

## PARENTAL LEAVE POLICY

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Reviewed and ratified by: ..... Personnel and Pay Committee

Signed by Trust/Committee Chair

A handwritten signature in black ink, appearing to be 'D. Chahal', written over a horizontal line.

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# Parental Leave Policy

## 1. Introduction

The Trust recognises its legal obligations to employees who have parental responsibilities. This policy therefore sets out the arrangements to provide unpaid leave to eligible employees who wish to take time out from work to, for example spend more time with their child, or to settle their child into a new school.

## 2. Entitlement

Where an employee has at least one years' continuous service with the Trust they can take up to 18 weeks' (see section 3 for definition of a week) unpaid leave per child, up to that child's 18<sup>th</sup> birthday. The maximum unpaid parental leave which can be taken in a year is four weeks for each child under eighteen.

The leave entitlement is per child and per parent. If both parents of the child are employed by the same Academy Trust, therefore and if, for example, twins are born, each parent is entitled to 36 weeks' unpaid leave.

Leave for part-time employees will be proportionate to the number of hours worked.

The minimum time which the employee can take off is one week. The exception to this is for parents of a disabled child, who may take parental leave in blocks of multiples of a single day.

Employees may only take 4 weeks' parental leave for each child during a particular year, beginning on the date upon which the employee becomes entitled to the leave. This will either be the date of the child's birth or, where an employee begins a new job, after serving the one-year qualification period. Employees may take this entitlement in a single block of 4 weeks or in multiples of a week, subject to the postponement provisions (see section 6). This entitlement is in addition to any maternity or adoption leave.

The leave is per child and not per employer therefore any unpaid parental leave taken in previous employment will be subtracted from the total entitlement with the Trust.

## 3. Definition of a week

A week is defined as follows:

Where an employee's working pattern does not vary, a week is the period which he/she normally works.

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 in others, a week is the total periods in which they work, divided by 52.

## 4. Eligibility

To be eligible for the leave the employee must satisfy the following conditions:-

- One years' continuous service with the Trust;
- They must be named on the child's birth or adoption certificate or have or expect to have parental responsibility, and:
- The child must be under 18.

## **5. Notification**

The following notification requirements will apply for employees wishing to take unpaid parental leave:

- (a) In general, an employee is required to give at least 21 days notice, specifying when the leave is to begin and end except where this is not possible, e.g. where less than 21 days' notice of adoption is given to the employee or where the birth is premature. In these cases, the employee must give as much notice as possible and provide the start and end date of the leave.
- (b) If the leave is to be taken by a father immediately after a child is born the notice must specify the expected week of childbirth, the amount of parental leave to be taken and be given at least 21 days before the beginning of the expected week of childbirth.
- (c) If the leave is to be taken immediately after a child is placed for adoption the notice must specify the expected week of placement, the amount of parental leave to be taken and be given at least 21 days before the expected week of placement, or as soon as it is reasonably practicable.
- (d) New employees will be required to inform the Trust of any parental leave they have taken with previous employers.
- (e) Employees will be required to complete a Parental Leave request form (Appendix 1).

Employees will be required to advise the Trust of the birth or adoption date of every child so that entitlement to parental leave can be calculated.

## **6. Evidence**

The employer may request to see reasonable evidence of the child's date of birth, of the employee's responsibility or expected responsibility for the child and, if applicable, to the child's entitlement to a Disability Living Allowance.

## **7. Postponement of leave**

The period of leave can be postponed by the Headteacher for up to 6 months where the needs of the service make it necessary and reasonable, except when the leave is to be taken immediately after a child is born or placed for adoption or where the postponement would lead to the employee no longer being eligible to the leave, e.g. after the child's eighteenth birthday.

A Head teacher 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 Headteacher must agree to grant

the leave within six months and specifically, 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 employer must determine the appropriate dates.

## **8. Return to Work**

The employee will remain employed during the parental leave period but will not be paid. After the expiry of the leave the employee is entitled to return to his/her post under his/her original contract of employment and on terms and conditions which are not less favourable than those which would have applied had the employee not been absent.

The employee is entitled to return to the job from which he/she has been absent if the leave is for 4 weeks or less. However, in exceptional circumstances, where additional entitlement has been agreed for more than 4 weeks the school does have the right to place him/her in an alternative post, but with due regard to security and other aspects of the employee's conditions of employment.

## **9. Employment Rights during unpaid parental leave**

During the period of leave the employee will remain employed and all terms and conditions except remuneration will be unaffected. The employee will retain the right to accrue statutory annual leave. Any pay rises implemented during the unpaid parental leave will be applied to the employee's pay upon their return.

## **10. Pension Contributions**

### **10.1 Teachers' Pension Scheme members**

Days on unpaid leave are classed as "excluded days" for the purposes of the teachers' scheme and therefore will not count for pension purposes.

### **10.2 Local Government Pension Scheme members**

Periods of unpaid leave, including unpaid parental leave will not count for pension purposes unless the employee opts to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during the period of unpaid absence.

Further information on APCs is available on the members section of the Local Government Pension Scheme website.

## **11. Record keeping**

The Trust/School will maintain records of parental leave.

### **Scope**

- This policy applies to all employees of the school.
- The term 'employee' refers to any member of staff whether teaching or non-teaching employed to work by Trust either within a School or the wider Trust
- Changes in Employment Law or Educational Legislation may form part of the policy.
- The term 'Headteacher' refers to Headteacher/Executive Headteacher/Principal or CEO

## Unpaid parental leave request form

<b>Name of employee</b>	
<b>Job title</b>	
<b>Team</b>	
<b>Service Area</b>	
<b>Payroll number</b>	
<b>Department</b>	
<b>Date of commencement of employment</b>	
<b>Amount of parental leave taken previously in respect of relevant child</b>	
<p>I would like to apply for [ ] [week(s)/day(s)] unpaid parental leave from [date] to [date]. <b>(applications for parental leave in periods of a day or multiples thereof may be made only where the child in question is disabled)</b></p> <p>The leave requested relates to my [baby/son/daughter] [name where applicable] [due on [ ] / who was born on [ ] / who was adopted on [ ]] [and who has been awarded disability living allowance]. <b>(delete as appropriate)</b></p> <p>I attach a copy of [child's name]'s [birth certificate/adoption papers] <b>(delete if not applicable)</b></p>	
<p>I recognise that the Trust is entitled to make enquiries of all or any of my previous employers in relation to any previous periods of parental leave taken.</p> <p>I also recognise that the y Trust may postpone the period of leave requested by up to six months where the leave requested does not coincide with the expected week of my child's birth or adoption and the service of the Trust would otherwise be unduly disrupted by my absence.</p>	
<b>Signed</b>	<b>Date</b>
<p><b>Please return this form to your manager at least 21 days prior to the date on which your requested period of parental leave is due to commence</b></p>	

## Form to request details of parental leave from previous employer

<b>Name of employee</b>	
<b>Job title</b>	
<b>Team</b>	
<b>Service Area</b>	
<b>Department</b>	
<b>Date of commencement of employment</b>	

Employees who have children under eighteen years of age are entitled in law to a total of 18 weeks' parental leave in respect of each child once they have gained one year's continuous service with their employer, up to the child's 18<sup>th</sup> birthday.

Please answer the following questions:

<b>Do you have any children under the age of five or adopted children under the age of 18?</b>	Yes	No
<b>If so, how many?</b>		
<b>Please state the date of birth of each of your children under 18 years of age:</b>		
<b>Are any of your children disabled?</b>	Yes	No
<b>How many weeks' parental leave have you already taken? [Please include all periods of parental leave taken in all previous employments.]</b>		
I hereby authorise you to carry out checks on the above information from my previous employers, if required.		
<b>Employee's signature:</b>		

## Letter accepting an employee's request to take parental leave

[Employee's name]  
[Employee's address]

Dear [ ]

I refer to your request, of [date]], to take unpaid parental leave from [date] to [date] in relation to [name of child].

I can confirm that your application to take parental leave has been accepted. Your last day at work before your parental leave will be [date] and you will be required to return to work on [date].

Your normal pay is suspended during parental leave, as are the benefits outlined in the Trust's Parental Leave Policy. In other respects, your contract of employment remains in place and your continuity of employment is not broken by your period of parental leave.

Once you have taken this parental leave, because you can take only four weeks' parental leave in any one year, you will have [ number] [weeks'/days'] parental leave entitlement left to take in the 12-month period from [date] to [date] / exhausted your parental leave entitlement in the 12-month period from [date] to [date] ]. However, you retain [number] [weeks'/days'] parental leave entitlement to take after that 12-month period in relation to this child.

Yours sincerely

[ ]

Cc Payroll Team

## Letter postponing a period of parental leave

[Employee's name]  
[Employee's address]

Dear [ ]

I am writing regarding our [meeting/discussion] on [date] when I informed you that the Trust/School would be unable to accommodate your request of [date] to take parental leave in relation to [name of child] from [date] to [date] because [reason].

[At this meeting/During this discussion] I informed you that, in the circumstances, the period of parental leave could be postponed for not more than six months from the date on which you wanted to start it.

I am pleased that we came to an agreement that this postponed period of leave will be taken from [date] to [date] [and your form requesting parental leave will be updated accordingly].

[OR

Unfortunately we were unable to come to an agreement about when this period of leave would be taken, so I must now inform you that it will be taken from [date] to [date] [and your form requesting parental leave will be updated accordingly].]

Yours sincerely

[ ]

Cc: Payroll Team

## Record of unpaid parental leave

<b>Name of employee</b>	
<b>Job title</b>	
<b>Team</b>	
<b>Service Area</b>	
<b>Department</b>	
<b>Payroll number</b>	
<b>Date of commencement of employment</b>	

<b>Name of child unpaid parental leave in respect of</b>
<b>Date of birth of child (or adoption date)</b>
<b>Date of end of unpaid parental leave entitlement</b>

Tick as appropriate

	<b>Birth certificate</b>
	<b>Adoption certificate</b>
	<b>Other proof of parental responsibility (please specify)</b>
<b>I declare I have seen the above documentation and verify eligibility of entitlement</b>	
<b>Managers name:</b>	
<b>Managers signature:</b>	<b>Date:</b>