

### PARENTAL LEAVE PROCEDURE

#### 1. Introduction

- 1.1 This policy outlines the Council's procedure in relation to Statutory Parental Leave. It incorporates parents' rights to take unpaid time off work to look after their child or make arrangements for their welfare. It also provides guidance for managers and employees.

#### 2. Key Principles

- 2.1 The Council is committed to ensuring that:
- A family friendly working environment is developed, whilst maintaining high quality services.
  - Opportunities are provided for maintaining contact with staff during their parental leave.
  - Employees taking long term parental leave are supported to return to work, usually to their substantive post.
  - All employees are treated fairly and consistently.
  - Statutory legislation and contract entitlements are complied with.

#### 3. Eligibility

- 3.1 Employees with children aged under five, (or under 18 if your child is disabled), may have the right to parental leave. To qualify, they must be an employee and have at least one year's continuous service.

They must also either be the parent:

- Named on the child's birth certificate.
- Named on the child's adoption certificate.
- With legal parental responsibility for a child under five (under 18 if the child is disabled).

- 3.2 If an employee is separated and they don't live with their children, they have the right to parental leave if they keep formal parental responsibility for the children. Foster parents do not have rights to parental leave but may be able to request a flexible working pattern.

Managers may ask an employee for evidence that they are entitled to parental leave. This could be for example:

- Their child's birth certificate.
- Papers confirming their child's adoption or the date of placement in adoption cases.

#### **4. Parental Leave**

- 4.1 Each parent can take a total of up to 13 weeks' parental leave for each of their children up to their fifth birthday. Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

If your child is adopted, each parent can take a total of up to 13 weeks' parental leave. This can be until the fifth anniversary of their placement with you or until their 18th birthday, whichever comes first.

If your child is disabled each parent has the right to take up to 18 weeks' parental leave until their 18th birthday.

Parental leave is an individual right and employees cannot transfer their leave entitlement to another parent.

#### **5. Pay during Parental Leave**

- 5.1 Statutory parental leave is unpaid.

## **6. Rights during Parental Leave**

- 6.1 Qualifying employees will be entitled to a maximum of 18 weeks' parental leave to be taken up until the child's fifth birthday (unless the child is adopted or disabled - see above). During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- notice of termination;
- redundancy compensation; and
- disciplinary or grievance procedures.

Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and
- participation in any other business.

## **7. If you don't qualify for Parental Leave**

- 7.1 If an employee doesn't qualify for Parental Leave but needs time off to care for their child they could:

- 1) Take paid annual leave.
- 2) Ask their manager for short term unpaid time off. (see Special Leave Policy & Procedure)
- 3) Ask their manager about flexible working (see Flexible Working Policy).

- 7.2 If there is a genuine emergency and an employee needs to take time off at short notice they:

- 1) Can apply for emergency leave.
- 2) Have the right to take short term unpaid/paid leave to arrange care.

In both cases employees should refer to the Special Leave Policy & Procedure to establish their eligibility.

- 7.3 All employees have a right to take reasonable time off to deal with certain emergencies involving people they care for (see Special Leave Policy & Procedure).

## **8. Deciding to take parental leave**

- 8.1 The purpose of parental leave is to care for a child. This means looking after their welfare and could include making arrangements for the good of the child.

Caring for a child does not necessarily mean being with the child 24 hours a day. Parental leave might be taken simply to enable an employee to spend more time with their young child. Examples of the way parental leave might be used include:

- Straight after maternity, paternity, or adoption leave.
- Spending more time with a child in their early years.
- Time with a child during a stay in hospital.
- Looking at new schools.
- Settling a child into new childcare arrangements.
- Allowing a family to spend more time together, for example, taking your child to stay with grandparents.

Employees can take parental leave immediately after their maternity, paternity or adoption leave providing they give the correct notice.

## **9. Notification of intention to take Parental Leave**

- 9.1 Employees wishing to take Parental Leave should formally write to their line manager, giving them 28 calendar days notice of when they wish the period of leave to commence.
- 9.2 Where the employee is the father of the child in respect of whom the leave is to be taken and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth
- 9.3 Both the employee and the manager should ensure that the letter is forwarded to Human Resources immediately, or as soon as it is reasonably practicable as this is unpaid leave.
- 9.4 Employees can change their minds about the date on which they want their leave to start providing they give 28 calendar days notice of the new date (unless this is not reasonably practicable).
- 9.5 The Line Manager may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the Line Manager considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the Line Manager will allow the employee to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. The Line Manager will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice was given to the Line Manager.
- 9.6 HR/Payroll will write to the employee confirming when the period of unpaid leave will be deducted from salary.

## **10. Return from Parental Leave**

- 10.1 At the end of parental leave, the employee will be entitled to return to the same job, provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

## **11. Pensions**

- 11.1 Special arrangements apply to the payment of pension contributions during periods of unpaid leave. Please consult HR for further details.

## **12. Appeals**

- 12.1 If an employee is dissatisfied with a request made under this policy, they should refer to the Council's Grievance Procedure.

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## **Related Policies**

Special Leave Policy and Procedure	Maternity Leave
Flexi Scheme	Adoption Leave
Career Break Scheme	Homeworking Policy
Flexible Working Policy	Grievance Procedure

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## **Revision History**

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Revision date	Summary of Changes	Changes marked