

1. INTRODUCTION

Parental leave was first introduced on 15th December 1999 to give parents of children born or adopted on or after that date, the right to take a period of time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments. The leave is unpaid and can be taken up to the child's 5th birthday.

Parental leave rights were changed on 10th January 2002 to include children under the age of 5 on 15th December 1999 or adopted between 15th December 1994 and 14th December 1999. As a consequence, special arrangements have also been implemented for parents of these children.

This policy and procedure applies to all employees of the Council.

2. WHO CAN TAKE PARENTAL LEAVE?

Any employee who has a baby or adopts a child on or after 15th December 1999 and who has completed one year's qualifying service by the time they wish to take the leave. Employees who have had a baby or adopted a child between 15th December 1994 and 14th December 1999 and who have completed one year's continuous service either with their current employer or a previous employer during 15th December 1998 and 9th January 2002. Both mothers and fathers can take parental leave.

3. HOW LONG DOES PARENTAL LEAVE LAST?

Employees get 13 weeks in total for each child. Parents of children in receipt of Disability Living Allowance are entitled to 18 weeks in total up to the child's 18th birthday. Employees on part-time and job-share contracts will be entitled to Parental Leave on a pro-rata basis determined by the work pattern.

4. WHAT HAPPENS IF AN EMPLOYEE HAS TWINS?

Parental leave is for each child, so if twins are born each parent will get 13 weeks leave for each child (18 weeks for parents of each disabled child).

5. WHEN DOES PARENTAL LEAVE HAVE TO BE TAKEN BY?

Employees can choose to take parental leave anytime subject to the exigencies of the service as follows:

- Parents of children born on or after 15th December 1999 can take the leave up until the child's fifth birthday.
- Parents of children born between 15th December 1994 and 14th December 1999 can take the leave up to 31st March 2005.
- In adoption cases, where the date of placement is on or after 15th December 1999, for five years after the child is first placed with the family for adoption (or until the child's 18th birthday if that comes sooner).
- Adoptive parents of children placed for adoption between 15th December 1994 and 14th December 1999 can take the leave up until 31st March 2005
- In the case of a child in receipt of Disability Living Allowance, up until the child's 18th birthday.

6. WILL EMPLOYEES BE ABLE TO RETURN TO THE SAME JOB AFTER PARENTAL LEAVE?

At the end of parental leave, an employee is guaranteed the right to return to the same job as before.




When parental leave follows maternity leave, the woman should generally be entitled to return to the same job she had before the leave. The exception to this is, if at the end of additional maternity leave, this would not have been reasonably practicable, and it is still not reasonably practicable at the end of parental leave, she is entitled to return to a similar job which has the same or better status, terms and conditions as her previous post.

7. WHAT ARE THE PROCEDURES FOR APPLYING FOR PARENTAL LEAVE?

An employee must inform his/her manager in writing, at least 21 days before the leave is required, giving the dates on which the leave will begin and end. A form (PER/PAR/1) is available for this purpose.

Leave must be taken in blocks or multiples of one week. If a period of less than one week is requested by the employee, this will still count as a full week for the purposes of calculating the total parental leave. Although it should be noted that it will only be the actual number of leave days taken which will be deducted from pay. Parents of children in receipt of Disability Living Allowance can take leave in blocks or multiples of one day. In all cases a maximum of four weeks' parental leave in a year can be taken in respect of any individual child. In exceptional cases the Head of Human Resources has discretion to grant in excess of this, up to a maximum of 13 weeks, subject to the exigencies of the service.

The employee may be requested by the manager to provide the following documentation as appropriate on the first application only:

-  the child/rens' birth certificate
-  the child/rens' adoption papers or the date of placement in adoption cases
-  the disability living allowance for the child.

In cases where the employee's child was born or adopted between 15th December 1994 and 14th December 1999, an employer can ask to see evidence of service with previous employer, where that period of service is being used in determining entitlement to parental leave.

If employees are considering taking Parental Leave in conjunction with other leave provisions, ie adding a period of parental leave on to the end of maternity, paternity or adoption leave, then they will require to comply with the notification requirements for each provision.

An employee will be requested to complete a declaration as to the amount of parental leave already taken either with the Council or another employer.

8. CAN PARENTAL LEAVE BE REFUSED?

Yes, if the manager considers that the employee's absence would unduly disrupt the business, then the manager can postpone the leave for no longer than six months after

the beginning of the period that the employee originally wanted to start his or her parental leave. In these cases, the manager should discuss the matter with the employee and confirm the postponement arrangements in writing no later than seven days after the employee's notice to take leave. The reason for the postponement and new dates for parental leave should be detailed in the letter. The length of leave should be equivalent to the employee's original request.

Parental leave might reasonably be refused where a number of employees in the same service apply for parental leave at the same time; or, when the employee's role is such that his or her absence at a particular time would unduly harm the business.

When an employee applies to take parental leave immediately after the birth or adoption of a child, then the employer cannot postpone the leave. The employee needs to give 21 days' notice before the beginning of the expected week of childbirth (expectant mothers will be able to provide this information for their partners). In the case of adoption, the employee needs to give 21 days' notice of the expected week of placement. In rare cases where this is not possible, an adoptive parent should give the notice as soon as is reasonably practicable.

9. WHAT IS THE EMPLOYMENT STATUS WHILE AN EMPLOYEE IS ON PARENTAL LEAVE?

The employment status is the same as an employee on additional maternity leave. That is, the employment contract continues whilst the employee is on parental leave unless it is terminated by either employer or employee. The normal notice periods from either party would apply.

There is no statutory right to pay whilst on parental leave.

The continuation of other contractual terms and conditions will not be affected by breaks for parental leave. However, occupational pension rights that have accrued prior to going on unpaid parental leave will be frozen until the employee returns to work.

10. WHAT HAPPENS TO ANNUAL LEAVE AND PUBLIC HOLIDAYS DURING THE PERIOD OF PARENTAL LEAVE?

Annual leave will not accrue during parental leave of 1 calendar month or more. There is no entitlement to a substitute day in lieu or pay in lieu should a public holiday occur in the period of parental leave.

11. WHAT HAPPENS IF THE EMPLOYEE MOVES TO ANOTHER EMPLOYER?

A new employer may make enquiries with the Council to establish whether any of the parental leave entitlement has been taken by the employee previously employed with the Council

When an employee requests parental leave with the Council, a declaration will be sought regarding the total number of weeks parental leave which may have already been used either with the Council or a previous employer.

12. QUESTIONS?

Human Resource Services should be contacted if there are any questions with regard to any aspect of Parental Leave.

13. RELATED POLICIES AND PROCEDURES

Maternity
Maternity Support Leave
Paternity
Adoption Leave
Scheme of Special Leave

*Human Resource Services
September 2002*