

Parental Leave Policy

Updated 05/20
Last Reviewed 05/20

1. Introduction

Dacorum Borough Council recognises the complexity of balancing work with the responsibilities for young children. It accepts that, in addition to taking annual leave, working parents may have an occasional need to take time off work to spend with their child(ren). Parental leave will enable employees to participate more fully in their children's lives and support their development. It will most often be pre-planned, however, it may be used in emergency situations and manager's should consider each case individually and be as flexible as the needs of their service allows.

The Employment Relations Act 1999 and the Maternity Leave and Parental Leave Regulations 1999 set out a statutory right for employees to take Parental Leave. The right is to 18 weeks' **unpaid** leave for the purpose of caring for a child.

2. Eligibility

All employees, including temporaries, with at least one year's continuous Local Government service are eligible for Parental Leave.

3. Definition of Child

The right to parental leave lasts until the child reaches the age of eighteen.

If the child has been adopted, the right lasts until he or she reaches the age of eighteen.

4. Definition of a Parent/Evidence Required

Definitions of a parent are listed in the table. When applying for parental leave, the employee will be required to produce evidence of parental responsibility. Similarly, in respect of a child with a disability, the employee will be required to produce a copy of the evidence of the child's entitlement to a Disability Living Allowance.

Definition of a parent	Evidence required
The mother	Birth certificate
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	Birth certificate
The father (if not covered by the above) if he has acquired parental responsibility under the children Act 1989	Birth certificate plus evidence of the employees responsibility for the child
A guardian appointed under the Children Act 1989	Birth certificate plus evidence of the employees responsibility for the child
Adoptive parents	Adoption papers
Foster parents	Birth certificate (if available) plus evidence of responsibility from the Local Authority
A spouse or partner of any of the above (of either sex) if they are living with the child	Birth certificate plus evidence of the employees responsibility for the child e.g. a letter from the mother explaining the relationship of the employee to the child

5. Definition Of Care

The purpose of Parental Leave is to care for a child. This means looking after the welfare of a child and can include making arrangements for the good of a child. Care for a child does not necessarily mean being with the child 24 hours a day. Examples of the way parental leave might be used are as follows:

- to spend more time with the child in early years
- to accompany the child during a stay in hospital
- checking out new pre-schools/nurseries/schools
- settling child into new childcare arrangements
- to enable family to spend more time together; for example, taking the child to stay with grandparents
- to attend events such as nursery/school open days
- to spend the child's birthday with the child

6. Taking Parental Leave

Employees may take up to four weeks' **unpaid** parental leave for each child during each year of entitlement, beginning on the date upon which the employee becomes entitled to the leave. The Parental Leave may be taken in blocks or multiples of a single day.

Parents may take a total maximum of 18 weeks Parental Leave up until the child is 18 years old.

7. Notice Required

An employee is required to give at least 21 days notice in writing of their wish to take parental leave and should include the dates when they would like leave to begin and end.

Where an employee, who becomes a father, wishes to take leave immediately following the birth of his child he must give a minimum of 21 days notice in writing before the expected week of childbirth (with approximate dates) – this leave cannot be postponed by management.

In an emergency situation e.g. where an employee becomes a father earlier than expected, it may not be possible for an employee to give 21 days notice. In such a case, the manager should exercise their discretion.

Where an employee wishes to take parental leave immediately after the placement of an adopted child they should, where possible, give a minimum of 21 days notice in writing before the expected date of placement – this leave cannot be postponed by management.

Mothers can apply for parental leave immediately following their maternity leave but must give a minimum of 21 days notice, in writing, and meet the other conditions.

8. Postponement

Parental Leave cannot be refused but may be postponed by the line manager in the following circumstances:

- 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 employees skills are needed at a particular time and the work cannot be easily covered

Leave should be postponed for no longer than necessary and cannot be postponed for more than 6 months.

However, if it seems likely that Parental Leave will need to be postponed, the Managers should seek advice from Human Resources (HR).

Parental Leave cannot be postponed if the leave immediately follows childbirth (for the father) or placement for adoption.

If Parental Leave is postponed and this takes the employee into their next year for Parental Leave purposes, the employee will still be allowed to take their entitlement to the Parental Leave in that year.

9. Terms And Conditions During Parental Leave

All terms and conditions, **excluding** remuneration, will be maintained during parental leave and employees will return to their same post. Or, if that is not possible, to an equivalent or similar job consistent with their contract.

10. Pension

In accordance with the rules of the pension scheme, members are required to pay pension contributions during the first 30 days of their unpaid leave.

11. Public and Bank Holidays and Extra Statutory Days

Where a public or bank holiday falls during parental leave, normal pay for that day will be provided where the employee has specified that they do not wish to take that day as parental leave. The employee will need to consider, however, whether they will be required to work on that public or bank holiday if not taking parental leave.

12. Record Keeping

Managers should sign to indicate their approval of employee requests for parental leave and forward copies of the form to Payroll for action and to the HR to be placed on the employee's personal file. This can be done either electronically or in paper form.

An Application/Recording form (see appendix a).

Employees will be required to declare how much (if any) parental leave they have already taken with previous employers - this can be checked with their previous employer.

13. Misuse Of The Parental Leave Scheme

Any misuse of the scheme will be dealt with under the Council's Conduct procedure. The following will constitute misuse:

- Taking leave for purposes other than caring for a child. This will generally be in circumstances where someone other than the employee is taking primary responsibility for the child.
- Making a false statement as to entitlement to parental leave, for example the age of the child, the relationship with the child or the amount of parental leave taken with a previous employer.

14. Multiple Contracts

Where an employee has more than one contract of employment with the Council, they will be issued with separate Application/Recording forms for each post and will need to book Parental Leave separately with respective managers. Employees may take Parental Leave at different times from each post.

15. Sickness During Parental Leave

If an employee is sick during the period they have booked Parental Leave, they will receive sick pay* for the period they have reported as sickness absence, provided they have fulfilled the reporting requirements set out below:

- The employee must contact their manager on the first working day of absence and thereafter, during uncertified absence (i.e. the first seven days), on a daily basis.
- Employees must telephone in person unless they are so ill that it is impossible for them to make such a call. Such situations are likely to be uncommon. If the employee leaves a message for their manager, or someone telephones on their behalf, a telephone number must be provided on which they can be contacted.
- On return to work the employee must submit a self-certification form to cover sickness of up to 7 days and a Medical Certificate for all periods of absence of 8 days or more.
- The employee must inform their Manager of the first day they are fit to work, irrespective of the actual date of return to work.

Parental Leave will be not be re-instated.

* if entitled, in accordance with DBC's provisions for the payment of sick pay.

16. Part-Time Employees

Provisions within this scheme apply to part-time employees on a pro-rata basis.

17. Link to Maternity Support Scheme

Where paid Maternity Support Leave (usually 1 week) is granted, this should be deducted from the employee's entitlement to Parental Leave. I.e. the employee may take a maximum of 3 weeks Parental Leave for that year and a total of 17 weeks Parental Leave for the 5 years.

18. Appeals

Questions in relation to the application of this policy should be referred to HR in the first instance. If the question remains unresolved the member of staff should raise it through the Council's Grievance procedure.

19. Parental Bereavement Leave

The loss of a child is traumatic. Known as 'Jack's Law', Parental Bereavement leave aims to give parents who suffer this loss reasonable paid time off of work.

From 6th April 2020 parents who have tragically suffered the loss of a child will be entitled to two weeks statutory Parental Bereavement Leave, and if they have 26 weeks' service, statutory bereavement leave pay also.

The right to Parental Bereavement Leave

The new right will apply to employees who have suffered the loss of a child under the age of 18 years old or suffered a still birth from 24 weeks of pregnancy from 6th April 2020. Parents can take up to two weeks' leave, either in one block of two weeks, in two blocks of one week, within 56 weeks of the child's death. The right to take 2 week's unpaid bereavement leave will apply to all employees from 'day one' of employment.

Please refer to the Parental Bereavement Leave policy for further guidance.

Application For Unpaid Parental Leave

Please complete a separate form for each Child

1. Name of Employee:

2. Service/Directorate.....

3. I wish to apply for parental leave in respect of:

Name of child Date of Birth

Reason for request for Parental Leave.....

4. I attach a copy of the birth/adoption certificate/evidence of Disability Living Allowance/evidence of my responsibility for the child. (Delete as appropriate. Only required on the first occasion).

5. If you are not named on the birth certificate please confirm which of the categories set out below you fall into:

Category	Tick Where Applicable
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	
The father (if not covered by the above) if he has acquired parental responsibility under the children Act 1989	
A guardian appointed under the Children Act 1989	
An adoptive parent	
A foster parent	
A spouse or partner of any of the above (of either sex) who is living with the child	

6. I have takendays/weeks* parental leave with my previous employer(s).

7. I am/am not* employed by any other section of the Council.

If so, please give details.

Job Title:

Service:

Line Manager:

I understand that any false information that I give on this form may result in disciplinary action being taken against me.

Signed Date.....

Record Of Unpaid Parental Leave Taken

Entitlementweeks/days.
 (Amount of Parental Leave outstanding)

Start of Parental Leave Year:
 (Date of child’s birth/adoption or date employee has completed one year’s service)

Leave entitlement expires on:
 (Date of child’s 18th birthday)

I confirm that my purpose in requesting Parental Leave is to care for my child.

I understand that I may take up to four weeks per Parental Leave year (depending upon the balance of Parental leave outstanding). I understand this leave will be unpaid.

Leave Requested from		No of Weeks/ Days Absent	Balance Due	Approved		For Use by Human Resources
From	To			Manager’s signature	Date	

Notes on completing this form:

- The entitlement is 18 weeks until the child is 18 years old minus any weeks taken with a previous employer
- The maximum entitlement is 4 weeks per parental leave year
- Pay for the period of Parental Leave will be stopped from the next salary payment, subject to Payroll deadlines

Guidelines for Parental leave - Flowchart

