

<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: JULY 2013

NEXT REVIEW: JULY 2016

## 1. Policy Statement

- 1.1 The law recognises and we respect 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 13 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.
- 1.3 No-one will be subjected to a detriment for taking or seeking to take parental leave in accordance with this policy.
- 1.4 This Policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.
- 1.5 This policy does not apply to agency workers, consultants or self-employed contractors.

## 2. Personnel responsible for implementing the 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.

## 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 13 weeks' parental leave in relation to each child for whom they are responsible. This entitlement is increased to 18 weeks where the child is entitled to a disability living allowance. The rules on how and when parental leave can be taken are set out in paragraph 4 to paragraph 7.
- 3.2 Any parental leave that employees take in relation to a child while working for another employer counts towards their 13 (or 18) week entitlement. If you have taken parental leave in relation to a child during previous or concurrent employment, you should provide details to your line manager **OR** the Human Resources Department.
- 3.3 To take a period of parental leave in relation to a child, you 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
- 3.4 You have responsibility for a child for the purposes of paragraph 3.1 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

- Otherwise have legal parental responsibility for the child. For example, if you are the child's guardian

### 4. Timing of parental leave

#### 4.1 You can only take parental leave:

- Before the child's fifth birthday; or
- In the case of a child entitled to a disability living allowance, before the child's 18th birthday; or
- In the case of an adopted child, before the fifth anniversary of the date of placement or, if sooner, 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, you:

- 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 you became entitled to take parental leave in relation to the child in question

### 5. Notification requirements

#### 5.1 You must give your line manager **OR** the Human Resources Department notice of your intention to take parental leave. It would be helpful if you can give this notice in writing. The notice requirements are as follows:

- If you wish to take parental leave commencing immediately on the birth of a child, you 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 you wish to take parental leave commencing immediately on the adoption of a child, you should give notice of this intention at least 21 days before the start of the expected week of placement (**EWP**). If this is not possible, you must give as much notice as you can. The notice must specify the EWP and the duration of the period of leave required.
- In all other circumstances, you must give notice of your intention to take parental leave at least 21 days before you 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 you wish to take a period of parental leave immediately after a period of ordinary paternity leave, it would be helpful if you could give your line manager **OR** the Human Resources Department notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, you should give as much notice as you can. If you do not give notice at least seven days before your period of ordinary paternity leave starts, we might not allow you to take the period of parental leave requested. However, we shall consider each case on its merits.

### 6. Evidential requirements

#### 6.1 Before you take a period of parental leave under this policy, you must provide us with evidence of:

- Your responsibility or expected responsibility for the child
- The child's date of birth or date of adoption placement; and
- If applicable, the child's entitlement to a disability living allowance

#### 6.2 For details of what evidence is required in your particular circumstances, or if you have difficulties obtaining the evidence, please contact your line manager **OR** the Human Resources Department.

### 7. Our right to postpone parental leave

- 7.1 Where you give notice in accordance with paragraph 5 of your intention to take parental leave on the birth or adoption of a child, we shall not postpone that leave.
- 7.2 We 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 any other circumstances we might postpone a proposed period of parental leave for up to six months where the leave as planned would unduly disrupt our business. We might do so, for example, where:
- You wish to take parental leave during a peak period
  - A number of employees wish to take parental leave at the same time
  - Your work is of importance to a time-critical project; or
  - Cover for your work cannot be found before the date on which your parental leave is due to start
- 7.4 If we decide to postpone your parental leave, we shall:
- Consult with you about the date to which the leave might be postponed; and
  - No more than seven days after you gave notice of your intention to take the leave, give you written notice stating the reason for the postponement and the new beginning and end dates of the leave which we will allow you to take
- 7.5 You will not lose your parental leave entitlement if, because of our postponement of such leave, the leave remains untaken on your child's fifth birthday (or on the fifth anniversary of the child's adoption placement, if applicable).

### 8. Terms and Conditions during parental leave

- 8.1 Parental leave under this policy is unpaid. Your contractual provisions relating to pay and benefits are suspended during parental leave.
- 8.2 However, during parental leave you are entitled to benefit from any contractual terms you have in relation to being given notice, redundancy compensation and disciplinary and grievance procedures.
- 8.3 During parental leave you will remain bound by your obligation of good faith towards us, as well as any contractual terms relating to the giving of notice, the disclosure of confidential information, the acceptance of gifts and benefits, and your freedom to participate in another business (for example, by working for a third party).

### 9. Pensions

- 9.1 If you are a member of a defined benefit (final salary) pension scheme, a period of parental leave under this policy will count towards your pensionable service.
- 9.2 If you are a member of a defined contribution (money purchase) pension scheme, we shall not make contributions during a period of unpaid parental leave.

### 10. Returning to work

- 10.1 You are normally entitled to return to work following parental leave to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.
- 10.2 However, it might not be possible for us to allow you to return to the same job where your period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave. In such circumstances, we will offer you a suitable and appropriate alternative position.

- 10.3** We will deal with any requests by employees to change their working patterns (such as working part-time) after parental leave on a case-by-case basis, in accordance with our Flexible Working Policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if flexible working requests are made as early as possible.

## **11. Abuse of this policy**

- 11.1** 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 will be dealt with as a disciplinary issue [under our Disciplinary Procedure].

## **12. Policy Review**

- 12.1** 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 legislature changes.