

# ***PARENTAL LEAVE SCHEME***

<b>Version of Policy:</b>	<b>1</b>
<b>Effective Date of Policy:</b>	<b>1<sup>st</sup> February 2017</b>
<b>Review Date:</b>	<b>2019</b>
<b>Applicable To:</b>	<b>All School employees where the School Governing Body has adopted the scheme.</b>
<b>Equalities Sentence:</b>	<b>All Equalities considerations have been taken into account when drafting this Policy. These have been reflected in all documentation during the consultation and governance processes.</b>

***The School's recognised trade unions have been consulted on this policy.***



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### **NOTES**

This Scheme is recommended to Governing Bodies for adoption.

Support in managing issues in relation to the subject matter of this scheme can only be offered to schools where LEA recommended policies and procedures have been adopted and in line with any Service Level Agreement with Human Resources (HR) in force at the time.

This policy will be effective from the date of adoption by the Governing Body.

## **GLOSSARY**

The following terms are used throughout the scheme and are defined below.

### **Disabled child**

A child who is in receipt of Disability Living Allowance or a child where evidence is given from a medical practitioner that the child is eligible for Disability Living Allowance.

### **Maternity Support Leave**

Leave that is granted to the child's father or the partner or nominated carer of an Expectant mother at or around the time of the birth. A nominated carer is the Person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

Maternity Support Leave is different from Paternity Leave but where an employee is eligible for both Maternity Support Leave and Paternity Leave, the Maternity Support Leave is counted as one week of the two week Paternity Leave entitlement because they are a corresponding right and an employee does not have the right to both types of leave.

### **Paternity Leave**

Paternity Leave is up to 10 days paid leave to be taken to care for the child or support the mother at the time of a birth or placement for adoption. This must be taken as blocks of one week or two consecutive weeks but not odd days.

## **INTRODUCTION**

1. Caerphilly County Borough Council and the School Governing Body believe that their employees are their most valuable resource and as a result high attendance at work by their employees plays a key role in providing efficient and effective services to the pupils and residents of the County Borough.
2. The recognition that there may be times when employees need some time to resolve problems outside of work and the provision of leave to cover certain of these circumstances will contribute to increased morale and ensure maximum performance amongst employees. Lack of recognition of employees' outside commitments help to contribute to negative effects, which may result in low morale, poor service provision and excessive overhead costs.
3. The Council/School's aim is to ensure that parental leave is applied in a fair, equitable and consistent way within the school. This scheme is designed to help Managers deal fairly, equitably and consistently with all their employees. The aim of the scheme is to be supportive to employees to allow them to balance the work - life issues in the best possible way.
4. This scheme must be cross-referenced with all other relevant Council/Governing Body policies and procedures.

## **WHAT THE SCHEME COVERS**

5. This scheme supersedes all earlier policies and must be used for all applications of parental leave.

## **GUIDING PRINCIPLES**

6. The Maternity and Parental Leave (Amendment) Regulations 2001 set out employees' rights to this leave. Under this scheme employees, both the mother and father of the child are entitled up to 90 days unpaid parental leave subject to the qualifying conditions outlined below. This may be taken as odd days or half days, blocks of a week or a total block of up to 90 days. In the case of multiple births, employees are entitled to up to 90 days leave per child. The number of days total entitlement will be pro rata'd to the number of hours that an employee normally works in a week. For example full time employees will be entitled to 90 days based on 37 hours per week and if an employee who works 22.2 hours a week will be entitled to 54 days. A part time employee's entitlement is based on the employee's contract hours and the % of these to full time hours. In this case it would be 22.2 hours per week would be 60% of full time hours. Additional leave without pay may be granted in special circumstances.
7. All employees, subject to the eligibility and qualifying service (see below), with children under the age of 18 have the right to take Parental Leave to look after the child or make arrangements for the child's welfare. Examples of the way that this leave may be used could be to spend more time with the child in its early years, to accompany a child during a stay in hospital, to visit a new school or to settle a child into new child care arrangements. This list is not exhaustive or exclusive.

8. Parental Leave cannot be transferred from one parent to the other if both parents work for the Council or the school. For example if the father takes 20 days unpaid leave they cannot transfer the remaining 70 days to the mother for her to add to her 90 days entitlement.
9. If an employee changes their hours of work, then the balance of their leave entitlement would be calculated at the new hours of work. This would be calculated on a pro rata basis in the same way as annual leave is calculated.
10. If an employee decides not to return after a period of parental leave, they must terminate their contract in accordance with their normal contractual arrangements. If an employee does not give the required amount of notice, the school will issue notice to the employee.
11. When an employee is on a period of parental leave, their pension rights are frozen until the employee returns to work.
12. Applications for parental leave must be submitted to their Headteacher on the Application for Parental Leave form, PAR1, a copy of which is available from the Head teacher or HR. When approving applications for parental leave, Headteachers must bear in mind the operational requirements of the school. Once approved, all parental leave forms should be forwarded to HR at Ty Penallta.
13. Headteachers are entitled to ask for evidence that the employee is the parent of a child or has the parental responsibility for the child and that the child is below the relevant age if they wish. Evidence would be a copy of the child's birth certificate or a copy of the adoption certificate. The request for evidence must be reasonable and it is not acceptable to request evidence on each occasion that leave is requested.
14. Whilst an employee is on a period of extended parental leave, i.e. over 20 days, Headteachers must keep in touch with them, informing them of any work related matters. This will allow for an easier return to work, which will be beneficial to the Headteacher, employee and their colleagues.
15. As the Parental Leave Scheme hinges on trust, abuse of the scheme, if proven, will be dealt with in accordance with the school's Disciplinary Procedures.

## **ENTITLEMENT TO PARENTAL LEAVE**

16. Any employee, subject to satisfying the qualifying service requirements (see below) who has a child is entitled to a total of 90 days unpaid parental leave up to the child's 18<sup>th</sup> birthday.
17. Both the mother and father of a child, whether the natural or adoptive parents, can qualify for parental leave, including same sex partners. The parent must be named on the child's birth certificate or they must have, or expect to have, parental responsibility under the law for the child. The parents of a child do not have to be living with the child in order to qualify for parental leave.

18. Employees who are adopting a child will be entitled to take parental leave because they will have parental responsibility when they adopt. See the school's Adoption Leave Scheme.
19. The school will also make parental leave available to those with parental responsibilities other than the natural or adoptive parents. This will include foster parents, adoptive parents prior to placement, and grandparents with a significant parenting role and stepparents and common law partners if they are living in a family unit with the child, if they have not adopted the child.

## **QUALIFYING SERVICE**

20. In order to qualify for parental leave, an employee must have at least one year's continuous service with the Council/school by the time that they wish to take the leave.
21. Where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants, they will be entitled to have their previous service taken into account in respect of the sickness and maternity schemes provided that the break in service does not exceed 8 years and that no permanent paid full time employment has been taken in between. For the purpose of the entitlement to annual leave the 8 years time limit does not apply provided that no permanent full time employment has been taken in between.
22. If an employee joins the Council/school and they have taken part of their parental leave entitlement with a previous employer, they will be entitled to the balance of the leave with the school, i.e. if an employee has taken 30 days with a previous employer, they would be entitled to the balance of 60 days with the school.

## **NOTICE PERIODS**

23. Employees must make every effort to give as much notice as possible of their request to take parental leave. This notification must be in writing, on form PAR1, and be given at least 7 days before the commencement of the parental leave.
24. Parental leave may be granted to employees who have not given the required notice in exceptional circumstances at the discretion of the Headteacher. Such discretion must not be unreasonably withheld.

## **POSTPONEMENT OF PARENTAL LEAVE**

25. It is possible for Headteachers, because of operational reasons (e.g. the employee's absence would unduly disrupt the school exceptionally), to postpone an employee's period of parental leave. However, every effort will be made by the school to avoid the postponement of an employee's application for parental leave. It is also possible to postpone an employee's application for parental leave if the necessary notice has not been given. For exceptions to this, see 29 below. If an

employee is dissatisfied with the Headteacher's decision, they may make representations to their Governing Body, whose decision will be final.

- 26 If it becomes unavoidable and the period of leave has to be postponed, it cannot be postponed for a period of more than 3 months except in exceptional circumstances. Headteachers are only able to postpone the period of parental leave once, after that it must be authorised.
- 27 Headteachers must make employees aware in writing of the reasons why the parental leave is being postponed. The reasons for postponement will be detailed on the back of the form PAR1 which will be returned to the employee as the approval/non approval of the leave. This notification must not be more than 7 days after the receipt by the Headteacher of the employee's application and it must specify the date on which the agreed period of leave can begin and end. These dates must be included on the back of the form PAR1.
- 28 If the postponement of the parental leave takes the leave past the child's 18<sup>th</sup> birthday, then the employee is still entitled to take the leave after that date.
- 29 Headteachers may not postpone an employee's parental leave in the following circumstances.
  - Following Maternity Support Leave – the unpredictability of childbirth will also have implications for the notice an employee can give. It is recommended that employees expecting to take maternity support leave should discuss their likely requirements for parental leave with their Headteacher.
  - Following Maternity Leave – where a mother takes a period of parental leave following on from a period of maternity leave, as long as the relevant notice periods have been given and the qualifying service met, the period of parental leave can not be postponed.
  - At the time of adoption – where at times prior to adoption where the employee is required to be at home by the adoption process, or following adoption leave, as long as the necessary notice periods and qualifying service are met.

## **FLEXIBILITY IN TAKING PARENTAL LEAVE**

30. Parental leave may be taken: -
  - As a single block of up to 90 days.
  - As a number of shorter periods but as a minimum of a half day.
  - In patterns that provide a part time or reduced hours working arrangement for a period time up to the equivalent of 90 days.

## **RETURNING TO WORK AFTER A PERIOD OF PARENTAL LEAVE**

31. If an employee undertakes a period of parental leave in a block of 20 days or less, they are entitled to return to the same job. Employees who take more than a block

of 20 days parental leave are entitled to return to either the same job or, if that is not reasonably practicable, a job that is similar.

32. During a period of parental leave, employees continue to benefit from their statutory rights along with some of their terms and conditions of employment. These include:-
- Notice periods.
  - Accrual of annual leave.
  - Compensation if the employee is made redundant. It is also unlawful for an employer to select an employee solely or mainly on the basis that they are taking, proposing to take or have taken parental leave.
  - The benefit of the school's disciplinary and grievance procedures.
  - Pay rises/regradings on their return to work if these have occurred while the employee is on parental leave.
33. Employees who are entitled to receive telephone allowances as part of their remuneration will continue to do so.
34. A period of parental leave counts towards continuous service for the purposes of all statutory employment protection rights including the calculation of a redundancy payment.
35. Where a pensionable employee is on parental leave, normal pension contributions must be paid on the first 30 days of any continuous period of leave. Normal contributions for the remaining period can be paid by election within 30 days of returning to work. If the employee elects to pay their normal contribution, the Council also pays the employers' contribution as if the employee had not been absent from work. Subsequent new periods of parental leave are treated as above. Further advice and information on paying backdated contributions is available from payroll.

If a School Support employee requires any further details please contact the Greater Gwent Pensions Section at Torfaen County Borough Council on 01495 766266 or alternatively visit the website

<http://www.gretergwentpensionsfund.co.uk>

If a Teacher requires details please contact Teachers Pensions on 0345 6066166 or alternatively visit the website <https://www.teacherspensions.co.uk>

## **SICKNESS AND PARENTAL LEAVE**

- 36 Employees who become ill during a period of parental leave, and who provide their Headteacher with a medical certificate regardless of the duration of the absence, shall be entitled to pay under the school's Managing Sickness Absence Procedure. This period of sickness will not count towards the employee's allocation of parental leave and the leave shall be reinstated to be used at an agreed date in the future.

## **INTERPRETATION OF THE SCHEME**

37. In the event of a dispute relating to the interpretation of this scheme the Head of Human Resources and Organisational Development or the Human Resources Service Manager will make the final decision on interpretation.

## **REVIEW OF THE SCHEME**

38. A review of this scheme and procedure will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the scheme will be amended and reissued.

**OCTOBER 2015**