



People, Performance and Development Committee  
25 February 2016

### FAMILY FRIENDLY POLICY UPDATE

#### **Purpose of the report:**

The maternity and paternity policies need to be updated in light of legislative changes made since the last review. The report proposes amendments prior to the draft suite being put out to consultation.

This report is being brought to the People, Performance and Development Committee because, in accordance with the Scheme of Delegation, the Committee determines the policy on the terms and conditions of all staff.

#### **Recommendations:**

It is recommended that the People, Performance and Development Committee agree to:

- i      Revise the maternity leave policy to improve the benefit to eligible mothers by changing the timing of the payment of Occupational Maternity Pay (OMP) so that they receive all their OMP during the course of their maternity leave.
- ii     Revise the maternity leave and pay policy in accordance with case law so that:
  - public holidays are included as part of the annual leave accrued during maternity leave; and
  - birth mothers in a surrogacy arrangement are acknowledged as being entitled to maternity leave and pay.
- iii    Change the maternity leave policy to ensure that term time only staff are paid for and take the equivalent of contractual annual leave in the same way as mothers on other types of contract.
- iv     Amend the maternity, and paternity, leave and pay policies to reflect legislative change that allows fathers up to two day's unpaid leave to attend antenatal appointments.

## Key changes proposed to family friendly policies

### Improve access to Occupational Maternity Pay (OMP)

1. The proposal is to improve the benefit to mothers by providing them with all their Occupational Maternity Pay (OMP) during their maternity leave.
2. Currently OMP is divided into 12 weeks OMP paid during maternity leave and a returner's payment equivalent to eight weeks OMP. The returner's payment is a lump sum paid after a mother has returned to work for six months. The benefit is more generous than most neighbouring councils with the exception of East Sussex. East Sussex also pays 20 weeks Occupational Maternity Pay, all of it during the maternity leave period.
3. A comparison of maternity pay and leave provisions is attached at **Annex A**.
4. The proposal is to change the timing of payment of OMP so that it is paid during maternity leave rather than paying a portion after the recipient has been back at work for six months. The proposal is that:
  - OMP is paid whilst a mother is on maternity leave i.e. weeks 7 to 26;
  - OMP is paid if a mother returns to work on the same type of contract although they may apply to change their hours; and
  - OMP is repayable in full if the woman leaves the organisation before they have returned for six months.
5. The proposal will:
  - Provide an improved benefit for mothers by providing them with pay during their maternity leave; and
  - Provide a benefit to the Council by reducing the cost of childcare vouchers by eight weeks.

### Implement new legal entitlements to leave during maternity

6. Annual leave is accrued during maternity leave. The current Surrey County Council maternity policy states that public holidays accrue during ordinary maternity leave but do not accrue for leave or pay during periods of additional maternity leave. This is no longer correct, case law since the policy was last reviewed has confirmed that the right to paid public holidays is a right to time off. The policy needs to be updated to note that the annual leave includes contractual leave, so a mother will be entitled to accrue either 32 or 36 days, depending on their length of service.

### Term time contracts and annual leave during maternity leave

- 7. The Council’s arrangements for term time only employees need to be revised in order to ensure that such staff are treated in the same manner as staff on other contracts and can accrue leave accordingly.

**New entitlements to paternity leave**

- 8. A number of the amendments brought in by the Children and Families Act 2014 were already reflected in the Council’s policies. However, the maternity and paternity policies need to be amended to reflect the new entitlement that allows fathers up to two day’s unpaid leave to attend antenatal appointments.

**Financial and value for money implications**

- 9. Financial implications:
  - The accrual of contractual leave will result in an increase in cost to reflect eight public holidays.
  - The change of timing to the payment of OMP should not increase costs.
  - The change to calculation of term time only payment for annual leave accrued will result in an increase in cost.

**Equalities and diversity implications**

- 10. An Equalities Impact Assessment has been carried out. The amendments made will not impact on residents. The amendments proposed will impact positively on employees who are new parents. The Equalities Impact Assessment will be updated in light of feedback from the consultation.

**Risk management implications**

- 11. A failure to amend the Policy in line with legislation could lead to legal action against Surrey County Council.

**Next steps:**

- 12. The Trades Unions will be consulted on the policy changes and any suggested changes made which are supported by officers will be brought to Committee for decision.

-----  
**Report contact:** Ken Akers, HR Strategic Manager, HR&OD

**Contact details:** email: ken.akers@surreycc.gov.uk Tel: 0208 541 8614

This page is intentionally left blank