

## **PARENTAL LEAVE SCHEME**

### **Contents**

<b>Section 1.0</b>	<b><a href="#"><u>Introduction</u></a></b>	<b>Page 2</b>
<b>Section 2.0</b>	<b><a href="#"><u>Who is Eligible?</u></a></b>	<b>Page 2</b>
<b>Section 3.0</b>	<b><a href="#"><u>How long can Parental Leave be?</u></a></b>	<b>Page 2</b>
<b>Section 4.0</b>	<b><a href="#"><u>Obligations of the Employee</u></a></b>	<b>Page 3</b>
<b>Section 5.0</b>	<b><a href="#"><u>Postponement of Parental Leave</u></a></b>	<b>Page 3</b>
<b>Section 6.0</b>	<b><a href="#"><u>Compassionate/Maternity/Adoption Support/ Annual Leave</u></a></b>	<b>Page 4</b>
<b>Section 7.0</b>	<b><a href="#"><u>Pensions</u></a></b>	<b>Page 4</b>
<b>Section 8.0</b>	<b><a href="#"><u>Recording and Monitoring Parental Leave</u></a></b>	<b>Page 5</b>
<b>Section 9.0</b>	<b><a href="#"><u>Returning to Work</u></a></b>	<b>Page 5</b>
<b>Section 10.0</b>	<b><a href="#"><u>Right of Appeal</u></a></b>	<b>Page 5</b>
<b>Section 11.0</b>	<b><a href="#"><u>Further Information</u></a></b>	<b>Page 5</b>
<b>Section 12.0</b>	<b><a href="#"><u>Equality and Diversity</u></a></b>	<b>Page 5</b>
<b>Section 13.0</b>	<b><a href="#"><u>Income Tax and National Insurance Contributions</u></a></b>	<b>Page 6</b>

## **PARENTAL LEAVE SCHEME**

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### **1.0 INTRODUCTION**

- 1.1 The purpose of the Parental Leave Scheme is to complement the range of work-life balance policies and procedures which promote a flexible workforce and enable employees to balance their home and work commitments.
- 1.2 The right to parental leave is a statutory right introduced by the Employment Relations Act 1999 and the Maternity and Parental Leave (Amendment) Regulations 2014. The right is to receive up to 18 weeks unpaid leave for the purpose of caring for a child. This includes looking after the welfare of this child, making arrangements for the good of the child such as spending time with the child, accompanying the child to hospital, visiting new schools, settling the child into new care arrangements.
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### **2.0 WHO IS ELIGIBLE?**

- 2.1 **The Parental Leave Scheme is available to all employees who have completed one year's satisfactory service with Barnsley Metropolitan Borough Council** including Teaching and Non-Teaching employees based in locally managed schools, and :-
- Is the parent (named on the birth certificate) of a child who is under 18 years old. The parent does not have to be living with the child.
  - Have adopted or fostered a child under the age of 18; (this would also include where a step parent has formally adopted the child)
  - Has legally recognised parental responsibility for a child who is under 18 years old. This includes, for example, same sex parents and grandparents taking on the parenting role, or their guardian.
- 2.2 Where more than one parent is employed by Barnsley Metropolitan Borough Council, both employees are entitled to request parental leave i.e. 18 weeks each relevant employee.
- 2.3 Parental leave is an individual right and cannot be transferred between parents.
- 2.4 Employees wishing to consider parental leave immediately after the birth or adoption of a child, may wish to consider **Maternity/Adoption Support Leave**
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### **3.0 HOW LONG CAN PARENTAL LEAVE BE?**

- 3.1 The Parental Leave Scheme provides employees with the following:-
- Up to 18 weeks leave for each child to be taken before the child's 18th birthday; (therefore if twins were born the parent could take 36 weeks leave).
  - Where the employee's child is adopted, 18 weeks leave to be taken up to the child's 18th birthday.
  - Leave may be taken in complete weeks, (a week's parental leave is equal to the length of time that an employee is normally required to work in a week, for example, if the employee only works Mondays and Tuesdays as stated in their contract of employment, a week's leave would be 2 days. Should your working pattern vary, a weeks leave will be the number of days you work in that week.
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- An employee is entitled to take up to a total of four weeks in any one year for any one child (April to March inclusive), therefore an employee can take up to 8 weeks in any one year if they have twins;
- If an employee only takes one day this will count as a week of their entitlement;
- If the leave is to care for a disabled child, then it may be taken as a single day or in multiples of one day; and the maximum entitlement of 4 weeks parental leave per year will not apply but the maximum of 18 weeks will still apply.
- Continuity of service will be maintained throughout the parental leave period.

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#### 4.0 **OBLIGATIONS OF THE EMPLOYEE**

4.1 On applying for parental leave the employee is required to:-

- Produce a copy of the child's birth certificate; if it does not show proof of parental responsibility the employee may also be required to produce further evidence e.g. adoption papers or other appropriate documentation/certificates. This will not be required if a previous application has been made for the same child;
- Give written notice at least 21 days before the start date of the leave and notification of the amount of leave requested by completing the **Application for Parental Leave PL1** form;
- Where the employee is on maternity/shared parental leave and wishes to extend this by a period of parental leave, they must give at least 28 days' notice before the maternity leave is due to come to an end;
- Where the employee is a prospective father and wishes the period of leave to begin on the date the child is born, he must give at least 21 days' notice before the beginning of the expected week of childbirth, the date of which must be stated on the application form. The employee will then be permitted to commence the leave on the day of the birth, even if it occurs on an earlier date. The employee may be entitled to **Maternity/Adoption Support Leave**
- Where the employee is in the process of adoption and wishes the leave to commence on the date of the placement of the child. The employee must give at least 21 days' notice before the beginning of the week in which the placement will occur or if that is not practicable, as soon as is practicable. The employee will then be permitted to commence the leave on the day of the placement. The employee may be entitled to **Maternity/Adoption Support Leave**

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#### 5.0 **POSTPONEMENT OF PARENTAL LEAVE**

5.1 The Manager/Head teacher, after consultation with the Service Director/Governing body, may postpone the start date of the parental leave 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 employee's skills are needed at a particular time and the work cannot be easily covered.

5.2 Leave should not be postponed for longer than necessary, and no longer than six months from the requested start date. If postponement is necessary, then this should be discussed with the employee and the revised arrangements confirmed in writing within seven days of the request.

- 5.3 Employees applying for parental leave immediately after maternity/shared parental leave would be subject to the normal arrangements for postponement and would depend on whether absence would unduly disrupt the business.
- 5.4 Where an employee applies to take parental leave immediately after the birth or adoption of a child, then the leave cannot be postponed. (However, prior to taking parental leave immediately after the birth or adoption of a child, the employee may wish to consider **Maternity/Adoption Support Leave**. This policy can be found on the Manager and Employee Hubs'/ HR document store.
- 5.5 Parental leave cannot be postponed if it means that the employee would no longer qualify for parental leave; i.e. postponing it until after the child's 18th birthday.
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## 6.0 **COMPASSIONATE/MATERNITY/ADOPTION SUPPORT/ANNUAL LEAVE**

- 6.1 Parental leave does not affect the employee's rights to compassionate and maternity support/adoption Leave. However, if maternity/adoption support leave is being taken, then this leave will be deducted from the parental leave entitlement of 18 weeks (employees may choose to take one week's maternity support leave as opposed to parental leave, as this would be with pay).
- 6.2 Employees are not required to exhaust their annual leave entitlement before requesting parental leave.
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## 7.0 **PENSIONS**

### 7.1 **South Yorkshire Pensions Authority (SYPA)**

For non-teaching employees, unpaid parental leave has the following pension implications:

- If the period of parental leave is 30 days or less, it is compulsory that the employee ensures that payment of normal pension contributions are made before parental leave commences. The Council as the employer will make the relevant contributions for the period of parental leave.
- If the period of parental leave lasts for 31 days or more and the employee wishes to buy back the service lost, the employee must buy back the service lost within 30 days of returning to work.

Further advice about how parental leave will affect your pension can be obtained from the South Yorkshire Pensions Authority.

### 7.2 **Teachers Pensions**

For employees in the Teachers' Pension Scheme, unpaid parental leave has the following pensions implications: -

- Any contributions will cease, and the leave will not count as continual pensionable service but will be preserved until the employee returns to work and pay resumes.

Further advice about how parental leave will affect your pension can be obtained from Teachers Pensions.

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**Continuity of service will be maintained throughout the parental leave period.**

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8.0 **RECORDING AND MONITORING PARENTAL LEAVE**

- 8.1 It is the Manager's/Head teacher's responsibility to ensure that parental leave is recorded on the Weekly Absence Report/Fiori e-leave and documents added to the employee's electronic record.
  - 8.2 Employees will be asked to declare how much (if any) parental leave they have already taken with previous employers. This will be taken into account when determining entitlement with BMBC.
  - 8.3 All scanned documentation should then be placed on the employee's electronic record. Further guidance is available in the Employee Record Policy which also includes advice on the retention of documents.
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9.0 **RETURNING TO WORK**

- 9.1 If a redundancy/re-structuring arises during a period of parental leave the employee must be consulted with and kept informed throughout the process.

An employee who returns to work after parental leave is also normally entitled to return to the same job on the same terms and conditions wherever possible. However, if there is a reason which means that it is not reasonably practicable for the Council to take the employee back into the same job, they are entitled to be offered alternative work.

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10.0 **RIGHT OF APPEAL**

- 10.1 Employees whose request for parental leave is refused have a right of appeal under the Council's/Schools **Grievance and Appeals Procedure**.
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11.0 **FURTHER INFORMATION**

- 11.1 Any further information, guidance or assistance can be sought from the HR Business Advisory Service.
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12.0 **EQUALITY AND DIVERSITY**

- 12.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues, please contact your Human Resources Business Partner who will if necessary ensure the policy is reviewed.
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