

PART A

AGENDA
ITEM

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Report to: Council Functions Committee
Date of Meeting: 28th March 2007
Report of: Head of Human Resources
Title: Revised Maternity Leave Policy

1. SUMMARY

This amended policy sets out the rights and responsibilities of employees who are expecting babies on or after 1st April 2007. It incorporates the provisions of the Work and Families Act 2006, the maternity provisions of the Employment Act 2002, and sets out the help and support offered by Watford Borough Council .

2. RECOMMENDATIONS

RECOMMENDED that the attached policy is approved

Contact Officer:

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Report approved by: Tricia Taylor, Corporate Director

3.0 DETAILED PROPOSAL

The Work and Families Act, 2006, requires the Council to make changes to its existing Maternity Leave Policy, for employees whose babies are due on or after 1st April 2007. The main changes from the current policy are:

1. All “employees” are entitled to 52 weeks maternity leave
2. Employees are now entitled to up to 39 weeks rather than 26 weeks maternity pay and as an employer we must continue to make pension contributions for them for this period.
3. Employees are entitled to take up to 10 “Keeping in Touch Days” without losing their Maternity Pay entitlement. These are designed for employees to attend training courses, departmental meetings and other relevant events to facilitate their smooth return to work. It has been left up to the discretion of employers to determine how these are to be paid. It is proposed that the Council pay employees at their normal daily rate of pay and subtract a day’s SMP entitlement from this sum.

The areas which are subject to employer’s discretion are the level of payment for “Keeping in Touch Days” and also the accrual of annual leave during unpaid maternity leave. As employees currently accrue annual leave during the whole time they are on maternity leave, it is proposed that we do not change this arrangement.

4.0 IMPLICATIONS

4.1 Financial

The Head of Finance comments that the increase in Statutory Maternity Pay from 26 to 39 weeks represents an increase of £1,465.75 per employee. The potential extra cost of 10 “Keeping in Touch” days will depend on the grade of the employee. Taking Scale 6 (spinal point 26) as an example, including employer’s costs, net of SMP, this would be approximately £1,095 per employee if all 10 days are taken.

In the last twelve months 17 staff took maternity leave. Assuming the same level for 2007/08 the total potential additional cost to the Council could be approximately £43,500, where posts are being covered by the use of temporary staff (£24,920 extra SMP and £18,610 for “Keeping in Touch” days).

4.2 Legal Issues (Monitoring Officer)

The Head of Legal & Democratic Services comments that the legal implications are contained in the body of the report

4.3 Staffing

There will be a need to find temporary cover for posts where the postholder is on maternity leave.

4.4 Accommodation

There are no implications in this report.

4.5 Equalities

An Equality Impact Assessment is being completed on this updated policy. It is not envisaged that there will any implications in the report

4.6 Community Safety

There are no implications in this report.

4.7 Sustainability

There are no implications in this report.

4.8 Potential Risks

If the Council does not adopt these recommendations then it is likely to fall foul of the new regulation and be subject to successful claims in the Employment Tribunal.

Appendices

1. Current Maternity Leave Policy
2. Proposed Maternity Leave Policy

Background papers:

“The following background papers were used in the preparation of this report:

1. DTI Pregnancy and Work Documents
2. Consult Gee Local Government Human Resources Web site – Model Policies

File reference:

None