave	No service requirements for this	For babies born at or before 37 weeks, both birth mothers and partners entitled to one additional week on full pay (as Special Leave) for every week their premature baby spends in hospital before the expected due date or until hospital discharge whichever is earliest. Leave claimed is added to end of normal maternity leave period or to the end of the nominated carers leave	For babies born at or before 37 weeks, both birth mothers and partners entitled to one additional week on full pay (as Special Leave) for every week their premature baby spends in hospital before the expected due date or until hospital discharge whichever is earliest. Leave claimed is added to end of normal maternity leave period or to the end of the nominated carers leave		
Parental Bereavement Leave	Option A: Employed continuously by Haringey for at least 26 weeks ending with the week before the week in which the child died	Statutory Parental Bereavement Pay for 2 weeks	2 weeks full pay (inclusive of statutory parental bereavement pay)		
Parental Bereavement Leave	Option B: Employed continuously by Haringey for less than 26 weeks ending with the week before the week in which the child died	No pay, 2 weeks unpaid leave	2 weeks full pay (inclusive of statutory parental bereavement pay)		

Policy	Option	Current Benefit	Proposed Benefit	RAG	Comments
IVF treatment	No current specific leave provided	N/a	Prospective mothers and nominated carers can claim up to 3 days paid leave per rolling calendar year		
Miscarriage	No current specific leave provided. Miscarriage relates to the end of pregnancy before 24 weeks.	Special leave may be claimed, and this is granted as paid or unpaid leave at the discretion of the Director	No set leave proposed. Very individual response. If unwell, sick leave applies and this would be pregnancy related so would not impact on sickness monitoring triggers. Special leave can be granted by manager. Important policy signposts this and support mechanisms available.		