



Family Friendly Employee rights

Employees are entitled to time off and a range of protections relating to family life. UK law on this subject changes frequently, so it is important to keep up to date. This paper summarises the key family friendly entitlements at January 2018. **Further details on each topic are available via the links given at the end of the briefing.**

What's new?

While all employers will be familiar with rights to Maternity and Paternity Leave, some may be less aware of the relatively recent right to Shared Parental Leave. Introduced in 2015, this was a major step change in enabling parents to share responsibilities for babies and children in the first year of birth or adoption. Employees can end their Maternity or Adoption leave and opt instead for Shared Parental Leave. They can both be off at the same time, and the leave can be discontinuous, with returns to work in between. This will of course have implications for employers in arranging cover. Also, the possibility of staff being off for extended family –related leave periods now therefore applies to men as well as women.

The Government had also committed to introducing the right to 'Grandparent Leave' from 2018 to reflect the key role that grandparents often have in family care arrangements, but this seems to have been put on the back burner for now, with no new law proposal on the table

Do we need policies?

All of these statutory rights are available to eligible employees, whether or not the employer has any written policies. It is good practice to ensure that staff know what their entitlements are, and many employers do set these out in written policies and procedures. Some employers also offer more generous entitlements than those set out in law. For example, many employers allow some paid time off in family emergencies and for bereavement, whereas the statutory right is to take unpaid time off. It is useful to set statutory and any additional entitlements out in written policies, so that everyone is clear.

Note also that it is unlawful to dismiss or treat any employee less favourably on the grounds of them asserting a statutory right, so it is important to be aware of what those rights are.

Antenatal Leave

- Mother: paid time off if appointment recommended by medical professional
- Partner: unpaid time off to attend up to 2 appointments with pregnant partner

This right is available from day 1 in employment.

Maternity Leave and pay

- 52 weeks Maternity Leave (including 39 weeks Statutory Maternity Pay (SMP))

Statutory Maternity Leave is available from day 1 in employment. To be eligible for SMP an employee needs to be earning enough, and have 26 weeks continuous service by the 'qualifying week'. This is the 15th week before the expected week of childbirth.

Adoption Leave and pay

- 52 weeks Adoption Leave (including 39 weeks Statutory Adoption Pay (SAP))

Statutory Adoption Leave is available from day 1 in employment. To be eligible for SAP an employee needs to be earning enough, and have 26 weeks continuous service by the week in which they are notified of a match.

Time off is also allowed for pre-adoption meetings.

Paternity Leave and pay (birth or adoption)

- 2 weeks Paternity Leave with 2 weeks Statutory Paternity Pay (SPP)

To qualify, 26 weeks' continuous service is required by the 15th week before birth or adoption. To be eligible for SPP, the employee needs to be earning at least the Lower Earnings Limit. The leave must be taken within 56 days of the date of birth or placement.

Shared Parental Leave and pay (birth or adoption)

- Up to 50 weeks Shared Parental leave + 37 weeks Statutory Shared Parental pay can be shared between both parents

Length of service requirements are as for Maternity and Adoption leave and pay. To be eligible for Shared Parental Leave an employee (or their partner) must end their Maternity or Adoption leave. This can be timed for anytime after the first 2 weeks compulsory Maternity leave. The remaining balance of leave and statutory pay will be available to share.

Ordinary Parental Leave (birth or adoption)

- Up to 18 weeks unpaid leave for parents of children up to age 18

One year's continuous service is required. The leave must be taken in blocks of at least 1 week, unless the child is disabled, in which case shorter periods are allowed. No more than 4 weeks may be taken in any one year.

Flexible Working Requests

- Any employee can request permanent change to their contracted hours or working arrangements, (e.g. to work part time / to work from home). The employer must reasonably consider the request.

26 weeks continuous service is required. Only one request can be made in any 12 month period.

Time off for emergencies to do with dependants

- All have the right to unpaid reasonable time off to deal with emergencies relating to a dependant. Guidance suggests this should be no more than a day or two, or less, depending on circumstances.

This is a day 1 right.

Resources

Click on the links below for further information on each topic.

- Antenatal Leave
- Maternity Leave
- Adoption Leave
- Paternity Leave
- Shared Parental Leave
- Ordinary Parental Leave
- Flexible Working requests
- Time off for Emergencies to do with dependants
- [GCVS Employers' Advice Service](#) produced this briefing paper for us. They offer advice, support and training on all aspects of being an employer. Contact Linden Stables, EAS Manager, on 0141 354 6515 or email linden.stables@gcvs.org.uk
- The Church of Scotland Law Department can offer a [wide range of support](#) to **Go For It** Funded projects and potential applicants.
Contact: Jennifer Campbell - jcampbell@churchofscotland.org.uk
- [Acas](#) provides information, guidance notes and help for employers.