



Parental Leave Policy

Approved by Trust Board on 11 September 2018
Applicable from 01 December 2018

Parental leave policy

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1.0 Introduction

- 1.1 Parental leave is a statutory right to take unpaid time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments.
- 1.2 All eligible parents, including those of adopted children, have a right to take up to 18 weeks unpaid parental leave for each child born or adopted.
- 1.3 The leave can be taken from the date of birth or date of placement and can be taken up until the child's eighteenth birthday.
- 1.4 Parental leave applies to each child not to an individual's job. The Trust expects colleagues to be open and honest regarding parental leave during previous employments and reserves the right to contact previous employers to make enquiries about parental leave previously taken. The same principle applies if a colleague has another job at the same time as their employment with the Trust.
- 1.5 The parental leave referred to in this policy is separate to Shared Parental Leave, which is covered in a separate policy.

*The Trust's Special Leave of Absence policy allows for discretionary paid leave for parents.

2.0 Eligibility

2.1 In order to take parental leave you must have at least one year's continuous service with The Co-op Academies Trust ("the Trust"), and must also meet the following criteria:

- Be named on the child's birth or adoption certificate, or
- Have or expect to have parental responsibility for the child
- Is not a foster¹ parent (unless parental responsibility has been secured through the courts)
- The child is under 18 years old

2.2 Both parents may take parental leave, including those in same-sex relationships.

2.3 You may be asked to provide evidence to confirm that you are the parent or legally responsible for the child (e.g. birth certificate, adoption papers), and/or a statement from the person who has parental responsibility of the child to confirm that you have responsibility for the child and are a main carer.

2.4 Evidence of the child's entitlement to a Disability Living Allowance in relation to a disabled child may be also requested.

3.0 Arrangements for taking parental leave

3.1 The leave may be taken as four weeks per year (per child) in a 4-week block, or in multiples of one week if preferred. If a colleague wishes to take leave which is for a shorter period than a week (e.g. two days) it shall be counted as a week of parental leave (although only the number of days taken will be classed as unpaid).

3.2 The definition of a week for these purposes is as follows:

¹ Fostering can be for varying lengths of time, from very short-term to long-term fostering and therefore the Trust cannot have a fits all approach to this. Staff are encouraged to discuss their intention to foster with their line manager as soon as possible to determine the level of support appropriate to their circumstances.

- Where a colleague's working pattern does not vary, a week is the period in which he/she usually works
- If a colleagues working pattern varies from week to week with irregular shift patterns then a 'week' is the total number of days, they work a year divided by 52.

3.3 The parent of a disabled child may take parental leave as above, or in blocks or multiples of a single day and in this case, it will not be counted as a week's entitlement of parental leave

3.4 Colleagues may only take up to four weeks parental leave for each child during a particular year, beginning on the date upon which they became entitled to the leave. This will either be the date of the child's birth, date of placement or where a new colleague acquires one year of continuous services with the Trust.

3.5 Parental leave is for each child, therefore if an employee has more than one child (including twins) they may be eligible for more than four weeks parental leave in one year.

3.6 Colleagues are asked to give their academy as much notice as possible of their request to take parental leave. This will help to ensure the smooth running of the academy, and also reduce the risk of the academy needing to postpone your parental leave (see 3.9 / 3.10). As a minimum, a colleague is required to give no less than 21 calendar days' notice specifying when the leave is to begin and end. The request must be made in writing, using the Parental Leave Request Form (Annex 1).

3.7 If the leave is to be taken immediately after a child is born the notice must specify the expected week of childbirth, the amount of parental leave to be taken and be given at least 21 calendar days before the expected week of childbirth.

3.8 If the leave is to be taken immediately after a child is placed for adoption the notice must specify the expected week of placement, the amount of parental leave to be taken and be given at least 21 calendar days before the expected week of placement or as soon as is reasonably practicable.

4.0 Right to postpone parental leave

4.1 If a period of parental leave is going to disrupt the business, the Academy has the option of postponing the leave for up to six months after the original requested start date. If this is the case the Academy/Trust will write to the employee within seven days of receiving their request stating, why the leave is being postponed and giving new dates for the leave to be taken.

Parental leave cannot be postponed immediately following a birth or adoption.

4.2 If an employer postpones a period of parental leave they must ensure that the requested period of leave is completed before the child's 18th birthday, even if this is less than six months away from the date of the original request.

5.0 Terms and Conditions

5.1 The contract of employment continues during parental leave, and the time counts towards continuous service.

5.2 The colleague will continue to receive contractual benefits (but not pay) throughout the first four weeks of parental leave.

5.3 During parental leave employees won't build up any pension benefits, but they can catch up on the lost benefits by paying additional pension contributions on their return. Colleagues are advised to contact their pension scheme for advice regarding pension implications of taking unpaid parental leave.

5.4 Support staff who work all year round (as opposed to term time only) will continue to accrue annual leave during the whole of their parental leave. Time off in respect of bank holidays will only accrue during the first four weeks. Normal academy provisions regarding carry-over of annual leave will apply, and colleagues are encouraged to discuss their annual leave entitlement fully with their Headteachers / Principal prior to commencing their parental leave.

5.5 A colleague returning to work after parental leave is entitled to benefit from any general improvements to the rate of pay (or other terms & conditions) which may have been introduced whilst she/he has been away.

5.6 Employees who fall sick during a period of parental leave and who give their academy notice of this following usual absence reporting procedures shall be entitled to sick pay under the Trust's terms and conditions and this period shall not count towards their parental leave entitlement. The absence will be managed in line with the Trust's Supporting Attendance Policy.

6.0 Contact during parental leave

6.1. Before an employee's parental leave begins, the Trust/academy will discuss the arrangements for them to keep in touch during their leave. The Trust/academy reserves the right in any event to maintain reasonable contact with the employee from time to time during their maternity. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence

7.0 Right to return after parental leave

7.1 If the leave is for four weeks or less a colleague is entitled to return to the **same** job.

7.2 If the leave is for more than four weeks the right is to return to the same job or, if that is not reasonably practicable, to another one that is both suitable for him/her to do and appropriate for him/her to so in the circumstances. This also applies if leave of less than four weeks immediately follows additional maternity leave.

7.3 When the colleague returns from leave, his/her terms and conditions must not be less favourable than they would have been had she/he not been away from work.

8.0 Misuse of the parental leave policy

8.1 Any misuse of this policy may be dealt with under the Trust's disciplinary procedure. Misuse could include, but is not limited to:

- Taking parental leave for purposes other than for caring for a child,
- Making a false statement as to entitlement to parental leave, for example for the age of the child, the relationship with the child or the amount of parental leave taken with a previous employer.

9.0 Review

9.1 The Trust will review this policy every three years and/or if any significant changes in legislation occur.

Annex One**Parental Leave Request Form – CONFIDENTIAL**

This form must be completed by all colleagues requesting parental leave. Please note that all parental leave is unpaid. All parents, including those adopted children, can take up to 18 weeks unpaid leave for each child born or adopted, up until the child's eighteen birthday.

A maximum of four weeks parental leave may be taken in one year. Please refer to the Parental Leave Policy for further advice and guidance.

Your details

Name:	
Job Title:	
Academy:	
I would like my parental leave to commence on:	
I would like to take:	<input type="checkbox"/> one week <u>only</u> of parental leave <input type="checkbox"/> a single four-week block of parental leave <input type="checkbox"/> parental leave in weekly blocks (start date of each block given above) <input type="checkbox"/> Other, please give details below

Declaration

In signing this form, you are confirming that all of the following apply:

1. You are named on the child's birth or adoption certificate, and/or
2. You have, or expect to have, parental responsibility for the child.
3. You are not a foster parent (unless parental responsibility has been secured through the courts).
4. The child will be aged under 18 at the time the leave is taken.
5. You will not have exceeded your entitlement to parental leave if this request is granted.
6. Your child has a disability (if applying for parental leave in less than one-week blocks).

Signature: (Colleague)	Date:
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Authorisation

Parental leave is authorised on the dates set out above

YES / NO

Signature: (Manager)	Date:
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Academy to add details of who the form should be returned to.

A copy of the authorised form should be returned to the colleague, and a copy should be placed on their personnel file so that a record of parental leave is taken is maintained.

Payroll must be notified of unpaid leave.

Annex Two

Letter postponing parental leave

(drafting note: this letter must be sent within seven calendar days of the original request)

Name
Address
Postcode

Date

Dear Name

Postponement of Parental leave

I am writing regarding your request to take parental leave from date to date.

Unfortunately, I am unable to agree to this request because (insert details of why the request cannot be granted).

(drafting note: the reasons should make clear why the colleague's absence on the dates originally requested would cause disruption to the running of the academy / impact on pupils learning, etc.

"Significant reasons" might include:

- *Where more time is needed to make arrangements for covering the employee's work*
- *Where there is a peak in the workload*
- *Where the employee's skills are needed at a particular time and the work cannot be easily covered)*

Having discussed the matter with you, we have agreed that the parental leave will be postponed and will now be taken from date to date.

(drafting note: discussing & agreeing revised dates is the preferred approach)

OR

I would be happy to accommodate your request for parental leave on dates to suit you after date, or between date and date. Please let me know which dates you would like to take.

(drafting note: this approach could be used if unable to discuss for some reason, the dates include should give as much flexibility as possible – not just specify one or block of weeks for the requested leave.

The proposed dates must enable the leave to be taken within 6 months of dates previously requested)

Yours sincerely

Name
Job title