



*I have come that they may have life and have it to the full  
(John10:10)*

#### **PARENTAL LEAVE POLICY**

**This policy is taken from the OLHOC Trust Handbook of Statutory policies and should be read in conjunction with the other policies within the document.**

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## **PARENTAL LEAVE POLICY**

### **1. Introduction**

- 1.1. This policy outlines the statutory rights and responsibilities of eligible employees who wish to take parental leave.
- 1.2. 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 Trust and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, the Trust 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.
- 1.3. Parental leave is a form of statutory unpaid leave available to working parents who wish to take time off work to care for or spend time with their child or children. It is available in addition to statutory maternity, paternity, adoption and shared parental leave.
- 1.4. Parental leave is available to eligible birth and adoptive parents and also to surrogate parents who have applied for a parental order, or anyone who has, or expects to have, parental responsibility for a child. The right applies in respect of each child: an employee with one qualifying child has an entitlement to 18 weeks' leave; an employee with two children would be entitled to 36 weeks in total.
- 1.5. Any employee who is eligible (see below) may:
  - 1.5.1. Take a total of up to 18 weeks' parental leave for each child for the purpose of caring for that child
  - 1.5.2. Take parental leave at any time before the child's 18th birthday
  - 1.5.3. 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).
  - 1.5.4. Return to the same job (or in certain cases a suitable alternative job) after the expiry of the leave.

### **2. Eligibility for Parental Leave**

- 2.1. If you are an employee, you will be eligible for parental leave if:
  - 2.1.1. You have been continuously employed by the Trust for at least 1 year; and
  - 2.1.2. You have, or expect to have, parental responsibility for a child under the age of 18; and
  - 2.1.3. You will be taking the leave to spend time with or otherwise care for the child.

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

### **3. Responsibility for a Child**

- 3.1. A person will be considered to have responsibility for a child, for the purposes of this policy if they:
  - 3.1.1. Are the child's biological mother or father (whether or not the child lives with them) and they have parental responsibility for the child;
  - 3.1.2. Are registered as the child's father pursuant to the Births and Deaths Registration Act 1953
  - 3.1.3. Are the child's adoptive parent; or
  - 3.1.4. Have legal parental responsibility for the child, e.g. they are the child's guardian or step-parent who as a parental responsibility agreement or parental responsibility order.
- 3.2. The Trust 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.

### **4. The Purpose of Parental Leave**

- 4.1. Parental leave can only be used for the strict purposes of caring for a child you have parental responsibility for. This includes for example:
  - 4.1.1. Spending more time with a young child.
  - 4.1.2. Accompanying a child during a stay in hospital.
  - 4.1.3. Checking out new Schools.
  - 4.1.4. Settling a child into new childcare arrangements.
  - 4.1.5. Enabling a family to spend more time together.
- 4.2. If an employee uses or attempts to use parental leave for purposes other than caring for a child, they have parental responsibility for, the Trust may take disciplinary action under its Disciplinary Policy and Procedure.
- 4.3. 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 set out later in this handbook – See the 'Time Off for Dependents Policy'.

### **5. Duration of Parental Leave**

- 5.1. 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 in respect of each individual child. A 'year' begins on the date when you became entitled to take parental leave in relation to the child in question.
- 5.2. Parental leave must be taken in blocks of one whole week, rather than individual days, unless the Trust agrees otherwise or you are a parent with responsibility for a disabled child, in which case parental leave may be taken in multiples of one day. A disabled child means a child who is entitled to disability living allowance, armed forces independence allowance or personal independence payment.

- 5.3. A 'week' 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.
- 5.4. Your right to take parental leave is a personal right. You cannot transfer your entitlement to the other parent.
- 5.5. Where you have already taken part of your entitlement to parental leave for a particular child during a period of previous employment, the Trust 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.

## 6. Notification Requirements for Parental Leave

- 6.1. You are required to inform the CEO / Principal / Head Teacher or academy Business Manager of your intention to take parental leave in accordance with the following timescales. Requests must be made in writing and include the dates on which the period of leave you are requesting will start and end.
    - 6.1.1. **Immediately on the birth of a child** – 21 days' notice before the start of the expected week of childbirth (the notice must also include the expected week of childbirth)
    - 6.1.2. **Immediately on adoption of a child** – 21 days' notice before the start of the expected placement date, or as much notice as you can if this is not possible (the notice must also include the expected placement date)
    - 6.1.3. **Immediately after a period of paternity leave** – 21 days' notice before the start of the expected week of childbirth or expected placement date, or as much notice as you can if this is not possible (the notice must also include the expected week of childbirth or expected placement date). If fewer than 7 working day' notice is given before the period of paternity leave starts, you may not be permitted to take the period of leave requested, although the Trust will consider all applications on their merits.
    - 6.1.4. **In all other circumstances** – 21 days' notice before you intend the leave to start.
  - 6.2. The Trust may ask you to provide a copy of your child's birth certificate, adoption papers, or other evidence of your parental responsibility for the child in respect of whom you are requesting leave. Your application may be declined if you fail to provide the relevant requested documentation.
  - 6.3. The Trust may 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 Trust at the proposed time.
  - 6.4. The Trust **will not** postpone parental leave that you request to take place immediately after the birth of a child or placement of a child for adoption provided you have complied with the notification requirements set out above. The Trust will also not postpone parental leave if it would result in the leave being taken after the child's 18<sup>th</sup> birthday.
  - 6.5. If the Trust postpones your request for parental leave, it will liaise with you about suitable alternative dates. The Trust will send you written notice, not more than seven working days after receipt of your request for leave, explaining the reasons for the postponement, together with the new start and end dates for the postponed leave.
- ## 7. Terms and Conditions of Employment During Parental Leave
- 7.1. Parental leave is unpaid, and the terms and conditions set out in your contract of employment relating to pay will not apply during any period of parental leave.
  - 7.2. During any period of parental leave, you will:
    - 7.2.1. remain bound by your obligation of good faith towards the Trust, as well as any contractual terms relating to the giving of notice, restrictions on the disclosure of confidential information relating to the Trust, the acceptance of gifts or other benefits

and participation by you in any other business (for example, working for a third party); and

- 7.2.2. continue to be entitled to the benefit of the Trust's implied obligation to preserve mutual trust and confidence and any terms and conditions of employment relating to the giving of notice of termination of employment by the Trust, redundancy payments in the event of redundancies and to the Trust's disciplinary and grievance procedures.

- 7.3. For the avoidance of doubt, except as provided for in this policy, all other terms and conditions of employment will cease to apply during any period of parental leave.

## **8. Annual Leave**

- 8.1. During any period of parental leave, annual leave will continue to accrue at the rate of the statutory minimum required by the Working Time Regulations 1998.

## **9. Pension**

- 9.1. During unpaid parental leave the Trust 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.

## **10. Combining Parental Leave and Paternity Leave**

- 10.1. Your right to take unpaid parental leave is not affected by your right to take paternity leave. If you satisfy the conditions for each right, then you may take a combination of parental leave and paternity leave. However, the length of parental leave/paternity leave, you take may affect the job you can return to (see Returning to Work below).

## **11. Returning to Work**

- 11.1. 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.
- 11.2. 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 statutory 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:
  - 11.2.1. does not include any earlier period of parental leave of more than four weeks; and
  - 11.2.2. does not include any period of statutory family leave taken in relation to a particular child which, when added to any other periods of statutory family leave (excluding any periods of parental leave) taken in relation to the same child means that the total amount of statutory family leave taken in relation to that child is more than 26 weeks.
- 11.3. 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.

**12. Sickness**

12.1. If you are unable to return to work at the end of your parental leave due to sickness or injury, this will be treated as sickness absence and the Trust's Sickness Policy will apply including its notification requirements.

**13. Flexible Working**

13.1. The Trust 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. However, you should note that there is no absolute right to insist on working part-time, only a statutory right to request flexible working where you are eligible.

13.2. You should refer to the Flexible Working Policy for further information.