

**Parental Leave Policy
Work Life Balance (WLB)**

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Version	Date	Description
0.1	N/A	Inherited policy
1.1	April 07	Policy updated in line with legislation
2.0	Feb 08	Style guide, OD, EIA and IS Control update of policy

The Maternity and Parental Leave Regulations 1999 and The Maternity and Parental Leave (Amendment) Regulations 2001 (SI 2001/4010) came into force as a result of the UK's implementation of the EU Parental Leave Directive 96/34. The regulations provide the right for both men and women to take unpaid leave off work to care for a child subject to certain restrictions and qualifying conditions. The details of the entitlement to this statutory right are set out as follows.

1.0 Entitlement to leave

- 1.1 An employee must have one year's continuous service in order to qualify for the right to take unpaid parental leave.
- 1.2 The employee must have, or expect to have, responsibility for a child who qualifies under 1.4 below. An employee has "responsibility" for a child if:
- she is the mother of the child;
 - he is the father of the child and was married to the mother at the time of the child's birth;
 - he has been registered as the child's father;
 - he is the unmarried father of the child and there is a parental responsibility agreement or order in place;
 - the employee is a formally appointed guardian of the child;
 - the employee has adopted the child; or

- there is a residence or emergency protection order in respect of the child in favour of the employee (for the duration of the order only);
- there is a parental responsibility agreement through civil ceremony rights.

1.3 The leave must be for the purpose of “caring” for that child. This might include:

- accompanying the child during a stay in hospital;
- spending more time with the child in their early years;
- settling a child into new childcare arrangements;
- spending more time together as a family e.g. with grandparents;
- checking out a new school.

1.4 Parental leave may only be taken in respect of children who are born on or after 15 December 1999, or in the case of adopted children where the adoption takes place on or after 15 December 1999. The right to take parental leave generally applies up until the child’s fifth birthday.

1.5 For an adopted child the right applies for five years from the placement for adoption or until that child reaches 18 years of age, whichever is sooner. For a disabled child (a child entitled to disability living allowance) the right to take parental leave applies until the child reaches 18.

1.6 An employee can take leave before a child’s fifth birthday, or eighteenth birthday in the case of a disabled child, if an earlier request for leave has been postponed by the HEFCW.

2.0 The amount of leave

2.1 An employee will be entitled to a total of 13 weeks’ parental leave in respect of any child. This is a right per child and per parent, thus if employees have twins or adopt more than one child at a time they can take 13 weeks for each. It is not a right per employee, if an employee moves to a new employer he or she will only be entitled to the balance of the untaken leave.

2.2 An employee will generally need to have accrued one year’s service before taking parental leave with a new employer. Employees may not take parental leave in blocks of less than one week at a time and there is a limit of four weeks to be taken per year.

A “weeks leave” is calculated according to your normal working week. Thus, if you only work for example on a Tuesday and a Friday, a week’s leave is equal to two days. If you are in any doubt as to your entitlement, please contact HR. Each leave year commences on the anniversary of the child’s birthday, or in the case of adoption, the anniversary of the child’s adoption.

2.3 Parents of disabled children are able to take parental leave of one or more days at a time, again up to a maximum of four weeks per year.

2.4 This entitlement is separate from maternity leave, paternity leave, adoptive leave and annual leave.

2.5 Parental leave is an individual right and cannot be transferred between parents.

3.0 Notice provisions and postponing leave

- 3.1 An employee who wishes to take parental leave must give their line manager no less than 21 days notice of the intention to take leave and set out the dates on which leave is to begin and end by completing a special leave form. The line manager and HR must respond in writing within five working days of the request for parental leave to inform the employee whether the leave has been granted or postponed, HR will retain a copy of the form for their records.
- 3.2 HEFCW reserves the right to make a reasonable request for evidence to support a request for parental leave. Such evidence includes that which may be reasonably required to establish the employee's responsibility for the child, the child's date of birth or date of the adoption placement or the child's entitlement to disability living allowance. An employee may not exercise his or her entitlement to parental leave unless he or she has complied with such a request for evidence.
- 3.3 The line manager and HR have the right to postpone leave where the business would be unduly disrupted if the employee took leave at the time requested. If the leave is postponed the line manager must inform HR of the postponement.
- 3.4 Leave may be postponed for up to six months and the line manager must state in writing the reason for the postponement. The employee will be notified of alternative dates that will be granted.
- 3.5 Arrangements for emergency leave are covered under the Special Leave policy.

4.0 Contract of employment

- 4.1 During parental leave there is no right to be paid although the employee will remain employed (unless the employment ends for some other reason). An employee's length of service is not affected by them taking parental leave.
- 4.2 The right to accrue holiday is not included during parental leave. However, the Working Time Regulations 1998 provide that all workers have the right to a minimum of 4 weeks leave per year (pro rata for part time employees).
- 4.3 During periods of unpaid parental leave, annual leave will accrue at the statutory entitlement rate of 24 days per annum (pro rata for part-time employees), regardless of length of service. Rising to 28 days with effect from 1 April 2009. Public Holidays falling during parental leave will not be paid.
- 4.4 During parental leave the terms and conditions are limited to the following:
- the implied duty of mutual trust and confidence;
 - Code of Conduct;
 - notice requirements;
 - Dismissal and Disciplinary and Grievance procedures;
 - contractual redundancy entitlements.

The employee is also bound by confidentiality and non-competition provisions during parental leave.

4.5 After taking parental leave for a period of four weeks or less the employee is generally entitled to return to the same job in which he/she was employed to before the leave. In any event, all employees who take parental leave will return to work on no less favourable terms and conditions as if they had not been absent from work at any time since the commencement of the parental leave period.

5.0 Monitoring leave

5.1 HR will keep a record of any parental leave that has been taken by the employee on the HR/Payroll database for future reference.