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Lanesend Primary School

Parental Leave Policy Isle of Wight Policy School Staff Policy

Signed: Date:
(Headteacher)

Signed: Date:
(Chair of Governors)

Review Date: In line with statutory changes

Reviewed By: Isle of Wight Council and agreed by Full Governing Body

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3 What is Parental Leave?

Parental leave is an entitlement separate to maternity, paternity and shared parental leave. It is unpaid and is available to employees of both sexes.

Parental leave gives eligible employees:

A total of up to 18 weeks' unpaid parental leave for each child for the purpose of caring for that child

Eligible employees can take the Parental Leave at any time before a child's 18th birthday

The benefit of certain contractual rights and obligations during the period of parental leave absence (see below – 'Rights during Parental Leave')

The right to return to the same job (or in certain cases a suitable alternative job) after the expiry of the leave (see below – 'Returning from Leave')

Parental leave should be used only for the purpose of **caring for a child**. The following is a **non-exhaustive** list of what may be considered Parental Leave:

Spending more time with a young child.

Accompanying a child during a stay in hospital.

Checking out new schools.

Settling a child into new childcare arrangements.

Enabling a family to spend more time together.

Parental Leave is designed to be agreed in advance and advance notice of an employee's intention to take Parental Leave should be given (see below – 'How much notice is required?')

If an employee uses the leave for a purpose other than caring for a child, then the employee will be acting dishonestly and disciplinary action may be taken in line with the Disciplinary Policy.

A week's leave

Where the number of hours an employee works each week do not vary, a week's leave is equivalent to a period of absence from work which is equal in duration to the number of hours an employee normally works during a week.

For part time employees a week's leave for Parental Leave purposes is the number of days/hours that employee works in one week. For example, if an employee works Mondays, Wednesdays and Fridays, a week's Parental Leave is 3 days.

For employees with irregular working patterns, such as those who work more hours some weeks than others, an average working week is calculated by dividing the total of the periods for which the employee is normally required to work in a year by 52. The figure obtained will be one week for the purpose of a week's Parental Leave.

The 18-week Parental Leave entitlement is a total entitlement, not an entitlement to be used with each employer. If employees have taken Parental Leave in a previous job, this will be deducted from their overall Parental Leave entitlement. For example, an employee who has taken 8 weeks' Parental Leave in a previous job and then takes up a position with the Council

will have 5 weeks' Parental Leave remaining once they become eligible to take Parental Leave.

4 Who is Entitled to Parental Leave?

Parental Leave is available to employees who have one year's continuous Local Government Service and who meet one of the following conditions:

He/she is the birth parent of a child whether or not they are living with the child (in the case of fathers, who appears on the birth certificate); or

He/she has acquired legal parental responsibility for a child, for example, a guardian, a parent under a surrogacy arrangement who has secured, or expects to secure

5 How Can Leave Be Taken?

Employees can only take parental leave in blocks or multiples of a week at a time, limited to four weeks in any year for each child. If the employee takes leave which is for a shorter period than a week it shall count as a week's leave. Parents of a disabled child may however, take parental leave in blocks or multiples of a single day.

6 How Much Notice is Required?

An employee must give at least 21 days notice to his or her line manager, specifying when the leave is to begin and end. A template letter is attached at Appendix B for the employee's use when requesting leave.

If the leave is to be taken 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.

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.

Line managers 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 disability living allowance.

Once the dates of a period of leave have been agreed, the line manager must notify HR Shared Services of the dates of the unpaid leave who will then confirm this to Payroll Shared Services.

7 Postponing Parental Leave

The line manager must respond to the request for parental leave within seven days. Parental leave cannot be refused but the period of leave can be postponed for up to six months if the operation of the service would be unduly disrupted and the line manager must notify the employee in writing, stating the reasons for the postponement specifying suggested dates for the employee to take parental leave. If the leave is to be taken immediately after a child is born or placed for adoption the line manager may not postpone the leave. A template letter is attached at Appendix C for the line manager to use as confirmation of the postponement of parental leave.

8 Rights During Parental Leave

Qualifying employees will be entitled to a maximum of 18 weeks parental leave to be taken up until the child's 18th birthday. During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will however, remain in place. Certain other terms of employment will remain in force as follows. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

Notice of termination; Redundancy compensation; and Disciplinary or grievance procedures.

Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

Notice of termination;
Disclosure of confidential information;
The acceptance of gifts or other benefits; and
Participation in any other business.

9 Returning from Leave

At the end of parental leave, the employee will be entitled to return to the same job provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

10 Related Documents – Further Guidance

Sustainable Community Strategy -
Eco-Island

www.eco-island.org.uk

Corporate Plan

www.iwight.com/council/documents

Paternity Provisions

<http://wightnet.iow.gov.uk/documentlibrary/view/paternity-provisions-2011>

Maternity Provisions

<http://wightnet.iow.gov.uk/documentlibrary/view/maternity-provisions-2011>

Adoption Provisions

<http://wightnet.iow.gov.uk/documentlibrary/view/adoption-provisions>

11 Appendix A – Related Policy Framework

POLICY	PURPOSE OF POLICY
Maternity / Paternity / Adoption Provisions	<p>The Council recognises that, from time to time, employees may have questions or concerns relating to their maternity / paternity / adoption rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the provisions are complex, an employee can clarify the relevant procedures with Human Resources to ensure that they are followed correctly.</p>
Equality and Diversity at Work Policy	<p>The Council recognises its obligations to make sure that all employees have equality of opportunity and do not suffer unlawful discrimination by reason of race, nationality, religious belief / faith, sexual orientation, hours of work or trade union membership. This Policy sets out the Council's approach to such matters.</p>

12 Appendix B – Employees Model Letter

To: (Line Manager)

From:

Job Title:

Work Base:

cc: Human Resources

Date of commencement of employment

Amount of parental leave taken previously in respect of relevant child, whether during this employment or previous employment

Dear

REQUEST FOR PARENTAL LEAVE

I would like to apply for [] [week(s) / day(s)*] unpaid parental leave from [date] to [date]. **(Applications for parental leave in periods of a day or multiples thereof may be made only where the child in question is disabled.)**

The leave requested relates to my [baby / son / daughter] [name where applicable] [due on [] / who was born on [] / who was adopted on [].**(Delete as appropriate.)**

I attach a copy of [child's name(s)] [birth certificate / adoption papers]. **(Delete as appropriate.)**

I recognise that the Isle of Wight Council is entitled to make enquiries of all or any of my previous employers in relation to any previous periods of parental leave taken.

I also recognise that the Isle of Wight Council 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 would otherwise be unduly disrupted by my absence.

Yours sincerely

Signed:

Dated:

Please return this form to your Line Manager at least 21 days prior to the date on which your requested period of parental leave is due to commence.

13 Appendix C – Letter to Employee Postponing Parental Leave

Dear: (Employee)

cc: Human Resources

REQUEST FOR PARENTAL LEAVE

I am writing regarding our [meeting / discussion] on [date] when I informed you that we would be unable to accommodate your request of [date] to take parental leave 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 request for parental leave form 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 request for parental leave form will be updated accordingly.

Yours sincerely

Signed: (Line Manager)

Dated: