



Shared Parental Leave

Take-up levels, different approaches, and the keys to successful implementation

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In April 2015 Shared Parental Leave (SPL) was introduced to UK workplaces, enabling parents to share the leave that accrues following the birth or adoption of a child. When we ran an IES briefing just before the legislation was introduced, it was clear, that organisations were in various states of readiness for SPL. Some organisations had spent months predicting and modelling take-up and costing the impact of SPL, while others had barely considered how they might implement SPL, how it might impact their organisation, or the cost implications.

We are now just under a year into SPL entitlement and it is timely to consider how organisations are getting on. How many people are taking up SPL? Are organisations enhancing SPL or offering the statutory minimum? And what has the impact been? Conversations with our own members and recent studies by My Family Care and Working Families give us an insight into the implementation and take-up of SPL and the issues that organisations have faced in trying to get it right.

The details of SPL, as outlined in Shared Parental Leave: the new regulations in a nutshell (Mercer, 2015):

- SPL and Shared Parental Pay (ShPP) are available for working parents who have or who adopt a child.
- Statutory maternity leave and pay; ordinary paternity leave; adoption leave and pay; and unpaid parental leave, will continue as before and run alongside SPL.
- SPL must be taken after the birth of the child and completed by the child's first birthday. Any leave and pay not taken will be lost and cannot be carried over.
- Employees can return to work between periods of SPL: it can be stopped and started.
- Fathers can start SPL while the mother is still on maternity leave or both parents can be on SPL at the same time, so that it would be possible for both parents to be at home together for 25 weeks if they so wished. Or they could stagger their leave so that one parent is always at home during the first year.
- Mums can end their maternity leave after 2 weeks, and split the remaining 50 weeks, any way they like as Shared Parental Leave.
- ShPP is paid at the flat rate throughout (£139.58 per week from 5 April 2015) even if the mother ends her maternity pay period before taking all of her 6-week enhancement. She cannot transfer the enhancement to the father or her partner.
- There is no entitlement to enhanced pay unless the employer offers an occupational SPL/ShPP scheme.

Take-up

According to My Family Care and Working Families, levels of take-up have not been high. My Family Care (2015) found that in the organisations they surveyed women did not really want to give up their maternity leave in large numbers. Working Families (2016) found that around a third of organisations reported take-up to be at the level they had anticipated, with 11 per cent reporting higher than anticipated take-up, and 14 per cent a lower than anticipated take-up. Thirty-nine per cent of organisations reported no take-up at all. They also found that the level of take-up was not linked to pay or whether the organisation had chosen to enhance ShPP.

Working Families found that employees who used the scheme were much more likely to request a single block of time off rather than separate discontinuous blocks.

Organisational scheme details

One of the biggest issues for organisations has been whether to enhance ShPP, especially if they offer generous maternity pay. On the one hand, generous maternity pay might mean it is harder for organisations to afford to enhance ShPP (28% of the My Family Care respondents reported the cost of matching to be prohibitive), but on the other hand organisations have been concerned that a decision not to enhance might leave them open to charges of unfair or unequal treatment. Indeed, My Family Care have found that it has been organisations who offer more generous maternity pay who, up until this point, have been more likely to match ShPP to maternity pay.

My Family Care report that 45 per cent of the organisations they surveyed were enhancing ShPP and, of these, 90 per cent were matching maternity pay (80% of organisations enhanced maternity pay). Working Families found that 32 per cent of their surveyed organisations were enhancing ShPP and an additional five per cent were enhancing some SPL but not matching maternity. Forty-eight per cent of organisations were offering statutory pay for all of SPL and 13 per cent of organisations, eight months after the implementation of SPL, had still not decided. My Family Care reported that organisations with greater proportions of male employees were more commonly among the 'still not decided' group, taking a 'wait and see' approach and still working on the resourcing and costing implications.

Challenges

Both Working Families and My Family Care respondents reported that line managers and scheme complexity were the two main challenges to the implementation of SPL.

Line manager reluctance, lack of understanding, and lack of support from line managers for SPL have been issues for some organisations since the introduction of flexible working, so it is perhaps not surprising that the added layer of SPL has not made things easier for line managers. Working Families' respondents reported that while a third of line managers were very supportive about SPL, 68 per cent were neutral or unsupportive. Perhaps to be expected when 89 per cent of organisations say that between 0 and 25 per cent of their managers had received any sort of training around SPL.

Challenges of complexity related to both the legislation and the level of detail put out to employees. Organisations reported grappling with the different organisational response times for SPL and maternity (14 days for the former 28 for the latter) and we know from the briefing IES ran in February 2015 that organisations were concerned with employee proof of entitlement (and proof for their partner). Some organisations have struggled to focus on the 'big picture', ie the key messages of their SPL schemes for working parents and equality, and have become bogged down in scheme minutiae, never really deciding, or even losing sight of what they are trying to achieve.

Keys to successful SPL

Some of the organisations in the My Family Care survey had used SPL and its implementation as a way of distinguishing themselves from their competition and further demonstrating their credentials as a good employer. Even though take-up may be small and women may not be rushing in droves to give up their maternity leave, these organisations have recognised that the way SPL is implemented gives clear messages to the market, to employees and potential employees about how they view mothers and fathers, the role of women in their organisation, and their attitudes to family life and flexibility.

For example, some organisations in the studies reported that their boards felt 'they could not have fathers taking six months off as well as mothers' and so they would not enhance ShPP. What messages does this give? That it is acceptable for mothers to take time out but not fathers? That men are more valuable to the organisation than women? That the status quo should be preserved and that childcare and baby rearing are the job of women? Even if the decision not to enhance ShPP is made on a cost basis rather than an active decision to discourage men from taking time off, the messages are still the same in an organisation where maternity pay is enhanced: we will pay for women to take time off but not men, we want to preserve the status quo.

Organisations should therefore think very carefully about a decision not to enhance ShPP where maternity pay is enhanced. It is worth repeating the My Family Care statistics that 80 per cent of organisations enhance maternity pay but only 45 per cent of organisations enhance ShPP.

It should be remembered that where a father goes off on SPL a mother is likely to be reducing her leave and organisations will find that the amount of leave taken overall (and cost) balances out in the end.

Also worth considering is the enhancement of blocks of time (for example four, six or eight weeks following the birth of a child). The studies showed that continuous blocks are likely to be an employee's preferred pattern and blocks of leave will also be easier to manage for the employer. Employers should be encouraged to look at these alternative patterns of enhancement where they do not feel they can match ShPP to enhanced maternity pay.

Training for line managers

Holding discussions about when SPL can be taken, and managing the impacts of discontinuous blocks of time off, is the job of line managers in most organisations; so if organisations want to ensure employees take time that suits both the employee and the employer they should consider training line managers. This is not just training in the technical details of SPL but also in the nuances of having those more challenging conversations with employees about leave and managing workloads.

Enhancing line manager skill might also lessen the fears that employers have about the complexity of SPL and encourage those organisations that still do not even have an SPL policy that now is the time to make up your mind about implementation and plan how you are going to do it.

Monitor for success

We would also encourage employers to monitor take-up of SPL across the organisation. Look for patterns in SPL requested, find out what suits the employee in terms of blocks of leave and what might also suit you as an employer. Check that there are not pockets of resistance in your organisation and that all employees have their requests for SPL handled fairly and consistently. Finally, we would encourage employers to monitor uptake and outcomes to ensure that employees who take SPL (as well as employees who take maternity leave and who work flexibly) are not disadvantaged in terms of performance appraisal outcomes, career development and promotion opportunities.

Getting SPL right, even if take-up is small, gives clear messages about what it might be like to work for your organisation. It is worth giving it the effort it deserves.

References

Mercer M (2015) Shared Parental Leave: the new regulations in a nutshell, Institute for Employment Studies

My Family Care (2015) Maternity/Paternity/Shared Parental Leave Benchmark, My Family Care

Working Families (2016), Shared parental leave: the perspective from employers, Working Families

Mary Mercer's key skill areas include shared parental leave, diversity, human resource and organisation development consulting, including flexible working, performance improvement, business process redesign and operational research. Mary leads our consultancy work on both flexible working and performance management and has delivered consultancy support within Local Government, Central Government, the Health Service and the Private Sector.

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