

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 6

HUMAN RESOURCES COMMITTEE: 14 JULY 2014

SUBJECT: REVIEW OF MATERNITY PAY PROVISIONS

**JOINT REPORT OF THE CHIEF FIRE OFFICER, THE CLERK TO THE
AUTHORITY, THE FINANCE OFFICER AND THE PERSONNEL ADVISOR TO THE
AUTHORITY**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update Members on the review of maternity pay provisions in line with best practice and seek Member endorsement.

2 BACKGROUND

- 2.1 The Equality Committee proposed a review of maternity provisions.
- 2.2 A research project was undertaken and involved consultation with employees and unions together with considering the approach of other public sector organisations.
- 2.3 The findings report was presented to Equality Committee at the conclusion of the project in January 2013.

3 MATERNITY PAY COMPARISONS

- 3.1 Currently the Authority provide 6 weeks at 90% pay (minimum required by government), 12 weeks at 50% pay plus SMP and 21 weeks at SMP. This is above the statutory entitlement as set out below:

Green and Grey book conditions

Weeks 1 to 6	=	90% of average earnings (Higher Rate SMP)
Weeks 7 to 18	=	<i>½ salary plus lower rate SMP per week</i>
Weeks 19 to 39	=	Lower rate SMP per week

Statutory entitlement

Weeks 1 to 6	=	90% of average earnings (Higher Rate SMP)
Weeks 7 to 18	=	Lower rate SMP per week
Weeks 19 to 39	=	Lower rate SMP per week

- 3.3 Research was undertaken with both fire and rescue services and local authority comparisons which identified wide variations in terms of pay provision.
- 3.4 When comparing the Authority with the 5 local authorities of Tyne and Wear it was evident that the local authorities pay in line with Local Government National Green Book terms and conditions of service for maternity pay with the exception of Sunderland City Council paying 1 week at 100%.
- 3.5 It was identified that any potential improvement in maternity pay will need to be balanced with the current financial situation.

4 REVISED POLICY

- 4.1 Further to the findings from the research project and consideration of the approach of the 5 local authorities in Tyne and Wear it is proposed to introduce a full pay element for a period of 1 week to the current maternity pay provisions, whilst maintaining the other elements of the policy.

5 PATERNITY LEAVE & MATERNITY SUPPORT LEAVE (TWFRS)

- 5.1 Members may also be interested to note that there was a difference of pay provision between men and women. Men are entitled to 1 week's full pay whereas women are entitled to 90% of 1 week's pay. The change in policy of this Authority aligns both women and men.

5.2 Paternity Leave (Week 1)

Furthermore an employee with less than twenty-six weeks continuous local government service and who is the child's father or the expectant mother's partner shall be entitled to a week's paid paternity leave.

5.1 Paternity Leave (Week 2)

An employee who has at least twenty-six weeks continuous local government service will in addition be entitled to a further week's leave (to be taken immediately following the first week) paid at the Statutory Paternity Pay (SPP) rate per week.

6 LEGISLATIVE IMPLICATIONS

- 6.1 The legislative implications associated with this report are contained within the body of the report.

7 RISK MANAGEMENT

- 7.1 A risk assessment has been undertaken to ensure that the risk to the Authority has been minimised as far as practicable. The assessment has considered an appropriate balance between risk and control; the realisation of efficiencies; the most appropriate use of limited resources; and a comprehensive evaluation of the benefits. The risk to the Authority has been assessed as low utilising the standard risk matrix based on control measures being in place. The complete risk assessment is available on request from the Chief Fire Officer.

8 FINANCIAL IMPLICATIONS

- 8.1 The financial implications for this report are minimal and will be met within existing budgets.

9 STRATEGIC PLAN LINK

- 9.1 Goal Four: To deliver a modern effective service ensuring value for money with staff who reflect the communities we serve.

10 EQUALITY AND FAIRNESS IMPLICATIONS

- 10.1 The Equality Act 2010 and the Public Sector Equality Duty incorporates Pregnancy and Maternity as a protected characteristic.

10 HEALTH AND SAFETY IMPLICATIONS

- 10.1 The health and safety implications associated with this report are contained within the body of the report.

11 CONSULTATION UNDERTAKEN

- 11.1 External organisations were contacted for comparative purposes and to seek good practice in relation to maternity provisions.
- 11.2 Contact was made with metropolitan FRS's, other FRS's across the country and local councils.
- 11.3 In addition, research was carried out via professional organisations such as the Chartered Institute of Personnel and Development (CIPD).

12 RECOMMENDATIONS

12.1 Members are recommended to:

- a) Consider and approve the proposal detailed in paragraph 4.1 above.

BACKGROUND PAPERS

The under mentioned Background Papers refer to the subject matter of the above report:

Maternity / Paternity Procedure and Guidance (Admin Procedure 2.29).

Sunderland City Council A Guide to Maternity Benefits http://www.unison-cityofsunderland.org.uk/Employment%20Policies/Maternity_Policy_130307.pdf

<http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

Equalities Review, Communities and Local Government, 2007.

Fire Brigades Union, Negotiating Maternity, Paternity and Adoption Rights.

Unison Bargaining Support Group Maternity Rights factsheet.

West Yorkshire Fire and Rescue Service Employment Services Maternity Provisions Procedures and Guidance.

Staffordshire Fire and Rescue Service Maternity Policy.

Hampshire Fire and Rescue Service Maternity Provisions.