

## Parental Leave Policy

### 1. Introduction

This document provides the guidelines within which managers and staff will address requests for Parental Leave.

Parental Leave is a separate entitlement from Shared Parental Leave, entitlements to which are set out in a separate policy.

Staff should note parental leave is in addition to any entitlement to maternity, adoption, shared parental leave, paternity or dependants leave and is unpaid with no right to statutory or otherwise payment.

This document forms part of a contract of employment and will be changed from time to time in line with current best practice and statutory requirements and to ensure business needs are met. Staff will be consulted in advance of any proposed changes with those required by law being implemented with or without staff consent.

### 2. Entitlement

Parental leave is available to staff who have, or expect to have, parental responsibility for a child under the age of 18. The right to parental leave entitles all eligible staff to take a period of unpaid leave to care for their child.

Parents can take up to four unpaid weeks per year to a maximum of 18weeks in total. The limit of 18weeks applies to all employment and does not re-start with new employment.

### 3. Eligibility

- Both mothers and partners of the mother, whether they are the natural or adoptive parents, can qualify for parental leave. They must either be named on the child's birth or adoption certificate or they must have, or expect to have, parental responsibility for the child.
- Staff must have no less than one year's continuous service with the organisation by the time they wish to take the leave.
- if both parents are staff, they will have individual entitlement to parental leave.

### 4. Length of Leave

Eligible staff will be entitled to take the following periods leave:

- Up to 18 weeks for a child under the age of eighteen. This can be taken in blocks of one week with a maximum of four weeks in one year.
- Up to 18 weeks for a disabled child under the age of 18. This can be taken in single days, multiples of single days, or blocks of a week.

One week's parental leave is equal to the length of time staff normally required to work in a week. This means a week's leave for a member of staff who usually works from Monday to Friday is equal to five days, whereas for staff who work for example, Monday and Tuesday only, a week's leave is equal to two days.

## **5. Purpose of Parental Leave**

The purpose of parental leave is to allow staff the opportunity to take time off work to care for a child. Examples of why staff may wish to take parental leave include to:

- Spend more time with their child.
- Be with the child while they settle into new childcare arrangements.
- Accompany the child during a hospital stay.

If staff request parental leave to spend time with their child but it is later discovered the time off was used for a different purpose, the line manager will be entitled to take disciplinary action on the basis the application for parental leave constituted an act of deception.

## **6. Conditions**

In order to ensure work is adequately covered during any period of absence the following conditions will apply:

- A maximum of four weeks leave may be taken in one calendar year.
- At least 21 days' notice must be given in order to take parental leave, using the additional leave request form (Appendix A).
- Leave can only be taken in blocks of at least one week (a single day within one week will be counted as one complete week, unless the child is disabled)
- The organisation can postpone parental leave if legitimate business needs so require unless the leave is requested to coincide with the child's birth or placement for adoption or unless the delay would mean the staff became ineligible (eg beyond the child's 18<sup>th</sup> birthday).
- If leave is refused, staff will be entitled to the requested leave, no later than six months from the original request. Reasons for the postponement will be given in writing, together with the proposed dates to take the parental leave at a later date.
- When parental leave is requested, staff may be asked to provide copy of the birth or adoption certificate (or proof of receipt of a disability allowance in the case of a disabled child).
- Parental leave entitlement is per child, not per job. Any parental leave taken by the staff with previous employers, in relation to that child, will be deducted from the total entitlement.

## **7. During Parental Leave**

### **Organisational Obligations:**

The contract of employment remains in force throughout parental leave, although in a limited way. Normal contractual benefits will be suspended and the only terms that will be continued are:

- Rights to notice of termination, should the employer seek to terminate the contract while they are absent on parental leave.
- Compensation in the event of redundancy.
- The application of disciplinary and grievance procedures.
- The implied duty of trust and confidence.

**Staff Obligations:**

Staff on parental leave will continue to be bound by:

- The duty to give notice according to the terms of the contract, if they decide to resign.
- The implied duty of good faith.
- Any terms in the contract relating to the disclosure of confidential information, the acceptance of gifts or other benefits, or participation in any other business.

**8. Returning to Work**

Staff do not have to give notice of return from parental leave. It is expected they will return to work at the end of the agreed parental leave period.

Staff have a right to return to the same job if the parental leave is for four weeks or less.

**9. Data Protection Act 2018**

The organisation will treat all personal data in line with obligations under the current data protection regulations.