

## PARENTAL LEAVE POLICY - FAQ

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## PARENTAL LEAVE POLICY - FAQ

Parental Leave is a period of authorised unpaid time off work to look after a child or make arrangements for a child's care. An employee who meets the terms set out in this guidance has the right by law to apply for Parental Leave. Parental Leave applies to each child for whom the employee has parental responsibility, subject to the conditions set out below.

### 1. Who can apply for Parental Leave?

An employee has the right to apply for Parental Leave provided s/he:

- has one year's continuous service with the Council by the date on which s/he wishes to take Parental Leave; **and**
- is the parent of a child who is under eighteen years old; *or*
- has acquired formal parental responsibility for a child who is under eighteen years old; *or*
- has adopted a child who is under eighteen years old

Parents do not have to be living with a child in order to qualify for Parental Leave.

Where both parents are employed by the Council and meet the conditions for taking leave, both employees may apply.

This right does not apply to foster parents.

### 2. What is meant by 'parental responsibility' for a child?

An employee has 'parental responsibility for a child' under the Maternity and Parental Leave Regulations if s/he is:

- The child's mother
- 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
- A guardian appointed under the Children Act 1989
- An adoptive parent (including prior to the child's placement)
- A spouse or partner of any of the above (of either sex) if s/he is living with the child

### 3. Can I take Parental Leave if my child is unwell?

No. Parental Leave is for occasions when you wish to take a period of planned time off work (other than annual leave) to look after your child. However, if an unexpected need arises you may be entitled to unpaid leave under the Time Off for Dependants section of the Leave Policy. This is located on Enfield Eye under 'Working Practice'. Alternatively, please use the link: [Leave Policy](#)

## [Leave Policy](#)

### **4. How much Parental Leave can I take?**

You can apply for a total of 18 weeks Parental Leave for each child. If you are part-time, a pro-rata entitlement to Parental Leave applies.

In circumstances where both parents are employed by the Council each of them would be entitled to apply for 18 weeks Parental Leave.

Parental Leave must be taken in multiples of a working week rather than in days.

In all cases a maximum of four weeks' Parental Leave in a year can be taken in respect of each child. Year for this purpose is defined as a period of 12 months beginning on either:

- One year's continuous service with the Council by the date on which you wishes to take Parental Leave; or
- The date of birth of your child if you have more than one years continuous service with the Council.

Each year for the purpose of taking Parental Leave begins on the anniversary of this date.

### **5. How do I apply for Parental Leave?**

Complete the Parental Leave request form at least 21 days before you wish to take leave, then discuss it with your manager. This is located on Enfield Eye under 'HR/Payroll Forms and Letters'. Alternatively, please use the link: [Parental Leave Request Form](#)

## [Parental Leave Request Form](#)

You should also complete the Parental Leave Declaration if it is your first request (at Enfield Council) for Parental Leave. You will need to provide proof of parental responsibility and attach this to the declaration. The declaration is on the intranet in 'HR/Payroll Forms and Letters'. Alternatively, please use the link below: [Parental Leave Declaration](#)

## [Parental Leave Declaration](#)

### **6. What should I do, as a manager, if I receive an application for Parental Leave?**

You should refer to this guidance and check that the employee meets the conditions for applying. If yes, sign the application, and send it to Human Resources. A copy of the form should be retained locally in a safe place.

You should then also complete the [Unpaid Absence form](#). The completed form should be submitted to Payroll Services as soon as possible, to ensure that the employee is not paid for the Parental Leave period.

Parental Leave may be granted to employees who have not given the required notice, in special circumstances at your discretion, provided the employee's absence will not affect service delivery.

## **7. Can my Parental Leave request be turned down?**

No. However your leave may be postponed for business reasons if taking Parental Leave on the dates you requested would cause significant disruption to service delivery. For example:

- Where more time is needed to make arrangements for covering your work
- Where there is a peak in your workload
- Where your particular skills are needed at a particular time and your work cannot be easily covered

In such circumstances, leave may be postponed by up to six months from the beginning of the leave period the employee originally requested. Nor can it be postponed where you want to take it immediately after Maternity Leave, Paternity Leave or Maternity Support Leave, or a child is placed with you for adoption. It is therefore recommended that employees discuss their likely requirements for Parental Leave when they apply for Adoption, Maternity, Maternity Support or Paternity Leave.

## **8. What happens if my Manager needs to postpone my Parental Leave?**

A meeting would be arranged as soon as is practicable between you and your line manager. If you wish, you may be accompanied at the meeting by a trade union representative or work colleague. An example invitation letter is provided below:

### [Example Invitation to Employee to Discuss Application for Parental Leave Letter](#)

The aim of this meeting will be to come to an agreement about alternative dates or arrangements. These might include:

- A different pattern of working – e.g. part time rather than full time
- Shorter period of leave, for example if you have requested two weeks Parental Leave, your manager may be able to agree to a week's leave during the period requested
- Other dates, which would enable you to take the same amount of leave as you originally requested

Within 7 days of your Parental Leave request your manager will confirm in writing the reason/s for postponing Parental Leave and what has been approved instead.

## **9. Does Parental Leave affect my terms and conditions of employment?**

The time you take as Parental Leave is treated as continuous service, and the following applies:

- **Annual Leave** – taking Parental Leave does not affect your entitlement to Annual Leave.
- **Redundancy** – a period of Parental Leave counts towards continuous service for the purpose of statutory employment protection rights, including calculating a redundancy payment.
- **Pension** – If contributions are not made whilst you are on unpaid leave this may affect your pension entitlement. For information about paying contributions for a period of Parental Leave please contact the Pensions Section.

#### 10. Am I responsible, as a manager, for keeping a record of Parental Leave?

Yes. You should keep a record for each employee requesting Parental Leave. You will need to ask him / her how much (if any) Parental Leave s/he has already taken whilst working for the Council or a previous employer. A link to the Employee Parental Leave Record Form is available: [Parental Leave Record Form](#)

#### [Parental Leave Record Form](#)

This form should be completed each time that Parental Leave is requested and retained locally in a safe place.