

## Parental Leave Policy

Policy Code:	HR20
Policy Start Date:	July 2020
Policy Review Date:	July 2023

Please read this policy in conjunction with the policies listed below:

- HR8 Equal Opportunities and Diversity Policy
- HR10 Redundancy Policy
- HR11 Teachers' Pay Policy
- HR12 Staff Disciplinary Procedure
- HR13 Managing Attendance and Leave of Absence Policy
- HR14 Paternity Leave Policy
- HR15 Time off for Dependants Policy
- HR19 Maternity Leave Policy
- HR21 Adoption Leave Policy
- HR25 Flexible Working Policy
- HR31 Shared Parental Leave

## **1 Policy Statement**

- 1.1 The law recognises and the Trust 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 of unpaid parental leave in respect of each child.
- 1.3 No-one who takes time off in accordance with this policy will be subjected to any detriment.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.5 This policy does not apply to agency workers, consultants or self-employed contractors.
- 1.6 References to the Trust or Academy within this policy specifically include all Primary, Secondary and Special Educational Needs academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Training, Priory Apprenticeships, Lincolnshire Teaching School Alliance and Lincolnshire Teaching School Alliance SCITT.
- 1.7 The Trust is committed to leading a mentally healthy organisation, which includes a commitment to and promotion of emotional wellbeing and mental health. Therefore, all Trust policies and procedures ensure this commitment is incorporated in order to support all staff and students. Members of staff are encouraged to speak to their line managers, and students are encouraged to speak to any member of staff, if they feel any part of this policy would affect their emotional wellbeing and mental health. Any such comments should be passed to the Trust's HR department ([FederationHR@prioryacademies.co.uk](mailto:FederationHR@prioryacademies.co.uk)) for appropriate consideration at the next available point in the policy review cycle.

## **2 Roles, Responsibilities and Implementation**

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance

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and review to the Human Resources Director.

- 2.2 The Head of Academy/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 meet the criteria set out in paragraph 3.3 and paragraph 3.4 are entitled to take up to 18 weeks' of parental leave in relation to each child for whom they are responsible. 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 18-week entitlement. If an employee has taken parental leave in relation to a child during previous or concurrent employment, they should provide details to the Human Resources Director.

- 3.3 To take a period of parental leave in relation to a child, an employee must:

- (a) have at least one year's continuous employment with The Trust;
- (b) have or expect to have responsibility for the child; and
- (c) be taking the leave to spend time with or otherwise care for the child.

- 3.4 An employee has responsibility for a child for the purposes of paragraph 3.3 if they:

- (a) are the child's biological mother or father, whether or not they are living with the child;
- (b) are the child's adoptive parent; or
- (c) otherwise have legal parental responsibility for the child, e.g. if they are the child's guardian, or a step parent who has a parental responsibility agreement or parental responsibility order.

### **4 Taking Parental Leave**

- 4.1 An employee can only take parental leave before the child's 18<sup>th</sup> birthday.
- 4.2 An employee may not take more than four weeks of parental leave each year in relation to each child. A year for this purpose begins on the date when the

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employee became entitled to take parental leave in relation to the child in question.

- 4.3 Parental leave must be taken in blocks of a whole week or a whole number of weeks, unless the leave is to be taken in respect of a disabled child.
- 4.4 For the purposes of this policy, a disabled child means a child who is entitled to a disability living allowance, armed forces independence allowance or personal independence payments.

## **5 Notification Requirements**

- 5.1 Employees must give the Human Resources Director notice of their intention to take parental leave. This notice must be in writing. The notice requirements are as follows:
- (a) Employees wishing to take parental leave commencing immediately on the birth of a child 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.
  - (b) Employees wishing to take parental leave commencing immediately on the adoption of a child must give notice of this intention at least 21 days before the start of the expected week of placement (**EWP**). If this is not possible, they must give as much notice as they can. The notice must specify the EWP and the duration of the period of leave required.
  - (c) In all other circumstances, employees 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 paternity leave, they must give the Human Resources Director notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, they must give as much notice as they can. If an employee does not give notice at least seven days before their period of paternity leave starts, the Trust might not allow them to take the period of parental leave requested. However, the Trust will consider each case on its merits.

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## **6 Evidence of Entitlement**

- 6.1 Before an employee takes a period of parental leave under this policy, they must provide the Trust with evidence of:
- (a) their responsibility or expected responsibility for the child, such as a birth certificate, adoption or matching certificate, parental responsibility agreement or court order;
  - (b) the child's date of birth or date of adoption placement; and
  - (c) if applicable, the child's entitlement to a disability living allowance, armed forces independence allowance or personal independence payments.
- 6.2 For details of what evidence is required in a particular circumstance, or if the employee is having difficulties obtaining the evidence, they should contact the Human Resources Director.

## **7 Right to Postpone Parental Leave**

- 7.1 Where an employee gives notice of their intention to take parental leave on the birth or adoption of a child in accordance with paragraph 5.1, the Trust will not postpone that leave.
- 7.2 The Trust will not postpone parental leave if the postponement would result in the leave being taken after the child's 18<sup>th</sup> birthday.
- 7.3 However, in any other circumstances, the Trust might postpone a requested period of parental leave for up to six months where the requested leave would unduly disrupt Trust business. This postponement may occur, for example, where:
- (a) an employee wishes to take parental leave during a peak period (such as the examination period and the lead up to it);
  - (b) a number of employees wish to take parental leave at the same time;
  - (c) an employee's work is of importance to a time-critical project; or
  - (d) cover for the employee's work cannot be found before the date on which their parental leave is due to start.
- 7.4 If the Trust decides to postpone an employee's parental leave, no more than seven days after the employee gave notice of their intention to take the leave,

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the Human Resources Director will:

- (a) consult with the employee about alternative dates; and
- (b) give the employee written notice stating the reason for the postponement, and the new start and end dates of the parental leave as agreed.

## **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, employees are entitled to benefit from any contractual terms they have in relation to being given notice, redundancy compensation and disciplinary and grievance procedures. Holiday entitlement will continue to accrue if applicable.
- 8.3 During parental leave, employees will remain bound by their obligation of good faith towards the Trust, as well as any contractual terms relating to the giving of notice, the disclosure of confidential information, the acceptance of gifts and benefits, and their freedom to participate in another business such as working for a third party.

## **9 Pensions**

- 9.1 If an 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 an employee is a member of a defined contribution (money purchase) pension scheme, the Trust will not make contributions during a period of unpaid parental leave.

## **10 Returning to Work**

- 10.1 Employees are normally entitled to return to work following parental leave to the same position they held before commencing leave. The terms of employment will be the same as they would have been had the employee not been absent.
- 10.2 However, it might not be possible for the Trust to allow the employee to return to the same job where their 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, a suitable and appropriate

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alternative position will be offered on no less favourable terms.

- 10.3 In accordance with the Trust's Flexible Working Policy, any requests by employees to change their working patterns (such as working part-time) after parental leave will be dealt with on a case-by-case basis.

## **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 The Trust's Disciplinary Policy.

## **12 Policy Changes**

This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.

## **The Priory Federation of Academies Parental Leave Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed.....Name.....Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.