

EXPLANATORY MEMORANDUM TO
THE STATUTORY PATERNITY PAY AND STATUTORY ADOPTION PAY
(GENERAL) AND THE STATUTORY PATERNITY PAY AND STATUTORY
ADOPTION PAY (WEEKLY RATES) (AMENDMENT) REGULATIONS 2006

2006 No. [2236]

1. This explanatory memorandum has been prepared by the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.

2. **Description**

The Statutory Paternity Pay and Statutory Adoption Pay (General) and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) (Amendment) Regulations 2006 (“the Amendment Regulations”) amend the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002 in respect of persons adopting children where the expected date of placement of the child is on or after 1 April 2007; and in relation to Statutory Paternity Pay (birth or adoption) in respect of children whose expected week of birth is on or after 1 April 2007, or where the expected date of placement of the child is on or after 1 April 2007.

3. **Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**

None

4. **Legislative Background**

4.1 The Amendment Regulations are made under powers contained in the Social Security Contributions and Benefits Act 1992 (SSCBA) and the Social Security Administration Act 1992 (the 1992 Act). Several provisions in SSCBA have been amended by the Work and Families Act 2006 (the 2006 Act) which obtained Royal Assent on 21 June 2006. The 2006 Act, as well as amending provisions in SSCBA covering Statutory Adoption Pay (SAP) and Statutory Paternity Pay (SPP), also contains provision for adoption leave and maternity leave and pay. Amendments to the maternity leave and adoption leave regulations were made by the Department of Trade and Industry in July 2006 (The Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2006); and amendments to Statutory Maternity Pay (SMP) and Maternity Allowance (MA) regulations are being made by the Department for Work and Pensions.

4.2 Sections 171ZA to 171ZT of SSCBA contain the primary legislation governing the SPP and SAP schemes.

Section 2 of the 2006 Act amends section 171ZN(2) of SSCBA, increasing the maximum period that the Secretary of State may prescribe for the payment of SAP

from 26 to 52 weeks. The Amendment Regulations initially set the period of payment at 39 weeks.

4.3 Paragraph 21 of Schedule 1 to the 2006 Act amends section 171ZN(3) of SSCBA to provide a power to prescribe exceptions to the provision that an employer shall not be liable to pay SAP to an employee for any week in which that employee works. The Amendment Regulations allow employees to retain their SAP payments if they work for up to 10 days during an SAP period.

4.4 Paragraphs 16 and 21 of Schedule 1 to the 2006 Act amend SSCBA to make it possible for the weekly rate of SAP, SPP (birth) and SPP (adoption) to be divided by 7 where this will make it easier for employers to align weekly SAP or SPP payments with their normal pay practice.

4.5 The Amendment Regulations are made under the amended powers.

4.6 The Amendment Regulations are subject to the negative procedure and are consequential on the coming into force of the Work and Families Act 2006.

5. Extent

5.1 This instrument extends to Great Britain.

5.2 Northern Ireland will take forward parallel legislation to mirror these changes.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 To ensure parents have a greater choice in balancing work and family life, the Government, in the Pre-Budget Report of 2 December 2004, committed to extend Statutory Maternity Pay, Maternity Allowance and Statutory Adoption Pay from the current 26 weeks to 39 weeks from April 2007. This was a step toward the goal of one year's payment by the end of this Parliament. A wider consultation, led by the Department of Trade and Industry was initiated with the publication, on 28 February 2005, of a consultation document "Work and Families: Choice and Flexibility" (available at <http://www.dti.gov.uk/employment/workandfamilies/index.html>).

7.2 The consultation sought views on the extension to the pay periods; what might be done to help ease the administration of Statutory Maternity Pay, Statutory Adoption Pay and Statutory Paternity Pay for employers; improving communications between employers and employees on leave; and helping employers plan for an employee's eventual return to work by changing the notification requirements. It also put forward options for allowing leave to be transferred between parents.

7.3 In October 2005 the Department of Trade and Industry published the Government's response to the Work and Families: Choice and Flexibility consultation

including a summary of over 200 responses received from representatives of large and small employers, parent and carer groups as well as individuals and individual employers. On 31 January 2006 the Government published draft regulations on maternity and adoption leave for consultation which included a description of the changes proposed for SMP, MA, SAP and SPP; the draft pay regulations were published in March. The Government's response to the consultation on the draft regulations was published in June 2006. It can be viewed at <http://www.dti.gov.uk/employment/workandfamilies/index.html>

7.4 The amendment regulations implement the changes the Government has undertaken to make to SAP and SPP and make consequential changes.

Extending the payment period to 39 weeks.

7.5 Currently SAP is paid for up to 26 weeks. The regulations extend this period to 39 weeks in respect of adoptions where the expected date of placement of the child is 1 April 2007 or later.

Working during the statutory adoption pay period for up to 10 days without loss of SAP

7.6 Currently an employee will lose a week's SAP for any week in which he has done any work under his contract for the employer paying SAP to him. The SAP Regulations are amended to allow an employee to work for up to 10 days under his contract during the statutory adoption pay period for the employer paying his SAP and still retain his SAP for the week in which he does that work. The days during which he may work with no loss of SAP are known as "Keeping in Touch" days. The consultation revealed a general welcome for a measure which will help adopters maintain contact with the employer during longer periods of paid adoption leave from work and ease their transition back to work at the end of that leave. Stakeholders on the whole suggested the number of days should be capped at between 5 and 15 days. The Government decided that a cap of 10 days was a reasonable response to the views expressed during consultation.

Rounding of SAP and SPP payments

7.7 The Statutory Paternity Pay and Statutory Adoption Pay (Weekly rates) Regulations 2002 are amended to ensure that where any payment of SAP or SPP is made whether in respect of a whole week or part of a week, then that payment, if it includes a fraction of a penny, is rounded up to the next whole number of pence. In order to make the payment of SAP and SPP more flexible, employers may pay SAP or SPP in split weeks if this suits their payroll system. The regulations have therefore been amended to apply one rounding rule to any payment of SAP or SPP (including where any earnings-related rate is calculated).

8. Impact

8.1 A Regulatory Impact Assessment covering these measures and the corresponding leave measures was submitted with the memorandum covering the Maternity and Parental Leave Etc. and the Paternity and Adoption Leave (Amendment) Regulations 2006. The Regulatory Impact Assessment is again attached

here for convenience. It can also be viewed at
<http://www.dti.gov.uk/employment/workandfamilies/index.html>

8.2 The impact on the public sector is expected to be similar to the impact on other employers.

9. Contact

Name of contact at the Department of Trade and Industry: Nicola Dissem (Telephone: 020 7215 0389 or e-mail: nicola.dissem@dti.gsi.gov.uk) can answer any queries regarding the instrument.

The Maternity and Parental Leave (Amendment) Regulations 2006 and the Paternity and Adoption Leave (Amendment) Regulations 2006

June 2006

Introduction

1. In January 2006 the Government published draft regulations on Maternity and Adoption Leave¹, following commitments made in the Government's Response to the Work and Families Consultation in October 2005². Draft regulations amending maternity and adoption pay were also published in draft³. The *Work and Families Bill RIA: Choice and Flexibility* in October 2005⁴ set out the following proposals relating to maternity and adoption leave and pay.

- (a) extend the period for payment of Statutory Maternity Pay (SMP), Maternity Allowance (MA) and Statutory Adoption Pay (SAP) initially from 26 to 39 weeks by April 2007;
- (b) reform the period of notice to be given by an employee prior to returning to work after maternity or adoption leave;
- (c) introduce measures to help employers with the administration of Statutory Payments and measures to encourage communication and contact during maternity and adoption leave ("keeping in touch days" and clarification that employers may make "reasonable contact");
- (d) change the qualification requirement for Additional Maternity Leave (AML), to ensure mothers are able to take advantage of the extended period for payment of Maternity Allowance;

2. Following the consultation on the draft regulations which ended on 25th April 2006, this RIA updates the earlier analysis, especially in the area of Keeping in Touch (KIT) days, where some additional evidence has recently become available.

Amending existing provisions on Statutory Adoption Pay

¹ Work and Families: Choice and Flexibility, Draft Regulations on Maternity and Adoption Leave and Flexible Working, January 2006, URN 06/707, <http://www.dti.gov.uk/files/file23932.pdf>

² <http://www.dti.gov.uk/files/file16317.pdf>

³ Statutory Maternity Pay and Maternity Allowance (Amendment) Regulations 2006 and the Statutory Paternity Pay and Statutory Adoption Pay (General) and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) (Amendment) Regulations 2006

⁴ For a full discussion of the costs and benefits as well as the underlying methodology used see Sections A to D of the Work and Families Bill: Choice and Flexibility RIA, October 2005, URN 05/1585: <http://www.dti.gov.uk/files/file19314.pdf>

3. In addition to these proposals relating to maternity and adoption leave and pay, the Government is also making a technical amendment to the existing provisions on Statutory Adoption Pay (SAP) to take account of provisions of the Adoption and Children Act 2002 (ACA) which allow unmarried couples to adopt a child jointly. Though separate from the Work and Families package of measures, it is appropriate to assess the effects of this amendment here too.

Purpose and intended effect

Objective

4. The overall objective of this package of measures is to give children the best start in life, parents more choice about how to balance their work and family responsibilities and to support employers in recruiting and retaining the best people.

5. The purpose and intended effect of the individual elements of the package are as follows:

(a) Extending the period for payment of SMP, MA and SAP initially from 26 to 39 weeks from April 2007

6. These measures are intended to enable mothers and adopters to take longer off work following the birth or placement for adoption of their child should they choose to do so. The evidence confirms the value of consistent one-to-one care in the first year of a child's life.

7. Currently, expectant mothers who are working and meet qualifying conditions based on length of service and average earnings are entitled to receive up to 26 weeks' Statutory Maternity Pay. This consists, for the first 6 weeks, of 90 per cent of the mother's average weekly earnings (with no upper limit); and, for the remaining 20 weeks, of a flat rate payment (currently, £108.85 per week⁵) or the 90 per cent rate if that is lower than the flat rate. For the purposes of this RIA we envisage that this flat rate will rise to around £111 a week in 2007/08.

8. Mothers who are not entitled to Statutory Maternity Pay but who meet qualifying conditions based on recent employment and earnings records receive Maternity Allowance. This is paid for 26 weeks at £108.85 per week or at 90 per cent of the mother's average weekly earnings if that rate is lower than the flat rate. For the purposes of this RIA we envisage that this rate will rise to around £111 in 2007/08.

9. Qualifying adopting parents are entitled to leave of 26 weeks paid at the prevailing flat rate.

10. The effect of this measure would be to increase the entitlement to payment to cover an additional 13 weeks for SMP, MA and SAP.

(b) Reforming the period of notice to be given by an employee prior to returning to work after maternity leave

11. This measure is intended to give more time to employers to plan for a mother's return to work following the birth. Currently, a mother going on maternity leave will agree with her employer the date when she expects to return to work. If subsequently she intends to return to

⁵ With effect from April 2006

work earlier or later than agreed, she must give her employer at least 28 days' notice of her date of return.

12. The Government response to the 2005 consultation set out the Government's intention to increase the current 28-day notice period to two months and the RIA examined the costs and benefits of this option as well as those set out in the consultation document: to retain the current period or to extend it to three months.

(c) Measures to help employers with the administration of Statutory Payments and measures to encourage communication and contact during maternity leave

13. The first of these measures aims to help employers with the administration of statutory payments by allowing women to start their maternity pay on the day their leave begins. Second, administration for business would also be eased by the introduction of a provision allowing for the calculation of SMP at a daily rate. The third would enable employers to initiate contact with women on maternity leave to reduce uncertainty regarding the date of return to work and to discuss other aspects relating to her leave or return to work. Fourth, the regulations also introduce 'keeping in touch' days to allow employees to carry out a limited number of days' of paid work under their contract of service without losing the right to any statutory pay for that week or bringing maternity leave to an end.

14. As the Government has set out in *Success at Work: Protecting Vulnerable Workers, Supporting Good Employers*⁶ once the measures in the Work and Families Bill have been introduced we will consider the case for further simplification of the way in which employers administer SMP.

(d) Changing the qualification requirement for Additional Maternity Leave (AML)

15. This is primarily an enabling measure to ensure mothers who will be entitled to nine months' maternity pay, as proposed above, are also able to take nine months' maternity leave. Without changing the qualification requirement for Additional Maternity Leave, some mothers would be entitled to nine months' Maternity Allowance but only six months' maternity leave.

The Small Employers' Exemption

16. Women on maternity leave currently have the right to return to the same or an equivalent job under the Maternity and Parental Leave Regulations 1999. However, where an employer has five or fewer employees, it does not currently constitute automatic unfair dismissal if the woman or adopter is not allowed to return at the end of Additional Maternity Leave (AML) or Additional Adoption Leave (AAL) because the employer regards this as not reasonably practicable. A woman in this position could still make an unfair dismissal claim, and more significantly, a sex discrimination claim. Case law has established that an employer who denies a woman a post on her return from maternity leave is likely to be in breach of the provisions of the Sex Discrimination Act 1975 (SDA).

17. In September 2005 the Government published its response to the consultation "Equality and Diversity: Updating the Sex Discrimination Act"⁷ about changes which will be made in order to implement the amended Equal Treatment Directive (2002/73/EC) (ETAD). One of the requirements of ETAD is that a woman or adopter returning to work after maternity or adoption leave must be able to return to her job or to an equivalent post. The response to the consultation on "Equality and Diversity: Updating the Sex Discrimination

⁶ <http://www.dti.gov.uk/employment/employment-legislation/success-at-work/index.html>

⁷ <http://www.dti.gov.uk/files/file13952.pdf>

Act” explained that the Government intends to remove the small employers’ exemption alongside the other changes to maternity leave and pay which are set out in this RIA.

Amending existing provisions on Statutory Adoption Pay

18. The Adoption and Children Act 2002 (ACA) came into force in England and Wales on 30 December 2005. The Act overhauled the outdated 1976 Adoption Act and modernises the pre-existing legal framework for domestic and inter-country adoption.

19. Following the introduction of the ACA, and its new provision of enabling unmarried couples or couples not in a Civil Partnership to apply to adopt, a (minor) technical amendment is required for the existing provisions on Statutory Adoption Pay. The SAP provisions allow only one member of the adopting couple to receive SAP. While the current SAP provisions ensure that only one member of a couple can receive SAP when a married couple or civil partners adopt, the provisions do not explicitly cover unmarried adopters⁸ and this raises the possibility of both members of the couple being able to receive SAP. This technical amendment seeks to correct this and ensure that SAP provisions for all couples adopting jointly are brought into line.

Rationale for government intervention

20. These measures actively address a number of policy goals:

- **To help mothers and fathers take leave to care for their children in the first year.** Extending Statutory Maternity Pay and similar entitlements initially to 39 weeks (from April 2007) will further encourage parental care for children during their first year. It will not be obligatory for parents to take such entitlements, but their greater availability should encourage greater take up;
- **To improve staff morale, retention and recruitment.** Extending maternity pay and, where necessary, leave, will address the risk of significant staff turnover, skills loss and disruption to businesses and enable employers and employees to come to mutually acceptable arrangements; and
- **To support business planning.** Extending the period of notice of return is one of a number of measures to encourage more communication and dialogue between employer and employee during maternity leave, which will help protect businesses from undue disruption.

⁸ The ACA includes provisions to enable married couples, two people who are civil partners to each other, single people or two people (regardless of gender) living as partners in an enduring family relationship to apply to adopt.

Consultation

(1) Following the Work and Families: Choice and Flexibility Consultation, 2005

(i) Within Government

21. The RIA has been developed in consultation with various Departments including the Department for Work and Pensions, the Department for Education and Skills, HM Treasury, HM Revenue and Customs and the Small Business Service.

(ii) Public consultation

22. There was some initial consultation leading to the proposals set out in the 2004 Pre-Budget Report and Ten Year Childcare Strategy. The Small Business Service brought together employers to talk to the DTI about the impact on their business of the current legislation, including statutory maternity and paternity leave and pay and the right to request flexible working.

23. The DTI also carried out a formal consultation exercise from 28 February to 25 May 2005. It received over 200 formal responses to the *Work and Families: Choice and Flexibility* consultation⁹.

(2) Consultation responses on 'Keeping in Touch Days', 2006

24. A recent consultation (31 January – 25 April 2006) on the draft maternity and adoption leave regulations sought stakeholders' views on the cap that should be applied to the maximum number Keeping in Touch Days. Most were welcoming of the proposal. The majority of responses agreed that a cap should be placed on the total number of Keeping in Touch days available. Of those who suggested a number, the majority suggested a limit in the region of 5 – 15 days. The Government has decided to fix the limit at 10 days. A cap of 10 days will allow sufficient flexibility for employers and employees to benefit from these kinds of activities, without allowing excessive amounts of work to be carried out during the maternity leave period. It also has the advantage of being a readily memorable round figure, and is the equivalent of two working weeks for many employees.

25. Stakeholders' views were also sought on whether to restrict the period in which Keeping in Touch Days should be taken. The overwhelming view from the consultation was that there should be no such restriction, other than to exclude the two weeks immediately following the birth (which in any case is already a period of compulsory maternity leave during which it is not possible to work). Accordingly the regulations do not restrict the period other than for these two weeks. This would not affect the prohibition under health and safety legislation on factory employees working within a longer period after giving birth, and this could be made clear in guidance.

⁹ For full details of the consultation response see the *Work and Families Bill: Choice and Flexibility RIA*, <http://www.dti.gov.uk/files/file19314.pdf>

Options

26. The *Work and Families Bill: Choice and Flexibility* RIA of October 2005 set out both the full range and recommended options for these proposals. In addition to this, as discussed above, the 2006 Consultation on the draft regulations asked for stakeholder views on the number of Keeping in Touch Days and whether or not the opportunity to take them should be subject to a limited time period.

Estimated Costs and Benefits: Summary

27. The estimated detailed costs and benefits for each are summarised in the tables below

28. For those costs and benefits that are quantifiable these are presented in 2007 prices and are based on estimates of the coverage of people for each proposal in 2007. In some cases it is difficult to put a figure on the benefits of improved workforce morale and better employee/employer relations - both of which are intended effects of these measures.

29. **Summary table 1:** Costs and benefits of extending the period of Statutory Maternity Pay, Maternity Allowance and Statutory Adoption Pay initially from 26 to 39 weeks:

Summary Table 1: Costs and benefits of extending the period of SMP, MA and SAP from 26 to 39 weeks

Description	Additional Costs	Benefits
1. Extend SMP from 26 weeks to 39 weeks	Additional costs: to Exchequer: £296 m/yr. Direct cost to employers (net): £22m/yr Indirect cost (cost of absence) to employers: £22m-£36m/yr Implementation costs: negligible.	The child will benefit from greater support for parents to stay at home. Parents will benefit from being able to spend more time with their children and mothers will have more choice about when they return to work, as well as having longer to secure other childcare arrangements. For employers, the estimated reduction in recruitment costs as a result of increasing the number of mothers staying on after return to work is: £13.2m/yr.
2. Extend MA from 26 weeks to 39 weeks	Additional costs: to Exchequer: £93 m/yr.	
3. Extend Statutory Adoption Pay - initially from 26 weeks to 39 weeks	Additional costs: to Exchequer and to employers: negligible.	

Source: DTI/DWP estimates

30. **Summary table 2:** Costs and benefits of increasing the period of notice to be given by an employee prior to changing the return to work date after maternity leave.

Summary Table 2: Costs and benefits of increasing notice periods

Description	Additional Costs	Benefits
Extend the notice of return period from 28 days to 2 months	Very minor costs of informing employees of new rules.	To employers: £3.5m-3.7m/yr.

Source: DTI estimates

31. **Summary table 3:** Costs and benefits of introducing measures to help employers with the administration of statutory payments and measures to encourage communication and contact during maternity leave

Simplification measures (Payroll)

Summary Table 3.1: Costs and benefits of introducing measures to help employers with the administration of statutory payments

Description	Additional Costs	Benefits
Measures to help employers with the administration of Statutory Payments	Negligible costs to adapt payroll systems	Eases the administrative burden on employers

Source: DTI estimates

Simplification measures (keeping in touch)

Summary Table 3.2: Costs and benefits of introducing measures to encourage communication and contact during maternity leave

Description	Additional Costs	Benefits
Measures to Encourage Communication and Contact During Maternity Leave	Negligible costs to employers.	Savings in recruitment costs for employers through higher staff retention, as more mothers return to work after completing their maternity leave ¹⁰ . In general, better communication between employers and mothers

Source: DTI estimates

32. **Supplementary table:** Costs and benefits of amending SAP provisions to ensure that only one member of unmarried adopter couples receives SAP payments.

Supplementary Table: Costs and benefits of amending SAP provisions

Description	Additional Costs	Benefits
Amend provisions to allow only one member of unmarried adopter couple to receive SAP	Small cost to individuals through loss of double-payments	Minor saving by Exchequer due to eradication of double-payment under SAP Greater clarity in SAP provisions and ensure equality with other adopter couples.

Source: DTI estimates

Impact on small business

33. The impact of each measure on small businesses will vary, both in terms of costs and benefits. The Government has consulted small businesses to gain a clearer picture of those

¹⁰ Around a quarter of employers operated a 'keeping in touch' scheme in 2005. The existence of a specific scheme resulted in a greater likelihood of a mother returning to work after maternity leave – 87% compared with 80% of all mothers. Source: Smeaton, D and Marsh, A, *Maternity and Paternity Rights and Benefits: Survey of Parents 2005*, DTI Employment Relations Research Series No. 50, URN 06/836.

However, in the absence of further data on the usage and operation of Keeping in Touch Days, it is not possible to quantify accurately the costs and benefits at this stage.

effects. Current initial estimates indicate that the impact on small businesses of each proposal may be as follows:

- **Extending the period of Statutory Maternity Pay, Maternity Allowance and Statutory Adoption Pay initially from 26 to 39 weeks.** Small businesses paying £45,000 or less in national insurance in the previous tax year can recover all of these entitlements and may be able to do so in advance, plus an additional 4.5 per cent to compensate them for the employers' National Insurance Contributions (NICs) paid. In addition, small businesses like larger businesses should benefit from increased employee motivation and retention, with reduced recruitment costs.
- **Increasing the period of notice to be given by an employee prior to changing the return to work date after maternity leave.** Small firms are particularly vulnerable to short-term disruption where a member of staff is absent and are less able to adjust to changes of plan than large firms with greater resource flexibility. This proposal should be particularly beneficial to small firms.
- **Introducing measures to help employers with the administration of Statutory Payments and measures to encourage communication and contact during maternity leave.** Measures to ease the administrative complexities in the calculation and payment of statutory payments are more likely to have a positive impact on smaller firms, especially where there is no designated HR function. Measures to encourage communication and contact during maternity leave are not considered to impact disproportionately on small firms.

Race Equality Impact Assessment

34. A Race Equality Impact Assessment (REIA) was carried out for the *Work and Families Bill: Choice and Flexibility* RIA¹¹. As the Maternity Leave Regulations simply extend what was presented in the Work and Families Bill, the assessment conducted at that time remains unchanged.

Competition assessment

35. Initial conclusions are that a detailed competition assessment is not necessary for any of these proposals. The issue of market share is not relevant because the regulations affect all sectors of the economy. Some sectors of the economy such as certain public sector services are more intensive in female labour supply, but in these sectors market share is also not relevant. The maternity regulations will not affect market structure or the potential of new firms to enter markets nor are the regulations expected to have an impact on firms' production decisions.

Enforcement, sanctions and monitoring

Guidance

36. What came out clearly in the responses to the 2005 consultation is that employers and employees would value more cohesive and comprehensive guidance about the law and how it applies to them. The Government acknowledges there is a need to review and revise the guidance and information it provides to ensure it is accessible, comprehensive and appropriate for purpose. The Government's recent publication, *Success at Work: Protecting Vulnerable Workers, Supporting Good Employers*¹² includes a commitment to do so. It will ensure that this guidance covers both current rights and those introduced by the new legislation.

¹¹ The Race Equality Impact Assessment can be found here: <http://www.dti.gov.uk/files/file26943.pdf>

¹² <http://www.dti.gov.uk/employment/employment-legislation/success-at-work/index.html>

Enforcement

37. Under existing legislation on maternity and adoption leave, employees can seek redress through an employment tribunal, for example in cases of detriment or dismissal.

38. Similarly, employees will be able to seek redress through an employment tribunal for infringements of any new rights.

Post implementation review

39. The DTI, with the DWP, will monitor information on take-up rates of extended maternity leave and pay. In consultation with the Office for National Statistics, the DTI will also consider the feasibility of monitoring extended maternity pay and leave through questions in the LFS. The DTI will continue informal discussions with parents, employees and employer representatives to assess qualitatively the response to the introduction of any new measures.

Declaration

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed by the responsible minister

Jim Fitzpatrick
Parliamentary Under-Secretary of State for Employment Relations and Postal Services

Date

Contact Details

Any comments on the regulatory impact assessment should be addressed to:

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