



Parental Leave Policy

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HR25	1	KAB	40104	41414	May 13			
HR25	2	TA	69580	70990				Updated with change in upper age of child from 5 to 18 years

Distribution

Internal: All SCC Staff

External (if requested): Website/Councillors/Partners

Communication:

Organisation meeting (to announce any amendments)

Highlight in Gilberts Gossip following amendments

Request Managers raise in Team Meetings

Email to SCC Distribution advising of policy reference number

Policy

The Council is committed to work/life balance policies and to its obligations under the Employment Relations Act 1999 and the Parental Leave Directive 2013. The Council's aim is to enable parents more easily to balance their work and family responsibilities whilst taking account of the needs of Salisbury City Council as an employer and operating within its core values of fairness and equality.

This policy has been created to follow the Council's legal obligations and be appropriate and manageable within the limitations of being a small organisation.

It has been created in consultation with the Trade Unions and is supported by both management and those Trade Unions.

The policy applies to all Salisbury City Council employees.

What is Parental Leave?

The purpose of parental leave is to care for your child. This means looking after their welfare and could include making arrangements for the good of your child.

Caring for a child does not necessarily mean being with the child 24 hours a day. Parental leave might be taken simply to enable you to spend more time with your young child. Examples of the way parental leave might be used include:

- spending more time with your child in their early years
- time with your child during a stay in hospital
- allowing your family to spend more time together, for example, taking your child to stay with grandparents
- Straight after your maternity, paternity or adoption leave (provided you give the correct notice)
- Time with your child during a stay in hospital
- Settling your child into new child care arrangements
- looking after the child at home
- taking the child for checkups or appointments (e.g. to the dentist or hospital)

1 Am I eligible and how much leave am I allowed?

All Salisbury City Council working parents, who have one year's continuous local government service, are entitled to take up to *18 working weeks' unpaid leave* for the purpose of caring for a child until the child is 18 years old.

Commented [TA1]: Was previously up to aged 5 and 13 weeks

You qualify if all of these apply:

- You have been in the Council for more than a year
- You are named on the child's birth or adoption certificate or you have or expect to have parental responsibility
- You have or expect to have parental responsibility*
- ~~You are not self-employed or a 'worker' e.g. an agency worker or contractor~~
- ~~You are not a foster parent (unless they've secured parental responsibility through the courts)~~

Commented [TA2]: Policy is for staff
Above statement clarifies need to have Parental responsibility

- and the child is under 18 years
- You prove the Council with evidence of eligibility when requested

Commented [TA3]: Amended to 18 years from 5 years

Commented [TA4]: Gives right to ask for evidence

Requests for parental leave from others, not covered by the above definitions, will be considered on the merits of each individual case.

The 18 week entitlement is for each eligible child so, for example, where twins arrive, each parent would be entitled to up to 18 weeks leave for each child.

What is parental responsibility?

All mothers and most fathers* have legal rights and responsibilities as a parents - known as 'parental responsibility'

If you have parental responsibility, your most important roles are to:

- provide a home for the child
- protect and maintain the child

You're also responsible for:

- disciplining the child
- choosing and providing for the child's education
- agreeing to the child's medical treatment
- naming the child and agreeing to any change of name
- looking after the child's property

Fathers – Who has parental responsibility?

A mother automatically has parental responsibility for her child from birth. A father usually has parental responsibility if he is:

- married to the child's mother
- listed on the birth certificate (after a certain date, depending on which part of the UK the child was born in)

An unmarried father can only get legal responsibility for his child in 1 of 3 ways:

- jointly registering the birth of the child with the mother (from 1 December 2003)
- getting a parental responsibility agreement with the mother
- getting a parental responsibility order from a court

2 What if I don't qualify?

If you don't qualify for parental leave but need time off to care for your child you could:

- take paid holiday
- ask for unpaid time off
- ask about flexible working

If there's a genuine emergency and you need to take time off at short notice the Council may let you take emergency leave.

All employees have a right to take a reasonable amount of *unpaid time* off to deal with certain emergencies involving people they care for. This is known as time off for dependants, and applies regardless of how long you have been working for your employer or whether you have child or adult care responsibilities.

3 How is Parental Leave allocated?

Full time employees will be allocated 18 working weeks. Part time employees will be allocated days based on the employee's average working day (hours worked per week divided by five) and the Parental Leave entitlement will be converted to hours for ease of operation. If the working pattern varies from week to week a twelve week average will be used starting from 1 April each year.

4 How can Leave be taken?

Parental Leave may be taken in multiples of one week. If you have a child with a disability who is entitled to disability benefits, you will be able to take leave in blocks of one day rather than one week.

Commented [TA5]: This is a statutory right for those with disabled children

A 'week' equals the length of time an employee normally works in a week

If an employee's hours change during their period of entitlement to Parental Leave then the entitlement will be recalculated for the remaining period.

Apart from in relation to a disabled child, part weeks count as a week, so if a full time employee takes 3 days parental leave and then returns to work, one week from the 18 weeks has been taken.

Carrying leave over from a previous job:

Parental leave applies to each child not to an individual's job
For example, if a new employee is entitled to 18 weeks and has used 10 with a previous employer, then they are entitled to 8 weeks with the Council.

5 Limits

There shall be a limit of *four* weeks Parental Leave in any year in relation to each child until the child is 18, 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 the date of adoption.

6 How much notice do I have to give?

Employees must give their line manager at least *21 calendar days' notice* of their wish to take such leave. This must include the dates when the leave will begin and end. A shorter notice period may be accepted if the line manager is satisfied that the leave will not cause operational difficulties.

Where parental leave is requested straight after a child is born or placed with them for adoption, 21 days' notice of the expected week of childbirth or the expected week of adoption must be given.

7 Can my request be postponed or refused?

The Council may postpone requested Parental Leave (except where the leave is to be taken immediately after the child is born or has been placed for adoption) for up to six months on grounds of operational requirements, e.g.:

- where more time is needed to make arrangements for covering the employee's work
- where there is a peak in the workload
- where the particular employee's skills are needed at a specific time and the work cannot be easily covered.

Requests for Parental Leave will not, however, be unreasonably refused.

Where there are conflicting needs, the manager and the employee requesting the leave should try to resolve these via discussion and agreement. The outcome of those discussions will be confirmed by the Line Manager within seven calendar days of the request for leave confirming the reasons for postponement; and the period of rescheduled leave using the parental leave request form (see appendix 1).

8 Procedure

Employees claiming parental leave for the first time should present to HR:

- the child's birth certificate or
- the appropriate adoption documentation including the child's birth certificate or
- other relevant proof of parental responsibility, and the child's birth certificate.
- the award of disability living allowance for a child with disability

Eligibility should be confirmed by an entry on the Parental Leave Card, (see appendix 2) so that the above proof is not required for subsequent requests for parental leave.

Employees should submit a leave request to their line manager on the Parental Leave Request Form. This form allows the line manager to agree in principle to the request. If the manager feels unable to agree to the request, he/she must discuss the situation with the employee and agree a suitable alternative. No request should be refused unreasonably, and if refusal and postponement is necessary a note of the details of the request and reasons for the postponement must be completed on the form by the line manager within seven calendar days. The form must subsequently be kept by HR on the employee's personal file.

- In the event of a postponement being necessary a second Parental Leave Request Form should be submitted. If it has proved impossible to reach agreement via discussion and mutual compromise, at this stage the employee may invoke an appeal under the grievance procedure.
- Before taking Parental Leave, staff must receive confirmation of authorisation on the Parental Leave Request Form.
- A running total should be recorded by HR until the child reaches the upper age limit (usually the age of eight) on the Parental Leave Card, which should be lodged with HR. It is important that accurate records are kept, so that any changes in employment may take account of Parental Leave taken to that date.
- HR will forward the authorised Parental leave Request Form to the Finance Officer as soon as practicable so that salary adjustments may be made.

9 Rights of Employees during Parental Leave

Employees' contracts of employment will continue with all contractual rights maintained during parental leave, except for remuneration. Both employee and the Council will be bound by the duty of good faith and confidentiality. On return to work an employee has a right to the same job.

10 What happens to my Occupational Pension Contributions?

You have the option to continue to pay pension contributions during periods of parental leave so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of pay that the employee was receiving immediately before commencing parental leave.

11 Communication

If requested by the employee the council will remain in contact with them while they are taking Parental Leave by keeping them on circulation lists at their home (or other) address, inviting them to work related social events and keeping them informed of training opportunities. This is the responsibility of the Line Manager of the employee taking Parental Leave.

12 Misuse of Parental Leave Scheme

Any misuse of the scheme will be dealt with under the Council's Disciplinary procedure. The following are examples of misuse, are not exhaustive and may constitute gross misconduct:

- taking leave for purposes other than for caring for the eligible child.
- making a false statement as to entitlement to parental leave.

13 Review of the Parental Leave Procedure

From time to time this procedure will be jointly reviewed with the Council's recognised Trades Unions in the light of experience, good employment relations practice and developments in employment law. The aim is to ensure its continuing relevance and effectiveness.

**Salisbury City Council
Parental Leave Request Form**

Name of Employee:
Details of employee's child
Name of child:
Date of birth:
If child is not yet born, expected week of birth:
Is your child in receipt of disability benefits?
I request parental leave as follows:
From: (date) to: (date) inclusive
Total number of working days/hours =
How much parental leave have you taken before in relation to this child?
Employee declaration:
I can confirm that I am taking parental leave in order to care for my child. I understand and agree that:
I must have at least one year's continuous service at the date parental leave is to begin
I must give 21 days' notice of my request to take parental leave
Parental leave is taken in blocks of one week except where the child is in receipt of disability benefits, in which case can be taken in blocks of 1 day
Except in the case of a disabled child, where a day's parental leave is requested, a full week will be deducted from my entitlement
The Council may postpone a period of parental leave requested for up to 6 months, except where the request falls during the expected week of birth/placement for adoption or immediately following the birth or adoption
The council may contact my former employer to ascertain length of parental leave taken

<p>Parental leave is unpaid</p> <p>Employee's signature:</p> <p style="text-align: center;">Please pass this form to your Line Manager</p>
<p>(Line Manager to complete)</p> <p>Date request received</p> <p>I agree/am unable to agree* to this request (*please delete as applicable)</p> <p>If you are unable to agree to the request please give reasons:</p> <p>Date employee informed (letter attached):</p> <p>If postponed, new start date of leave is:</p> <p>Amount of parental leave remaining in relation to this child:</p> <p>Line Manager's signature:Date:.....</p> <p style="text-align: center;">Please pass this form back to the employee</p>
<p>Instructions for Manager</p> <p>Please pass this form to HR for processing and give a copy to the employee</p>
<p>For HR use only</p> <p>Parental Leave Record updated on personal file and form passed to Payroll for action</p> <p>HR Signature: Date:.....</p>
<p><i>For Payroll use only</i></p> <p>Deduction of £ _____ made from salary</p> <p>Payroll Signature: Date:.....</p>

The information you provide on this form will be stored on the Council's HR filing system and passed to payroll for processing.

**Salisbury City Council
Parental Leave**

(for each eligible child)

This form is to be retained by HR on the employee's personal file

Name of Employee :

Name of Child :

Date of Birth or Eligibility (see Parental Leave Policy) :

Date of Commencement of Parental Leave (if different) :

Date of End of Parental Leave Entitlement :

Proof of parental responsibility:

- Birth Certificate
- Adoption Documentation
- Other Proof of Parental Responsibility (please specify)

I declare I have seen the above documentation and verified eligibility of entitlement (Please tick as applicable).

HR Signature _____ Date _____

Total Parental Leave Entitlement : _____
(number of days/hours)

Leave Requested From:	To: (inclusive)	Number of Days/Hours	Balance of Days/Hours remaining	HR Signature

Appendix 3

Letter accepting parental leave request

[Insert name]

[Insert address]

[Insert date]

Dear *[insert name]*,

Thank you for your application for parental leave which I received on *[insert date]*, in which you requested *[insert length of leave requested]* of parental leave.

I am pleased to confirm that we are able to grant the period of leave you have requested. The leave will commence on *[insert date]* and you are expected to return to work on *[insert date]*.

[Select from the following paragraphs and delete as appropriate]

As we have discussed, you will not be paid during this period of parental leave.

[OR]

As we have discussed, you will receive *[insert payment arrangements]* during this period of parental leave.

You have a total amount of 18 weeks' parental leave to take in relation to each child you have until they are 18 years old, capped at four weeks of parental leave per 12 month period per child.

Taking into consideration this period of leave, you now have a total of *[insert amount]* of parental leave remaining in relation to this child. You now have *[insert amount]* of parental leave left to take in the 12 month period from *[insert date]* to *[insert date]* in relation to this child.

If you have any questions about the contents of this letter, or about parental leave in general, please do not hesitate to contact me.

Yours sincerely,

Appendix 4

Example letter declining parental leave request

Letter declining parental leave request

[Insert name]

[Insert address]

[Insert date]

Dear *[insert name]*,

Thank you for your application for parental leave which I received on *[insert date]*, in which you requested *[insert length of leave requested]* of parental leave.

I must inform you that we are unable to grant your request. There are certain eligibility requirements attached to taking parental leave and unfortunately you are not eligible because:

[Select from the following paragraphs and delete as appropriate]

You must have worked for the Company for a minimum of one year counted back from the start of the period of parental leave requested. As you requested that parental leave start on *[insert date]*, you would only have *[insert amount]* of service at that point.

[OR]

You are entitled to take a total of 18 weeks' parental leave in relation to each child and you have already exhausted your entitlement in relation to this child.

[OR]

You are entitled to take four weeks' parental leave per 12 month period in relation to each child and you have already exhausted your entitlement in relation to this child for the 12 month period from *[insert date]* to *[insert date]*.

[OR]

We require a minimum of 21 days' notice of the start date of parental leave and you did not give enough notice.

[OR]

We require evidence from you that you have, or expect to have, responsibility for the upbringing of the child and you have not provided this.

[OR]

Your child is aged 18 or over and parental leave may only be taken in relation to a child who is under the age of 18.

If you have any questions about the contents of this letter please do not hesitate to contact me.

Yours sincerely,

Appendix 5

Example letter postponing parental leave

Dear *[insert name]*,

Further to our meeting regarding your parental leave application, I am writing to confirm the arrangements discussed at the meeting.

You had made an application, received on *[insert date]*, to take parental leave from *[insert date]* to *[insert date]*. I informed you at our meeting that we are unable to grant leave at that time because of *[insert details]*.

I explained that, in this circumstances, we are able to postpone the leave for a period not longer than six months from the original start date requested. We were able to reach an agreement during the meeting to postpone your leave which is now to be taken from *[insert date]* to *[insert date]*.

As we have discussed, you will not be paid during this period of parental leave.

[OR]

As we have discussed, you will receive *[insert payment arrangements]* during this period of parental leave.

You have a total amount of 18 weeks' parental leave to take in relation to each child you have until they are 18 years old, capped at four weeks of parental leave per 12 month period per child.

Taking into consideration this period of leave, you now have a total of *[insert amount]* of parental leave remaining in relation to this child. You now have *[insert amount]* of parental leave left to take in the 12 month period from *[insert date]* to *[insert date]* in relation to this child.

If you have any questions about the contents of this letter, or about parental leave in general, please do not hesitate to contact me.

Yours sincerely,