

## PARENTAL LEAVE POLICY

### 1.0 - Introduction

1.1 - This policy, implemented with the introduction into the UK of the Parental Leave Directive, forms part of the framework of Family Friendly Policies, which aim to assist employees in balancing their work and family life.

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### 2.0 - Who will be eligible for Parental Leave?

2.1 - An employee, having completed one year's continuous employment will have a right to Parental Leave if they:

- Are the parent (named on the birth certificate) of a child under 18 years old (The entitlement will exist until the child's 18th birthday);
- Are an adoptive parent of a child under the age of 18 whose adoption takes place after 15 December 1999. This right exists for a period of 5 years from the date of the adoption, or until the child reaches the age of 18 whichever is the earlier;
- Having acquired formal parental responsibility (as defined in the 'Children's Act' 1989) for a child the entitlement will exist until the child's 18th birthday.
- Are the parent of a disabled child, in which case some of the arrangements are different, see section 11 for details.

2.2 - Applications for Parental Leave should be made in writing to the employee's line manager (see section 5.0). When making his or her first application, the employee must provide appropriate documentary proof, e.g a birth certificate, to verify that they are a "parent" (as defined above) and the child's age. The line manager must complete the [Parental Leave – Verification Form](#) to confirm that the relevant documentation has been seen. One copy should be given back to the employee and the original placed on the employee's personal file for future verification purposes. The line manager should also keep a copy of the form.

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### 3.0 – Entitlement

3.1 - Eligible employees are entitled to take up to a maximum of 183 weeks unpaid parental leave for each child during the course of employment. For those working less than full-time hours this entitlement should be calculated on a pro-rata basis.

~~3.2 - Leave may be taken in blocks of one week at a time up to a maximum of 4 weeks per annum per child. The Parental Leave year will commence when the child is born or placed for adoption or as soon as the employee has completed one year's service with the council, whichever is the later. A week is the period of 7 days from Sunday to Saturday. Part weeks of leave will be counted as one week's entitlement.~~

3.2 – Parental leave should usually be taken in blocks of a week unless agreed otherwise with your line manager.

3.3 – Employees can take parental leave at any time up until the child's 18<sup>th</sup> Birthday but cannot take more than four weeks in any one year.

3.4 – The Parental leave year will start on the anniversary of the child's birthday.

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### 4.0 - Rights During Parental Leave

4.1 - Employees have certain rights whilst on Parental Leave:

- To remain 'employed', i.e. the contract of employment continues during the Parental Leave period and all contractual rights, excluding remuneration, remain;
- To return to their/his/her own job or, if this is not possible, to a job with the same or better status, terms and conditions;
- To be treated as though they are at work should redundancies be proposed;
- To complain to an Employment Tribunal should the Council fail to comply with the key provisions of the statutory scheme.

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### 5.0 - Local Government Pension Scheme

5.1 - A Local Government Pension Scheme member who is away from work on Parental Leave must pay contributions for the first 30 days of their absence, based on the pay that they/he/she would have otherwise received. This refers to any 30 day period within a financial year.

5.1 - Scheme members taking Parental Leave in excess of 30 days in any one financial year can choose whether or not to pay contributions after that date.

However, failure to pay contributions will result in a break in service for pension purposes.

### 5.3 - 'Buy-Back' arrangements

5.4 - If a scheme member takes more than 30 days unpaid leave at one time they ~~he/she~~ can elect to pay contributions for the period of unpaid absence. An election to pay contributions for the period of unpaid absence should generally be made within 30 days of the employee returning to work.

## 6.0 - Requesting Parental Leave and Postponement of Leave

6.1 – An employee must give their line manager ~~notice equivalent to twice the amount of leave requested (e.g if 4 weeks parental leave is requested 8 weeks notice will be required), or~~ 21 days notice, ~~whichever is the longer.~~

6.2 - In exceptional circumstances, the line manager has discretion to agree to leave where a shorter period of notice is given.

6.3 - The line manager may postpone leave should it be felt that the service will suffer as a result of the Parental Leave being taken at that particular time, e.g.

- The need to complete a particular task, e.g. a project or contract within a reasonable timescale;
- Where there is a requirement to maintain service delivery during a period of staff shortages e.g. summer holidays;
- In educational establishments to ensure the continuity of education.

6.5 - Note: A prospective father should use the date of his partner's Expected Week of Childbirth (as stated on Form MAT B1) as a guide. In the event of a premature or late birth this may need to be varied according to the individual circumstances.

6.6 - Parental Leave may be postponed by the line manager for no more than 6 months from the date on which the employee requested the leave commence. The line manager and employee should try to agree an alternative suitable time. Leave cannot be postponed past the 18<sup>th</sup> birthday of the child even if this means the postponement has to be less than 6 months.

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## 7.0 - Responding to notice

7.1 - The line manager must reply to a request for Parental Leave within 14 days of receiving the request or no later than 14 days prior to the requested start of leave whichever is the sooner.

### 7.2 - Postponement of Leave

~~7.2.1 – Where the line manager wishes to postpone the leave they must do so within 14 days of receiving the leave request. The reasons for this must be explained to the employee. In the event of a dispute the matter should be referred to a more senior manager who may wish to seek guidance from their HR Business Partner. However, if the matter remains unresolved the employee may wish to pursue this via the Council's grievance procedure.~~

7.2.1 – Where the line manager wishes to postpone the leave they must do so within 7 days of receiving the leave request. The reason for this must be explained to the employee. In the event of a dispute the matter should be referred to a more senior manager. Should the matter remain unresolved the employee may wish to pursue this via the Council's [Grievance Procedure](#).

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## 8.0 - Sickness whilst on Parental Leave

8.1 - Should an employee fall sick during Parental Leave, sick pay will apply from the date of the Fit-Note and Parental Leave will be suspended from that date for the period of the Fit Note. However, where the sickness commences part way through a week, the whole of that week will count for parental leave purposes (see 3.2).

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## 9.0 - Record Keeping

9.1 - Employees have the right to ~~183~~ 183 weeks' leave in total for each child, with all employers. It will be necessary for the line manager to keep a record of all periods of absence due to parental leave for each child. The reverse side of the Verification Form can be used for this purpose.

## 9.2 - New employees or staff transfers

9.3 - When requesting references for job applicants, line managers should ask for details of any Parental Leave the applicant has already taken. If the applicant is successful, the amount of Parental Leave already taken should be recorded on the Verification Form.

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## 10.0 - Disciplinary Procedure

10.1 - Dishonestly claiming Parental Leave, (e.g. falsification of supporting documentation or claiming Parental Leave and using it for other purposes) may result in action being taken against the employee under the Council's [Disciplinary Procedure](#).

## 11.0 - Documents

[Parental Leave Verification form](#)

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For a downloadable version of this page please click on the link below.

[Parental Leave Policy](#) (pdf 143KB)

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