

<b>Title</b>	Parental Leave
<b>Associated Policies</b>	<ul style="list-style-type: none"> <li>• Adoption (TPO/STA/01)</li> <li>• Maternity (TPO/STA/04)</li> <li>• Paternity (TPO/STA/07)</li> <li>• Special Leave of Absence (TPO/STA/14)</li> <li>• Staff Absence (Illness) (TPO/STA/13)</li> </ul>

REVIEWED: March 2022

NEXT REVIEW: March 2025

**1. Policy Statement**

- 1.1 The law recognises and the employer respects that there will be occasions when working parents wish to take time off work to care for or spend time with their child or children.
- 1.2 This policy reflects the statutory right of employees with at least one year's continuous service to take up to 18 weeks' unpaid parental leave in respect of each child, and up to 18 weeks' unpaid parental leave in respect of a child who is entitled to disability living allowance. The Trust is committed to adhering to the terms set out in the Burgundy Book and the Green Book conditions of service as a minimum.
- 1.3 No sort of "family friendly" leave will have a detrimental impact on an individual's employment prospects or pay progression.
- 1.4 The Trust are committed to assessing individuals on family friendly leave against their PDD objectives before their leave begins and when they return.
- 1.5 The Equality Act 2010 makes it unlawful to discriminate against someone, or treat them unfairly, because of pregnancy, maternity or sex.
- 1.6 This policy does not apply to agency workers, consultants or self-employed contractors.

**2. Who is responsible for carrying out this policy?**

- 2.1 The implementation of this policy will be monitored by the Senior Leadership Team and the governors of the Academy and will remain under constant review by Brooke Weston Trust.
- 2.2 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.
- 2.3 This information will be monitored and shared with the recognised trade unions on an annual basis, including by protected characteristics.

**3. Entitlement to parental leave**

- 3.1 Employees who fulfil the criteria set out in paragraph 3.3 and paragraph 3.4 are entitled to take up to 18 weeks' parental leave in relation to each child for whom they are responsible. This entitlement is also 18 weeks where the child is entitled to a disability living allowance.
- 3.2 Any parental leave that employees take in relation to a child while working for another employer counts towards their 18 week entitlement. If they have taken parental leave in relation to a child during previous or concurrent employment, they should provide details to their line manager or the person responsible for Human Resources.
- 3.3 To take a period of parental leave in relation to a child, an employee must:
  - Have at least one year's continuous employment
  - Have or expect to have responsibility for the child; and

- Be taking the leave to spend time with or otherwise care for the child
- Give a minimum of 21 days' notice, (unless this is not reasonably practicable), specifying when the leave is to begin and end. Expectant parents who wish to take leave immediately after the birth or placement of a child for adoption must specify the expected week of childbirth or placement as appropriate.

3.4 An employee has responsibility for a child for the purposes of paragraph 3.1 if they:

- Are the child's biological mother or father (whether or not they are living with the child)
- Are the child's adoptive parent; or
- Otherwise have legal parental responsibility for the child. For example, if they are the child's guardian

#### 4. Timing of parental leave

4.1 An employee can only take parental leave before the child's 18th birthday.

4.2 Unless the leave is to be taken in respect of a child entitled to a disability living allowance or Personal Independent Payment (PIP), they:

- Can only take parental leave in blocks of a week's leave or a multiple of a week's leave; and
- Are only entitled to take four weeks' parental leave each year in relation to each child. A year for this purpose begins on the date when they became entitled to take parental leave in relation to the child in question.

For each child who qualifies for a disability living allowance, the annual cap of 4 weeks is removed.

#### 5. Notification requirements

5.1 An employee must give their line manager notice of their intention to take parental leave in writing. The notice requirements are as follows:

- If they wish to take parental leave commencing immediately on the birth of a child, they must give notice of this intention at least 21 days before the start of the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave required.
- If they wish to take parental leave commencing immediately on the adoption of a child, they should give notice of this intention at least 21 days before the start of the expected week of placement. If this is not possible, they must give as much notice as they can. The notice must specify the expected week of placement and the duration of the period of leave required.
- In all other circumstances, they must give notice of their intention to take parental leave at least 21 days before they intend the leave to start. The notice must specify the dates on which the period of leave is to begin and end.

5.2 If an employee wishes to take a period of parental leave immediately after a period of ordinary maternity support leave, it would be helpful if they could give their line manager notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, they should give as much notice as they can. If they do not give notice at least seven days before their period of maternity support leave starts, the school might not allow them to take the period of parental leave requested. However, the employer shall consider each case on its merits.

#### 6. Evidential requirements

6.1 Before an employee takes a period of parental leave under this policy, they must provide the school with evidence of:

- Their responsibility or expected responsibility for the child

- The child's date of birth or date of adoption placement
- 6.2 For details of what evidence is required in their particular circumstances, or if an employee has difficulties obtaining the evidence, please contact the line manager or the person responsible for Human Resources.

## 7. Our right to postpone parental leave

- 7.1 Where an employee gives notice in accordance with paragraph 5 of their intention to take parental leave on the birth or adoption of a child, the employer shall not postpone that leave.
- 7.2 The Trust shall not postpone parental leave if, in the case of an adopted or disabled child, the postponement would result in the leave being taken after the child's 18th birthday.
- 7.3 However, in exceptional circumstances the Trust might postpone a proposed period of parental leave for up to six months where the leave as planned would unduly disrupt our business. The employer might do so, for example, where:
- The employee wishes to take parental leave during a peak period that will have a significant impact on service delivery
  - A number of employees wish to take parental leave at the same time
  - Their work is of importance to a time-critical project; or
  - Cover for their work cannot be found before the date on which their parental leave is due to start

But every reasonable effort will be made to avoid a postponement.

- 7.4 If the Trust decide to postpone their parental leave, the employer shall:
- Consult with the employee about the date to which the leave might be postponed; and
  - No more than seven days after they gave notice of their intention to take the leave, give them written notice stating the reason for the postponement and the new beginning and end dates of the leave which the Trust will allow them to take
- 7.5 The employee will not lose their parental leave entitlement if, because of the Trusts postponement of such leave, the leave remains untaken on their child's 18th birthday (or on the 18th anniversary of the child's adoption placement, if applicable).
- 7.6 The employer cannot prevent the employee from taking Parental Leave

## 8. Terms and Conditions during parental leave

- 8.1 Parental leave under this policy is unpaid. An employee's contractual provisions relating to pay and benefits are suspended during parental leave.
- 8.2 However, during parental leave an employee is entitled to benefit from any contractual terms they have in relation to being given notice, redundancy compensation and disciplinary and grievance procedures.
- 8.3 During parental leave they will remain bound by any contractual terms.

## 9. Pensions

- 9.1 If the employee is a member of a defined benefit (final salary) pension scheme, a period of parental leave under this policy will count towards their pensionable service.
- 9.2 If they are a member of a defined contribution (money purchase) pension scheme, the employer shall not make contributions during a period of unpaid parental leave. To ascertain their pension rights during parental leave it is advised that an employee contacts their pension scheme directly for more advice.

**10. Returning to work**

- 10.1** An employee is entitled to return to work following parental leave to the same position they held before commencing leave. Their terms of employment will be the same as they would have been had they not been absent.
- 10.2** Four weeks is the maximum amount of time taken per child per year. Discretion by the Principal may be given for periods longer than this.
- 10.3** The employer will deal with any requests by employees to change their working pattern in accordance with the Flexible Working Policy. The employer will try to accommodate their wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if flexible working requests are made as early as possible.

**11. Death of a Child**

- 11.1** In the sad event of the death of a child, there is a further entitlement to Parental Bereavement Leave, and information on this can be found in the Special Leave of Absence Policy.

**12. Abuse of this policy**

- 12.1** Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this may be dealt with as a disciplinary issue.

**13. Policy Review**

- 13.1** This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislative changes.

## Parental Leave Application and Consent Form

Please note that you should complete a separate form for each child.

**Part A: Personal Details (to be completed by the employee)**

Employee name:			
Address for correspondence:			
Payroll reference:		National Insurance No	
Name of school/academy employer:			
Post title/s:			

### Section B: Details of previous employment

Previous employer's name and address:			
Start date with previous employer:			
Date employment ceased:			

If you have taken parental leave with more than one previous employer, please provide their details on a separate sheet and attach. Thank you

I can confirm that I have taken \_\_\_\_\_ weeks **or** where the child has a disability \_\_\_\_\_ day's parental leave with previous employers in respect of this child.

### Section C: Details of eligibility

**I confirm that I am an employee; and  
I have at least 1 year's continuous employment; and  
Have, or expect to have, responsibility for a child**

1. Details of Child leave is being requested for

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

Category	Please tick as appropriate
A father who was married to the mother at the time of birth	<input type="checkbox"/>
A parent who has acquired parental responsibility under the Children Act 1989	<input type="checkbox"/>
A father who has not acquired parental responsibility but whose name appears on the birth certificate (Adoption and Children Act 2002)	<input type="checkbox"/>
A guardian appointed under section 5 of the Children Act	<input type="checkbox"/>
An adoptive parent	<input type="checkbox"/>
3. I attach copies of the following (please tick as appropriate):	
• Childs birth certificate	<input type="checkbox"/>

- Adoption papers
- Guardianship papers
- Court order
- Disability living allowance award (Benefits Agency Letter/Bank Statement)
- Child benefit allowance aware (Benefits Agency Letter/Bank Statement) as evidence that child resides with me

**Section D: Declaration**

My parental leave year starts on date:

(Please see ‘**The entitlement and how it can be taken**’)

I can confirm that all of the details I have provided are accurate. I understand that any false information that I give on this form may result in disciplinary proceedings being taken against me.

Print Name			
Signed		Date	

Please return this form to the Principal

**Section E: Confirmation of eligibility by Principal**

- |   |  |     |                          |    |                          |
|---|--|-----|--------------------------|----|--------------------------|
| 1 | Details in Section A verified as correct:                                | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 2 | Child’s birth certificate and other appropriate papers seen and verified | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

Signed (Principal)		Date	
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This form should be retained on the employee’s personnel file.

**Section F: Leave request and authorisation record**

Date of leave requested: from/to	Number of weeks (days/hours if child has a disability)	Date requested	Approved by Principal
			Signed
			Signed
			Signed
			Signed

