



New rules allow new parents to spread out their leave

Dental practice-owners may need to draw on their powers of compromise in order to comply with the new rules on Shared Parental Leave ('SPL'), which allow parents to share up to 50 weeks' leave in their child's first year.

The new rules on SPL apply to parents whose child is due to be born on or after 5 April 2015, allowing qualifying parents to share up to 50 weeks' leave between them in a single continuous period or discontinuous periods (returning to work between periods of leave) before their child's first birthday. The new rights apply equally to same-sex couples, co-habiting couples and those couples who are adopting.

Becky Lawton, an associate solicitor with Charles Russell Speechlys LLP, a member of NASDAL, advises dental practice-owners that, where possible, they should try to find a workable compromise when asked by an employee if they can take discontinuous periods of leave under SPL.

The regular rules on maternity leave and ordinary paternity leave will still apply, but the additional paternity leave scheme (which came into effect for children born or placed for adoption on or after 3 April 2011) has now been abolished.

The key elements are:

- A parent can book up to three blocks of leave in a child's first year, but must give their employer at least eight weeks' notice before each period of leave.
- Statutory shared parental pay is only given for up to 39 weeks – mothers are required to take two weeks' compulsory maternity leave (which is maternity rather than shared parental pay) and the remaining 13 weeks of leave is unpaid.

Becky advises that in order to be eligible to take SPL, the employee must have worked for the practice for at least 26 weeks by the end of the 15th week before the baby is due. The other

parent must also have been in employment and meet certain wage criteria (although parents who are self-employed can still be eligible).

Becky advises that when employees inform their employer that they wish to take parental leave, the employer should seize the opportunity to have an informal discussion. "This is a good time to discuss both of your preferences and what leave patterns you would be most likely to agree to."

"Once your employee has formally requested to take discontinuous periods of SPL by serving a period of leave notice, you have two weeks to consider the request, beginning from the date the notice was given to you. In response to a period of leave notice for discontinuous periods of SPL, you can either: consent to the periods of leave requested; propose alternative dates for the periods of leave; or refuse the periods of leave requested without proposing alternative dates."

Becky warns that if no agreement is reached within that two-week period, the default position is that the employee will be entitled to take the total amount of leave requested in her or his notice as a single block of continuous leave.

She added: "From an employee relations perspective, it is always best to try to find a workable compromise rather than refuse a request."

Note to editors:

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