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**Human Resources & Health and Safety**



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Do you employ staff?

### **Employment Law Changes in April**

On 5<sup>th</sup> April;

#### **Changes to the Paternity and Adoption Leave (Amendment) Regulations 2014**

Under these regulations Adoption Leave will be changed to become a “day one” right. This means that employees will be eligible for Adoption Leave from the first day of their employment and there is no requirement for an employee to be continuously employed for 26 weeks. This change will not be extended to statutory adoption pay for which employees will still need to have been continuously employed for 26 weeks.

#### **Changes to the Children and Families Act 2014**

Enhanced provisions will be provided with regard to adoptive parents being able to take time off work to attend adoption appointments. The main adopter will have the right to paid time off work to attend up to five adoption appointments. The secondary adopter will have the right to unpaid time off work to attend up to two adoption appointments. The Company will have the right to request that employees attempt to schedule these appointments outside of working time but where that is not possible the Company will be required to honour the employee’s appointment.

Statutory Adoption Pay will change so that it ‘mirrors’ Statutory Maternity Pay, and therefore the first six weeks will be paid at 90% of the employee’s average earnings, with the remaining 33 weeks of the SAP period being paid at the weekly rate set by the government or 90% of the employee’s earnings, whichever is lower.

Employees who are becoming parents via a surrogacy arrangement will be entitled to take adoption or paternity leave. Previously, parents in a surrogacy arrangement could only be entitled to adoption leave if an adoption

agency had been involved in the process and the parents were intending to legally adopt their child. As of the stated date, parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008, will be able to take adoption leave and pay or paternity leave and pay, depending upon whether they are the primary adopter or the adopter's partner, so long as they meet the normal qualifying conditions. This change in the law will not affect the woman in the surrogacy arrangement that is carrying the child; an employee in this situation will still be entitled to maternity leave. Parents in a surrogacy arrangement will have the right to unpaid time off work to attend two antenatal appointments.

### Age Limit for Unpaid Parental Leave Extended

The right to take unpaid parental leave will be extended to the parents of all children aged under 18 years old. Employees will still be required to take unpaid parental leave in blocks of at least one week, and they remain unable to take more than four weeks of unpaid parental leave in one working year.

### The Shared Parental Leave Regulations 2014

Parents of children born or adopted on or after the 5<sup>th</sup> of April may be entitled to take Shared Parental Leave and Pay. For more information on these changes and everything they entail, please refer to our November 2014 Employment Law Update.

### The Health and Work Service Introduced

In April (expected to be from 5 April) the new Health and Work Service will be fully introduced nation-wide. This service is a free occupational health referral service provided via the NHS and it will include two services:

- A health and work telephone helpline and online support for employers, employees and GPs. The main purpose of this will be a question and answer formula.
- Access to an occupational health assessment for employees who have been absent from work due to a sickness for four or more weeks.

It will be the responsibility of the employee's GP to complete the referral, however if this has not been done after four weeks the employer will be able to refer the employee themselves. The main aim of this service is to help employees and employers work together to produce a "return to work" plan to prevent long-term absences.

Employers will be able to claim up to £500 tax relief on payments made towards medical treatments for their employees, where the treatment has been recommended under the new scheme.

### Changes to Statutory Payments

As of 5<sup>th</sup> April the statutory rates for Statutory Adoption Pay, Statutory Maternity Pay, Statutory Ordinary Paternity Pay, and Statutory Shared Parental Pay will rise from £138.18 to £139.58 per week.

As of the 6<sup>th</sup> April the statutory rate for Statutory Sick Pay will rise from £87.55 to £88.45.

## How Can We Help?

If you are a retained client then we will be updating your HR Policies and Procedures automatically. Otherwise if you have any queries relating to any of the subjects raised within this newsletter then please do not hesitate to contact us at [hradvice@hasslefreehr.co.uk](mailto:hradvice@hasslefreehr.co.uk)