



This Guidance Note is not a complete statement of the law. It is intended for general information only and is not a substitute for seeking specialist advice in particular circumstances. No responsibility for loss occasioned as a result of a person acting or refraining from acting in reliance on it, is accepted by the authors or by NYFVO.

The Work and Families Bill

This Bill, which was introduced into Parliament on 18 October 2005, has as its main purpose the extension of the maximum periods for which statutory maternity pay, maternity allowance and statutory adoption pay are payable. It also includes proposals on other issues affecting the working life of many people. Measures included are:

1. Statutory Maternity Pay and Maternity Allowance and Statutory Adoption Pay will be payable for up to 9 months from April 2007 (the Government's aim is to increase this to 12 months eventually)
2. The period of notice which must be given by a woman to return from maternity leave will be extended to 8 weeks (from 28 days)
3. Provisions regarding 'keeping in touch days' and acceptable contact between employers and employees on maternity leave will be introduced/clarified
4. The right to request flexible working arrangements will be extended to carers of adults from April 2007 (although "carers" has not yet been defined, some sort of relationship with the person being cared for will be required)

The Bill also introduces a power to extend fathers' rights to paternity leave, an issue which has been the subject of much media comment. The Government intends to consult further on this proposal, but current thinking is that fathers will be able to take up to 6 months' leave (only 3 months paid) if the mother chooses to return to work after her first 6 months of maternity leave. In other words, the father's right will be dependant on the mother's returning to work – his leave will then follow her's, rather than being concurrent.

Another proposal which is to be subject to further consultation is a power to stop Bank Holidays from being included in an employee's annual holiday entitlement – if implemented, this would increase the minimum number of paid days' annual holiday to which every worker is entitled to 28 days, a quite substantial increase.

[NYFVO/EA/Dec 2005]

Update - the DTI has published for consultation three sets of draft regulations which will introduce some of the reforms to the rules on family-related leave and flexible working discussed above. Of these, the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006 have

now provided the definition of a “carer” for the purposes of the new right to request flexible working arrangements. A “carer” is defined as

“someone who cares for an adult who is either their spouse or civil partner, a relative, or a person living at the same address”.

The definition of ‘relative’ in this context is now the subject of consultation, and will obviously have an impact on the final percentage of people with caring responsibilities who will be covered by the new right to request flexible working.

[NYFVO/EA/March 2006].