



Hemingford Grey

SCHOOL

Parental Leave Policy

Date last reviewed and approved:

February 2019

PARENTAL LEAVE POLICY

This policy outlines the statutory rights and responsibilities of employees at Hemingford Grey Primary School who are eligible for parental leave.

This policy applies to employees only and therefore does not apply to agency workers or the self-employed. It is provided to all employees for guidance only. It does not form part of any individual's contract of employment with the School and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, the School reserves the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

Parental leave is a form of statutory unpaid leave available to some working parents in addition to statutory maternity, paternity, adoption leave and shared parental leave. It can last up to 18 weeks (see below) and can be taken with a degree of flexibility in terms of the time at which leave is taken and the way in which the total leave entitlement may be split up into a number of shorter periods (unlike maternity, paternity or adoption leave).

Parental leave is available to eligible birth and adoptive parents and also to anyone who has, or expects to have, parental responsibility for a child under the age of 18. The right applies in respect of each child: an employee with one qualifying child may normally take 18 weeks' leave; an employee with two children would be entitled to 36 weeks in total.

Any employee who is eligible (see below) may:

- Take a total of up to 18 weeks' parental leave for each child for the purpose of caring for that child;
- Take parental leave at any time before the child's 18th birthday.
- Benefit from certain contractual rights and obligations during the period of absence whilst on parental leave (similar to those which apply to an employee on additional maternity leave).
- Return to the same job (or in certain cases a suitable alternative job) after the expiry of the leave.

Eligibility for parental leave

The statutory right to parental leave applies only to employees of the School. It does not apply to agency workers or to independent contractors.

If you are an employee you will be eligible for parental leave if:

- You have been continuously employed with the School for at least 1 year; and
- you have, or expect to have, responsibility for a child; and
- you will be taking the leave to spend time with or otherwise care for the child.

Certain exceptions apply regarding the length of service criteria in respect of

- a child born or placed for adoption on or before between 15 December 1994 and 14 December 1999; or
- the child is entitled to a disability living allowance.

In such cases an employee can rely instead on a similar period of continuous employment with any previous employer at any time between 15 December 1998 and 9 January 2002, provided the employee had left that employment by 9 January 2002.

As your current employer, the School is entitled to ask for reasonable evidence of such employment and, subject to any contractual agreement to the contrary, may decline to grant a request for parental leave until such evidence has been provided.

Responsibility for a child

You have responsibility for a child if you:

- are the child's biological mother or father (whether or not you are living with the child);
- are the child's adoptive parent; or
- have legal parental responsibility for the child, for example, if you are the child's guardian, or a step-parent who has a parental responsibility agreement or parental responsibility order.

A person who has, or expects to have, responsibility for a child includes not only someone with legal "parental responsibility" but also someone who has been registered as the child's father pursuant to the Births and Deaths Registration Act 1953.

The School may ask you to provide a self certificate as evidence of eligibility which includes a declaration by you that you meet the conditions set out above.

The purpose of parental leave

Parental leave can only be used for the strict purposes of caring for a child you have parental responsibility for. This includes for example:

- 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

If an employee uses or attempts to use parental leave for purposes other than caring for a child they have parental responsibility for, the School may take disciplinary action under the School's Disciplinary Policy and Procedure.

Parental leave is not intended for cases of dealing with an emergency involving your dependents. Employees are referred to their statutory right to take unpaid emergency time off as outlined in the school's Time off for Dependents Policy.

Duration of Parental Leave

Each parent of the child is entitled to take up to 18 weeks parental leave in blocks of up to 4 weeks leave per year for each child.

You must take parental leave as whole weeks rather than individual days, unless your employer agrees otherwise or if your child is disabled. You don't have to take all the leave at once. A week here means your number of normal working days per calendar week. So for example if you normally work 3 days a week, a week shall mean 3 days, if you work a 5 day week, a week shall mean 5 days.

Your right to take parental leave is a personal right. You cannot transfer your entitlement to the other parent.

Where you have already taken part of your entitlement to parental leave for a particular child from previous employment, we will need to contact your previous employer to confirm details of the entitlement you have previously used in order to ensure the correct administration of any current or outstanding parental leave.

Time limit within which any parental leave must be taken

The time limit within which parental leave must be taken varies according to the circumstances of your case.

- For a child born on or after 15 December 1999 you have until the child's 18th birthday to take parental leave.
- For a child adopted on or after 15 December 1999, you have until the child's 18th birthday to take parental leave.

Restrictions on arrangements of periods of parental leave

You are only entitled to take a maximum of four weeks' parental leave for each child in any one year. Also, you are only permitted to take parental leave in blocks of one complete week or more unless you are a parent with responsibility for a disabled child in which case you may take parental leave one day at a time.

Notification requirements for parental leave

You are required to give the School at least 21 days' notice of your intention to take parental leave. The notice must set out the dates on which the period of leave is to begin and end, and should ideally be in writing and submitted direct to your Line Manager/Head of Department or the Principal.

The School has the right to postpone parental leave for up to six months if your absence would cause unacceptable disruption to the academic, administrative and pastoral needs and requirements of the School at the proposed time.

The School may not however postpone parental leave that you request to take place immediately after the birth of a child provided you have given at least 13 weeks' notice of your intention to take parental leave at this time.

Annual leave

During any period of parental leave, annual leave will continue to accrue at the rate [provided under your contract OR which is the statutory minimum required by the Working Time Regulations 1998]. [If you are contractually entitled to more than the statutory minimum holiday each year then you will not accrue any holiday entitlement during the parental leave period in respect of such entitlement over the statutory

minimum and, as such, your overall contractual annual holiday entitlement for that year will be reduced accordingly].

Pension

During unpaid parental leave the School will not make any payments into the Teachers' Pension scheme or the Local Government Pension Scheme and the time shall not count as pensionable service. You do not have to make any contributions but you may do so if you wish, or you may make up for missed contributions at a later date. If pension contributions are not paid during this period, this period will not count in the calculation of pensionable service.

Returning to Work

If your parental leave is for a period of four weeks or less, and was not part of a longer overall period of continuous leave, you are entitled to return to work in the same position as you held before commencing leave. Your terms and conditions of employment will be no less favourable than they would have been if you had not been absent on parental leave. This also applies where you add on up to four weeks' parental leave immediately after another period of leave, consisting of one or more continuous periods of other types of family leave (which may have been taken in relation to the same child or in relation to a different child or different children), without returning to work in between, provided that the overall period of continuous leave:

- does not include any earlier period of parental leave of more than four weeks; and
- does not include any period of family leave taken in relation to a particular child which, when added to any other periods of family leave taken in relation to that particular child (excluding any periods of parental leave taken in relation to that child) means that the total amount of family leave taken in relation to that child is more than 26 weeks.

If your parental leave is for a longer period than four weeks, or it immediately follows another type of leave and the conditions set out above are not satisfied, you will be entitled to return to work in the same position unless that is not reasonably practicable. If it is not reasonably practicable, you will be entitled instead to return to another suitable and appropriate job, on terms and conditions that are no less favourable.