

# CHILDREN AND FAMILIES ACT 2014

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 7 - Statutory Rights to Leave and Pay**

##### **Other statutory rights**

##### *Schedule 7: Statutory rights to leave and pay: further amendments*

635. *Schedule 7* makes consequential amendments to a number of Acts in light of the introduction of shared parental leave and pay.
636. Many of the paragraphs make amendments to other legislation to re-name “ordinary statutory paternity pay” and “ordinary paternity leave” as “statutory paternity pay” and “paternity leave”. With the abolition of additional statutory paternity pay and leave there will only be one type of paternity leave and pay and the references to “ordinary” are no longer necessary.
637. Secondly, the amendments remove references to “additional paternity leave” and “additional paternity pay” where appropriate, in line with the abolition of additional statutory paternity pay and leave.
638. Thirdly, the amendments insert references to “statutory shared parental pay” and “shared parental leave” where appropriate.
639. *Paragraphs 1 to 4* amend Schedule 5 to the Social Security Act 1989. *Paragraphs 2 and 3* amend the existing paragraphs of Schedule 5 about employment-related schemes that contain unfair paternity leave provisions and unfair adoption leave provisions so that they also apply in cases relating to placement of a child under section 22C of the Children Act 1989 (Fostering for Adoption cases) and in cases involving surrogacy arrangements. *Paragraph 4* adds a new paragraph to Schedule 5 about employment-related schemes that contain unfair shared parental leave provisions.
640. *Paragraph 5* amends section 182 of the Finance Act 1989 (which concerns offences relating to the disclosure of information relating to social security functions). One of the ways in which it is amended is so that social security functions include functions relating to statutory shared parental pay.
641. *Paragraph 34(3) and (5)* amend powers in the ERA to allow the Secretary of State to set out in secondary legislation the nature of the right to return to work following a period of paternity leave which was combined with a period of shared parental leave.
642. *Paragraph 48* provides for provisions in the Finance Act 1999 about electronic communication to apply to additional statutory paternity pay.