

Parental Leave Policy

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Governance Committee		Date approved	
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Strategic Alignment
Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

Consultation process		
Stakeholders	Contacts identified for each service	
	<i>Joint Trade Unions</i>	
Distribution		

Change record

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1. Introduction

The provision of Parental Leave allows both the employee and the Council to plan for periods of leave when the employee wishes to concentrate on the needs of his/her child/ren.

The purpose of parental leave is to care for a child, i.e. looking after the welfare of a child, and includes making arrangements for the good of a child. Caring for a child does not necessarily mean being with the child 24 hours a day and leave might be taken to enable the parent(s) to spend more time with young children. For example:

- To spend more time with the child in the early years;
- To accompany a child during a stay in hospital;
- Checking out new schools;
- Settling a child into new childcare arrangements; and
- To enable family to spend more time together, for example taking the child to stay with grandparents.

Leave connected with a child's health other than attendance at hospital, is covered by the Council's Special Leave Policy under "Time Off for Dependants".

2. Legislation

This policy was created taking into account and incorporating those principles detailed within the:-

Employment Relations Act 1999

Children (Scotland) Act 1995

Maternity and Parental Leave etc (Amendment) Regulations 2014

3. Principles

While it is recognised that employees with young children need to have more flexibility in their working lives, at the same time the needs of the organisation still have to be met. All applications for Parental Leave will be examined on an individual basis, having due regard to the Council's policies on Equality of Opportunity in Employment and Dignity at Work.

4. Scope

This Policy is available to all employees of the Council who, at the commencement of the requested parental leave, meet the eligibility criteria in Section 5.

5. Eligibility

An employee will have a right to parental leave if, he/she has worked continuously for the Council for one year at the commencement of the requested parental leave and :

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- 5.1 is the parent (named on the birth certificate) of a child(ren) under 18 yearsold;
or
- 5.2 is the parent of a disabled child (a disabled child is either a child whose parent is in receipt of a Disability Living Allowance or Personal Independence Payment, or, who is under consideration by a consultant or doctor as having a disability, and a letter clarifying this is provided) under 25 years old; or
- 5.3 has adopted a child under the age of eighteen; or
- 5.4 has, under the Children (Scotland) Act 1995, acquired formal parental responsibility for a child who is under 18 years old.

6. Entitlement

6.1 A Parent of a Child Up to Age 18

6.1.1 Parental leave will be a total entitlement of 18 working weeks unpaid leave for each child.

6.2 A Parent of a Disabled Child

6.2.1 Parental leave will be a total entitlement of 18 working weeks unpaid leave for each child.

6.2.2 A disabled child is either a child whose parent is in receipt of a disability living allowance for that child (if they are aged 16 or under) or a Personal Independence Payment (for those aged over 16 years), or, who is under consideration by a consultant or doctor as having a disability, and a letter clarifying this is provided.

6.2.3 The 18 weeks can, in this instance, be taken up until the child's 25th birthday.

6.3 An Employee Adopting a Child

6.3.1 Parental leave will be a total entitlement of 18 working weeks unpaid leave for an employee who has adopted a child under the age of 18.

6.3.2 The 18 weeks can be taken from the date on which the child is placed for adoption until the child's eighteenth birthday.

6.3.3 If an employee adopts a disabled child, parental leave entitlement will be 18 weeks and can, in this instance, be taken up until the child's 25th birthday.

7. Applying for Parental Leave

7.1 The minimum amount of leave to be taken at any one time is one day, and up to a maximum of 4 weeks in any one year. Up to 4 weeks of the 18 week entitlement may be taken in blocks of less than a week, a day at a time where necessary. The remainder must be taken in blocks of complete weeks. Parents of a disabled child, however, may take the full entitlement of 18 weeks on a one day basis.

7.2 The notice period for parental leave of one week or more will be 14 calendar days. The notice period for leave of less than one week will be 7 calendar days. The notice periods can be varied, in exceptional circumstances, at the discretion of the manager in consultation with Human Resources.

7.3 Parental leave will be requested using the appropriate [form](#). Leave will be recorded on Etarmis and monitored by individual managers. Requests for leave will be forwarded to Human Resources by the individual manager for recording purposes, a copy of which will be passed to Payroll, for their records, by the appropriate Human Resources Section.

Proof to support an application for parental leave will be required for the initial application. In the absence of this being available, the employee requesting Parental Leave must sign a document confirming parental responsibility. This will not be necessary for subsequent applications if the supporting evidence is still on file.

7.4 An employee may apply for a maximum period of 4 weeks unpaid parental leave immediately after a period of maternity leave or adoption of a child.

If an employee is requesting parental leave following a period of maternity leave, the employee will require to give 21 days notice before the beginning of the expected week of childbirth.

If an employee is requesting parental leave following the adoption of a child, the employee will require to give 21 days notice of the expected week of placement. If it is not possible to give 21 days notice in this instance, the adoptive parent should give the notice as soon as is reasonably practicable.

8. Approval of Parental Leave

- 8.1 Parental leave, once agreed, will not normally be postponed. Every effort will be made to grant leave already approved. Where there are exceptional circumstances impacting on operational requirements to the extent that a manager would seek to postpone parental leave already approved, discussions will take place between the manager and Human Resources. If a postponement is agreed as necessary, the decision of the Service will be communicated in writing to the employee, stating reasons for the postponement. The employer can postpone parental leave for no more than six months from the date on which the employee initially wanted to commence parental leave.

A suitable alternative time should be agreed between the employee and the manager, but if a suitable time can not be agreed, then the manager will become responsible for guaranteeing that the employee can take parental leave at a time which suits the needs of the Service and the employee. If this means that parental leave is postponed beyond the child's 18th birthday (or 25th birthday in the case of a disabled child), the employee still has a right to take it.

When an employee applies to take parental leave immediately after the birth or adoption of a child, then the employer cannot postpone the leave.