

Parental leave policy

1. Policy statement

The right to parental leave is covered by the Employment Relations Act 1999 and the Maternity and Parental Leave Regulations 1999. Employees are entitled to 13 weeks' unpaid leave to care for a child. Parents of disabled children are entitled to 18 weeks unpaid leave.

2. Who does this procedure apply to?

This policy is recommended policy for adoption by the Governing Body. It applies to all school based staff.

3. Which employees qualify for parental leave?

Employees qualify for parental leave if they have worked for the council for at least one year and are a parent. By 'parent' we mean:

- the mother; or
- 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; or
- the father if he has parental responsibility under the Children Act 1989; or
- a guardian appointed under the Children Act 1989; or
- adoptive parents.

The right applies for children who:

- were born or adopted on or after 15 December 1994;

Normally, the right lasts until the child is five. However, if the child is disabled and receives Disability Living Allowance, the right lasts until the child is 18. If the child has been adopted, the right lasts until five years after the adoption or until the child is 18, whichever is the earliest.

For parents of children who qualify for parental leave which were born before 15th December 1999 or adopted between 15th December 1994 and 14th December 1999, parental leave must be taken by 31st July 2005.

4. Do we need proof of parental responsibility?

Yes. When an employee applies for parental leave, they must send the head Teacher a copy of the child's birth certificate. If this does not show proof of parental responsibility, they will need to send us documents that do, for example a court order or formal agreement.

5. What notice does an employee have to give?

The employee must give their Head Teacher at least 21 days' notice that they are taking parental leave. This must include the dates when the leave will begin and end. If employees want to take leave immediately after a child is born or adopted, they should give at least 21 days' notice before the expected week of childbirth or adoption.

6. Taking parental leave

The parental leave year will start either when the child is born or when the employee has worked for us for one year. In a 12-month parental leave year, employees can take up to four weeks' parental leave for each child.

Employees must take parental leave in blocks of one week. Even if the employee only takes one day, this will count as a week of the entitlement. However, for payment purposes, you must give payroll the exact dates of the leave.

If the child is disabled, the employee may take leave in blocks of one day.

Both parents are entitled to leave. The right applies to each child.

Employees who work part-time are entitled to take leave on a pro-rata basis.

7. Can the school postpone parental leave?

Yes, the Head Teacher can postpone the parental leave if:

- the employee is needed at a particular time and it is not possible to cover the work; or
- the school will be seriously disrupted.

If this happens, the Head Teacher must tell the employee why it is postponed, in writing, within seven days of their request. The Head Teacher must not postpone the leave for any longer than is necessary and definitely for no longer than six months.

The Head Teacher should seek advice from the nominated HR adviser

The Head Teacher cannot postpone the leave if the employee wants to take it immediately after a child is born or adopted.

If an employee feels that the leave has been unfairly turned down or postponed, they should discuss the matter with the Head Teacher. If the Head Teacher cannot sort out the issue, the employee can raise the matter using the grievance procedure.

8. How does parental leave affect benefits?

During parental leave, the employee will continue to build up service for annual leave, maternity and sickness benefits. The employee will not be paid for any bank holidays when they are on parental leave.

Employees must pay pension contributions for the first 30 days they are off. These will be taken from their pay when they return to work.

9. What about the employee's return to work?

If an employee takes less than four weeks' parental leave in a row, they will be guaranteed to be able to return to their current job.

10. What records do we need to keep?

The school must record any parental leave taken, and keep this on the employee's personal file. A parental leave record sheet is available for this. New employees need to tell the school how much (if any) parental leave they have already taken with previous employers. The school is responsible for telling payroll about parental leave through absence and sickness returns.

11. What happens if the employee has more than one job?

If an employee has more than one job within the county council, this does not increase the total leave they are entitled to.

If an employee takes parental leave in one of their jobs, they must record that as full parental leave and take it from the 13-week total allowance.

If an employee wants to take parental leave at the same time in both jobs and one school cannot give permission, this will mean postponing leave for both jobs. If the employee still wants to take leave from both jobs, the Head Teacher must agree a convenient time for the employee to take their parental leave. It must be within six months of the original request.

12. Where can I get more information?

Further advice is available from your nominated HR Adviser.