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HUMAN RESOURCES

Parental Leave Policy



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I Introduction

- 1.1 Employees with young or disabled children are entitled to take periods of unpaid parental leave.
- 1.2 An employee must comply with certain qualification and notification requirements before taking this leave.
- 1.3 This will be a period of 18 weeks' unpaid leave per parent per child and can be taken up for children under 18 years old. The entitlement applies to natural parents and others who acquire legal responsibility for a child.
- 1.4 The purpose of parental leave is to allow parents the opportunity to take time off to care for a child. Reasons why a member of employee may wish to take unpaid parental leave include wanting to:
- spend more time with his or her young child and achieve a better balance between their work and family commitments;
 - be with the child during the initial stages of new childcare arrangements;
 - Accompany a child during a planned hospital stays.

2. Definition of a Parent

- 2.1 This Scheme applies only to parents who are defined as:
- The mother;
 - The father if he was married to the mother at the time of the child's birth or, obtains a Court Order giving him parental responsibility or, makes a formal agreement with the mother giving him parental responsibility;
 - The father if he is registered as the child's father on the birth certificate
 - Legal guardians of the child or if there is a residence order in respect of the child
 - Adoptive parents

3. Eligibility for Parental Leave

- 3.1 In order to take the **full** amount of the leave:
- An employee must have, before starting the leave, at least one year's continuous service with this or another employer included in the Redundancy Payment Modification Order.
 - The child must be under eighteen years of age
 - Where the child has been awarded Disability Living Allowance, 18 weeks' leave can be taken at any time up to the child's eighteenth birthday.
 - An employee must have - or expect to have - parental responsibility for the child.

4. Parental Leave

- 4.1 The full amount of parental leave with all employers is 18 weeks for each parent for each child. This also applies in the case of multiple births so that for twins, for example, each parent is entitled to 36 weeks.
- 4.2 Employees who work fewer than full time hours are also entitled to 18 weeks' parental leave proportional to their contractual hours at the time that the leave is taken. This means that if the employee's contractual hours change, the entitlement would reflect the new hours, from the date of the change in hours.
- 4.3 The 18 week period is not transferable between parents.

5. How Parental Leave can be taken

- 5.1 For a child awarded Disability Living Allowance parental leave may be taken in days, half days or as desired.
- 5.2 Parental leave of up to 18 weeks unpaid may only be taken in minimum blocks of one week at a time, per child.
- 5.3 A maximum of four weeks may be taken each year, per child, in all cases.
- 5.4 The total amount taken must not exceed 18 weeks per child with all employers.
- 5.5 Fathers and adoptive parents are legally entitled to take up to 4 of the 18 week entitlement immediately after a child is born or adoption placement occurs.
- 5.6 Fathers and adoptive parents must give at least 21 days' notice in writing of the expected week of childbirth/adoption placement or as soon as is reasonably practicable, stating the dates when the leave is to start and end. Other employees must give at least 21 days' notice of the dates that they would like to start and complete the leave. The employee's notice of intention to take leave should be provided on the [Parental Leave form](#).

6. Postponing the Leave

- 6.1 When a birth or adoption placement occurs, fathers and adoptive parents are entitled to take leave as explained above and at such times the manager may not legally postpone the leave.
- 6.2 A manager may not legally postpone a period of parental leave beyond the date of the child's eighteenth birthday.
- 6.3 In circumstances other than 5.1 and 5.2 above, a postponement is possible if the employee's absence would cause exceptional disruption. For example, it may be reasonable to postpone the leave to ensure the continuation of education in a school, or at a time of high staff absences or where key projects must be completed. A manager

may not legally postpone the leave for longer than 6 months from the time that the employee wanted to start the leave.

- 6.4 Any intention to postpone the leave must be discussed with the employee before postponing the leave. The manager must give notice of the postponement in writing no later than 7 days after the employee's notice to take the leave was given to the manager. The manager's notice must justify the reason for the postponement and set out the new dates of the leave. The new dates must be equivalent to the time originally requested by the employee.
- 6.5 Managers should seek to mutually agree the dates of the leave with the employee.

7. Evidence to be provided by the Employees

- 7.1 In relation to the 18 week period of parental leave, managers should seek a *reasonable* amount of evidence from among the following:
- A copy of the certificate to confirm the expected date of the child's birth (called a 'MAT BI')
 - The child's birth certificate
 - Official documents showing that the employee is the father of the child or date on which the employee became legally responsible for the child and showing the date of birth of the child/children
 - Official confirmation of Disability Living Allowance granted to the child
- 7.2 It would not be reasonable to ask for proof on every occasion that parental leave was requested if the manager had already seen relevant evidence.

8. Contractual Rights during Parental Leave

- 8.1 The contract of employment continues during parental leave, and for certain limited purposes, namely:
- Contractual notice provisions
 - Contractual terms as to redundancy benefits
 - Terms restricting participation in any other business/employment
 - Terms relating to the disclosure of information
 - Terms restricting the acceptance of gifts or other benefits
 - The obligation of good faith
 - Trust and confidence
 - Disciplinary and grievance procedures
- 8.2 Royal Greenwich has also determined that employees may continue to benefit from the accrual both of annual leave and seniority rights (e.g. increase in holiday in accordance with service) and any telephone allowance (exclusive of the cost of calls during parental leave).

8.3 Where a Bank or public holiday occurs during parental leave, that day will count as such and an equivalent period taken as parental leave at a later date. This also applies in the case of extra-statutory days or any concessionary days fixed by Royal Greenwich.

8.4 In the event of sickness that prevents an employee from returning to work following parental leave, normal arrangements will apply so that, for example, the employee must immediately inform their manager and as normal, provide a medical certificate covering any such sickness.

8.5 Pensions

- An employee who is granted unpaid leave of absence for a period of less than 31 days must continue to pay contributions on the pay they would have received had it not been for their absence. If for any reason an employee is granted unpaid leave for a period of more than 30 days (which is not expected to occur), they can elect to pay contributions for the whole period in order to maintain the full pension benefits, in which case they must inform the Pensions Section. An election to pay back contributions must be made within 30 days of the employee returning to work (or within 30 days of leaving if the employee decides not to return).
- An employee who wishes to continue paying Additional Voluntary Contributions during unpaid leave must discuss this with the Pensions Section.
- Contributions for added years have to be paid on the pay the employee would have received had it not been for the absence. The employee may be able to make up any shortfall in contributions after returning to work. However, contributions must not exceed 15% of pay in any year.

9. Returning to Work

9.1 Following a period of parental leave, the employee's return to work will be in accordance with the following:

- For a free-standing period of 4 weeks or less, or, for a period of 4 weeks or less immediately following on from maternity leave lasting 26 weeks or less (i.e. immediately after what is termed the 'ordinary maternity leave period'), the employee is entitled to return to the same job on the same terms and conditions as if they had not been absent.
- For a free-standing period of more than 4 weeks, or for a period of more than 4 weeks immediately following on from maternity leave lasting 26 weeks or less (i.e. immediately after what is termed the 'ordinary maternity leave period'), the employee is entitled to return to the same job on the same terms and conditions as before unless that is not reasonably practicable, in which case the employee may be offered a similar job. (It is possible for an employee to take more than 4 weeks parental leave at once when combining the 4 week maximum period with any separate right to paternity/ support leave.)

- 9.2 If the employee takes parental leave immediately following maternity leave lasting 27 weeks or longer (i.e. immediately after what is termed the ‘additional maternity leave period’):
- For a period of 4 weeks or less immediately following on from the additional maternity leave period the employee is entitled to return to the **same** job unless:
 - (a) it would not have been reasonably practicable for her to have returned to that job at the end of the additional maternity leave period, **and**
 - (b) it is still not reasonably practicable for her to return to that job at the end of parental leave,in which case, she should return to a **similar** job.
- 9.3 For a period of more than 4 weeks immediately following on from additional maternity leave, the employee should return to the same job or, if not reasonably practicable, to a similar job.
- 9.4 Therefore, in some cases, some flexibility is given to reassign the precise work to be done on the employee’s return. Where flexibility is allowed and it is impracticable for the employee to be taken back in the original job, a similar job should be found for them. The new job must be both suitable and appropriate for them to do in the circumstances, and, the capacity, place of employment and other terms and conditions of employment should be no less favourable than if the employee had continued in the original job.

10. Record Keeping

- 10.1 Managers should keep records of the amount of leave taken as part of the ordinary management procedures to ensure that the employee takes the correct amount of leave.
- 10.2 Correct record keeping will also ensure that correct information can be passed on to new employers.
- 10.3 After a recruitment appointment has been confirmed, managers should ask a previous employer what parental leave has been taken (e.g. as a supplementary question attached to the job reference request). The newly recruited person should also be asked what parental leave they have taken.

11. Further information

- 11.1 For further information on the operation of this procedure, please contact HR Coaching and Advice team.