

# Parental Leave

## Policy and Procedure

Reviewed October 2020



## 1.0 Introduction

The provisions relating to Parental Leave, which are contained within the Maternity and Parental Leave Regulations 1999 (as amended by the Maternity and Parental Leave (Amendment) Regulations 2001), came into force on 15 December 1999. The Parental Leave Regulations give parents of young (and disabled) children provision for time away from work to fulfil childcare responsibilities.

## 2.0 What Is Parental Leave?

Parental Leave is the right to take 18 weeks **unpaid** leave for the purpose of caring for a child. Effective from 5<sup>th</sup> April 2015 legislation has been amended for this entitlement to include any child who is under the age of 18. The 18 weeks unpaid period is the total amount of parental leave that can be taken for a child up until that child is 18.

## 3.0 Scope

This Policy covers all employees (reference to parent, guardian or partner includes all parents, guardians or partners regardless of gender) including centrally employed teachers but excluding staff on the complement of locally managed schools for which a separate policy applies.

## 4.0 Qualifying Criteria

Service: No minimum service required for eligibility.

Parent: In order to qualify for Parental Leave, the employee must have responsibility for a child. This covers:

- The mother of the child
- The father of the child if he was married to the mother at the time of the birth or he is registered as the child's father
- The father (if not covered by the above) if he has acquired parental responsibility under the Children Act 1989. This is done either by a court order or an agreement between the mother and father which complies with certain legal requirements
- A guardian appointed under S.5 of the Children Act 1989
- Adoptive parents
- Civil partner of mother of the child (as defined by Civil Partnership Act 2005)

## 5.0 How Can Parental Leave Be Taken?

Parental leave may be taken in a single block of 18 weeks, as a number of shorter periods (1 week minimum) or as agreed with their line manager. Requests for unpaid leave of less than one week can be made in accordance with the Flexible working Policy or unpaid leave provisions as listed in the Time off Policy. Please refer to HR policies and guidance which can be found on the intranet.

### DEFINITION OF A WORKING WEEK

- Where an employee's working pattern does not vary, a week is a period which they normally work
- Where the working pattern normally varies from week to week or over a longer period, or if the employee is normally required to work in some weeks and not others, a week is the total of all periods in which they work, divided by 52.

A week will apply pro rata for part-timers, e.g. if an employee normally works for 3 days per week, 3 days will constitute a week for parental leave purposes.

## 6.0 Applying for Parental Leave

Employees should apply for Parental Leave using the web based self-service system, '[My View – Dashboard](#)' giving at least 7 calendar days advance notification of the proposed commencement date for leave.

If employees are unable to access the web based self-service system, a [Parental Leave Application Form](#) should be completed and submitted to their line manager, giving at least 7 calendar days advance notification of the proposed commencement date for leave.

The line manager will approve/postpone the request as appropriate and will notify the employee of their decision. This must be done within a period of 7 calendar days from receipt of the request.

**N.B.** A father or adoptive parent who wishes to take Parental Leave at the birth of their child or at the time of adoption cannot have their Parental Leave postponed by the Authority.

## **7.0 Postponement of Parental Leave**

Parental Leave can be postponed by the line manager:

- If the operation of the business would be unduly disrupted. However, if the leave is to be taken immediately after a child is born or placed for adoption the line manager/employer **may not** postpone the leave
- A line manager who wishes to postpone a period of leave must notify the employee, in writing, within seven days of the request for leave, stating the reason for the postponement. In addition, the line manager must agree to grant the leave within three months and specify, in writing, the date upon which the leave may be taken after consulting with the employee. If no agreement can be reached after consultation the line manager must determine the appropriate dates.

## **8.0 Public/Bank Holidays**

If a period of parental leave incorporates a Bank Holiday, the Bank Holiday will be unpaid and cannot be accrued and taken at a later date.

## **9.0 Abuse of the Parental Leave Scheme**

Any abuse of the scheme will be dealt with under the Council's Disciplinary Procedure. Examples of abuse include:

- Taking leave for purposes other than for caring for a child. This will generally be in circumstances where someone other than the employee is taking primary responsibility for the child.
- Making a false statement as to entitlement to parental leave, for example the age of the child, the relationship with the child or the amount of parental leave taken with a previous employer.

## **10.0 Multiple Contracts**

Where an employee has more than one job with the Council there is not a separate parental leave entitlement for each job, i.e. the total parental leave entitlement remains 18 weeks.

Should an employee wish to take two weeks parental leave from only one job and remain working in the other(s), this represents a two-week reduction from their total parental leave entitlement.

However, where an employee wishes to take parental leave from all jobs and subsequently one (or more) line manager(s) wishes to postpone leave, this will have the effect of postponing leave for all posts.

On such occasions it is the responsibility of the line managers to determine an alternative time for parental leave to be taken but this must be within three months of the original request.

## **11.0 Appeals**

If an employee considers that they have had a legitimate request for parental leave turned down or that leave has been unjustifiably postponed, they can use the Grievance Procedure to resolve the matter.

## **12.0 Ensuring Equality of Treatment**

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

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