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ADDITIONAL PATERNITY LEAVE AND PAY

1 INTRODUCTION

From April 2011, if the Government's proposals contained in a recent consultation¹ get the green light, additional paternity leave (APL) and pay provisions will come into force for fathers.² The proposals are intended to provide parents with "more choice and flexibility" in child care responsibilities and "a more equitable sharing of leave entitlements".

2 KEY POINTS

- Fathers will have a right to up to 26 weeks APL during the second six months of the child's life, but only if the child's mother has returned to work.
- Some of the leave may be paid (at the same rate as statutory maternity pay) if it is taken during the mother's paid maternity leave (up to 39 weeks).³

3 THE PROPOSALS

Eligible fathers will have the right to a maximum of 26 weeks leave at any time between the baby being 20 weeks and 1 year old. Such leave must be taken in periods of complete weeks and as a continuous block. The minimum duration of APL a father will be able to apply for is two consecutive weeks. There is no requirement for the leave to begin directly after the mother returns to work, but the mother must have returned for the father's leave to begin.

In order to minimise the burden on employers, the Government is committed to keeping the administration of the new leave "light-touch" and as straightforward as possible.

¹ <http://www.berr.gov.uk/files/file52940.pdf>

² This leave will also be available to partners and civil partners of mothers and to adopters (where there is an entitlement to statutory adoption leave and pay)

³ During which the mother is entitled to statutory maternity pay, maternity allowance or statutory adoption pay

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Parents will be required to self-certify their entitlement to APL and to provide their employers with certain information (such as the expected week of child birth and the date the employee wishes to start APL).

During and after APL, it is intended that fathers will have broadly the same employment rights as mothers on additional maternity leave (for example, after a single period of APL, an entitlement to return to the same job).

4 PENSION BENEFITS

Pension benefits during APL are not addressed specifically in the consultation. However, if these proposals are brought into force with no change to current legislation, the effect will be to make any period of paid APL pensionable. As is the case for additional maternity leave, an employer will be required to continue to provide pension benefits on the basis that the father is still working normally, but if the scheme is contributory, he will contribute on the basis of the pay he actually receives.

5 TIMING

The consultation closed on 20 November 2009. The Department for Work and Pensions intends to bring the legislation into force on 6 April 2010 to apply to fathers of babies due on or after 3 April 2011.

On a related subject, the Government's proposal to increase statutory maternity pay from 39 to 52 weeks by the end of the next (now this) Parliament⁴ appears to have been put on hold. This remains, however, a possible development for the future.

⁴ HM Government, Work Families Choice and Flexibility, February 2005