

## **PARENTAL LEAVE POLICY**

### **INTRODUCTION**

This document is designed to assist you in understanding what the basic statutory entitlements to Parental leave and pay are. If you have any queries after reading this document please refer them to Human Resources.

Parental leave gives parents the right to take one or more periods of unpaid leave to look after a child or make arrangements for a child's welfare.

### **ELIGIBILITY**

Both parents may take parental leave, including those in same sex relationships, if he/she:

- Is the parent of a child under the age of 18 or
- Has adopted a child under the age of 18 or
- Has acquired formal parental responsibility for a child who is under 18 years of age.

Employees must either be named on the child's birth certificate or they must have, or expect to have, legal parental responsibility for the child. The parents of a child do not have to be living with the child in order to qualify.

In order for an employee to take parental leave, they must also satisfy the following criteria:

- The employee must have a minimum of one year's continuous service with Arun District Council by the time the parental leave is taken.
- The leave must be taken for the purpose of caring for the child.

Caring for a child means looking after their welfare and can include making arrangements for the good of the child. Examples of the way leave might be used:

- To spend more time with the child in early years;
- To accompany a child during a stay in hospital;
- Visiting new schools;
- Settling a child into new childcare arrangements;
- To enable a family to spend more time together, for example, taking the child to stay with grandparents.

If an employee requests parental leave on the basis that they meet the criteria set out above and it is later discovered that the leave was used for a different purpose, disciplinary action may result.

An employee may be asked for documentary evidence to support a request for parental leave. It may, in some circumstances, be necessary to check with a previous employer whether an employee took any parental leave before their employment with the Council. There is however, no legal obligation for a previous employer to provide this information.

### **LENGTH OF PARENTAL LEAVE**

Each parent can take 18 weeks unpaid parental leave for each child.

One week's parental leave is equal to the length of time that an employee is normally required to work in a week. This means that a week's leave for an employee who usually works from Monday to Friday is equal to five days, while for an employee who usually works Mondays and Tuesdays only, a week's leave is equal to two days.

The maximum amount of parental leave that may be taken in one year in respect of a child is four weeks. The Manager has the discretion to allow more leave (up to the maximum of 18 weeks' leave) to be taken in exceptional circumstances.

Parental leave may not be taken in blocks of less than one week, except where the child is disabled, in which case it may be taken one day at a time.

### **NOTIFICATION OF PARENTAL LEAVE**

An employee needs to give at least 21 days written notice to his/her Manager giving the dates when the leave is to start and finish.

In instances where the father wishes to take parental leave straight after paternity leave, his notice must specify the expected week of childbirth and the duration of the period of leave.

In cases of adoption where the parental leave is expected to start at the beginning of the placement, notice must be given at least 21 days before the beginning of the week in which the child is to be placed for adoption or as soon as is reasonably practicable. The notice should state the week in which the placement is expected to occur and the duration of the parental leave.

If the Manager believes that the service would be unduly disrupted if the employee was to take leave during the period requested, it is possible to postpone the parental leave. The only exception to this would be in cases where parental leave has been requested immediately after childbirth or adoption placement. The Manager would be required to give written notice explaining why it has been necessary to postpone the leave and would have to suggest alternative dates of when the leave could be taken (this can be no later than six months after the commencement of the period originally requested). The written notice of postponement should be given to the employee no later than seven days after the notification from the employee was received.

Human Resources will keep a record on the employee's personnel file of parental leave taken. This record will ensure that employees have been given their correct entitlement. It will also enable the Council to provide information on how much parental leave an ex-employee has already taken to future employers.

### **RETURN TO WORK FOLLOWING PARENTAL LEAVE**

At the end of the Parental Leave the employee will be entitled to return to the same job, on the same terms and conditions as if he or she had not been absent following:

- Parental leave for an isolated period of four weeks or less.
- Parental leave for a period of four weeks or less which was the last of two or more consecutive periods of statutory leave which did not include any period of additional maternity or additional adoption leave.

In cases not falling within either of the above categories, employees will still have the right to return to the same job in which they were employed prior to the parental leave unless it is not reasonably

practicable to do so. However, if there is a reason why it is not practicable for the employee to return to the same job he or she will be offered a similar job on terms and conditions that are no less favourable than his or her original job.

Where an employee takes parental leave for four weeks or less immediately after taking additional maternity leave or additional adoption leave then, if practicable, the employee is entitled to return to their old job. If it is not reasonably practicable for the employee to return to their old job, they are entitled to return to a job that is suitable and appropriate in the circumstances.

Where an employee fails to return to work at the end of the parental leave period the matter will be investigated as per the disciplinary procedure. If after investigation, it is established that the employee has not returned to work without authority or justifiable explanation, disciplinary action may result.

### **CONTRACTUAL RIGHTS DURING PARENTAL LEAVE**

An employee will remain employed during parental leave, although they will not receive pay (or pension contributions/deductions) during this period. Holiday entitlement will continue to accrue and other contractual terms will also remain in force such as notice of termination, redundancy payments and the provisions of the Employment Stability Agreement, disciplinary and grievance procedures etc.

### **PENSION AND PARENTAL LEAVE**

As parental leave is unpaid, it is not deemed to be 'pensionable service' and an employee (who is a member of the pension scheme) will not have any employee pension deductions made, nor any employer contributions paid, during this period.

An employee who wishes to buy 'lost' pension for authorised unpaid leave may elect to buy back some or all of the amount of pension 'lost' during the period of absence. Further details are available from Payroll or go to <http://www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension>.

The cost of buying back any lost pension will depend on whether an employee makes an election within 30 days of returning to work.