

Parental Leave Guidance Note

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Governance Committee		Date approved	
Review date			

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

Date	28/02/2019	Author	Employee Relations Team, EmployeeRelationsTeam@northlan.gov.uk
Change made	New format		

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1. Introduction

The purpose of the Parental Leave Policy is to provide employees with time off to care for their child(ren).

The information within this Guidance Note should be read in conjunction with the Parental Leave Policy document.

All parental leave is unpaid leave of absence.

2. Eligibility

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

- a) is the parent (named on the birth certificate) of a child(ren) under the age of 18; or
- b) is the parent of a disabled child under 25 years of age.
- c) has adopted a child under the age of eighteen; or
- d) has acquired, under the Children (Scotland) Act 1995, formal parental responsibility for a child who is aged under 18; or

Parental leave may not be taken after a child's 18th birthday. The following exceptions will apply, however:-

- a) The child is disabled (i.e. a child whose parent is in receipt of a disability living allowance or who is under consideration by a consultant or doctor as having a disability, and a letter clarifying this is provided), in which case parental leave can be taken up until the child is aged 25;
- b) If an employee adopts a disabled child, leave can be taken up until the child is aged 25.

3. Parental Leave Entitlement

3.1 The total amount of parental leave provision is 18 weeks for each eligible child. This provision also applies to parents of a disabled child.

3.2 In the case of multiple births, or the adoption of more than one child at a time, an employee has an entitlement to parental leave of 18 weeks for each child.

3.3 If both parents are employed by this Council, each parent will be eligible for parental leave. However, if both parents work in the same section of a Service and request parental leave for the same period, due regard will be given to the exigencies of the service.

3.3 The minimum amount of leave that can be taken is one day, and up to a maximum of 4 weeks to be taken in any one year. Up to 4 weeks of the full 18 week entitlement may be taken in blocks of less than a week. The remaining 14 week entitlement will require to be taken in blocks of a week. It should be noted that, if an employee chooses to take his/her maximum 4 weeks entitlement in blocks of less than a week within the one year, for example as single days, then there will be no entitlement to take single days for the remaining parental leave period. This could result in a 17 year period during which parental leave can only be taken in blocks of a week or more. The exception to this rule relates to parents of a disabled child, who may take the full entitlement of 18 weeks on a one day basis.

3.4 The year over which parental leave may be taken is not an annual leave year, but is a year from the date of the child's birth or a year from the date on which a child is placed for adoption. The parental leave year, therefore, will vary from employee to employee.

3.5 One week's of parental leave is equal to the length of time that an employee is normally required to work in a week. A week's leave for an employee who usually works Monday to Friday is equal to 5 days, while for an employee who works Mondays and Tuesdays only, a week's leave is equal to 2 days.

If an employee has a working pattern which varies from week to week, an average working week needs to be calculated as a fraction of the period for which he/she is required to work in a year.

Example – an employee is contracted to work 3 days a week for 30 weeks, 4 days a week for 18 weeks and 2 days a week for 4 weeks. Calculate the number of days leave in his/her average week by dividing the total of days worked in these periods by 52 = 3.26 days.

The calculation of a day's pay is on the basis of hours worked.

Examples of deductions for employees working full time are as follows:-

On parental leave for 3 days out of a 5 day week, the deduction would be $3/5(0.6) \times 7 = 4.2$ days

On parental leave for 1 day out of a 5 day week, the deduction would be $1/5(0.2) \times 7 = 1.4$ days

On parental leave for 5 days out of a 5 day week, the deduction would be $5/5(1) \times 7 = 7$ days

Examples of deductions for employees working part time/job share, are as follows:-

On parental leave for 2 days out of a 3 day week, the deduction would be $2/3(0.67) \times 7 = 4.67$ days

On parental leave for 1 day out of a 2 day week, the deduction would be $1/2(0.5) \times 7 = 3.5$ days

On parental leave for 2.5 days out of a 2.5 day week, the deduction would be $2.5/2.5 \times 7 = 7$ days

4. Definition of Parental Responsibility

- 4.1 An employee has parental responsibility if he/she is named on the child's birth certificate.

There may be instances where an employee is not named on the child's birth certificate. However, if he/she has taken on parental responsibility in terms of the Children (Scotland) Act 1995, he/she will have eligibility for parental leave.

- 4.2 An employee who co-habits with a birth parent is not entitled to parental leave, unless he/she has taken on parental responsibility in terms of the Children (Scotland) Act 1995.
- 4.3 The parent(s) of a child will not require to be living with the child in order to qualify for parental leave.

- 4.4 A step-parent will not be eligible for parental leave in respect of stepchildren unless he/she has acquired parental responsibility in terms of the Children (Scotland) Act 1995.
- 4.5 A foster parent will not be eligible for parental leave unless he/she has acquired parental responsibility in terms of the Children (Scotland) Act 1995.

5. Proof of Parental Responsibility

- 5.1 An employee must provide proof of parental responsibility before he/she can have parental leave authorised.

This will include:-

- a) the birth certificate of the child
 - b) a solicitor's letter confirming that he/she has taken on parental responsibility in terms of the Children (Scotland) Act 1995
 - c) papers confirming a formal adoption of the child
- 5.2 Proof of parental responsibility will only be required for the initial application of parental leave and a file note should be held indicating the proof provided for subsequent applications.
 - 5.3 If an employee is unable to provide proof to support an application for parental leave, he/she must sign a document confirming parental responsibility. A copy of this document is available from Services Human Resources teams or Corporate Human Resources.

6. Employment Rights during Parental Leave

- 6.1 All parental leave provided under this policy is unpaid leave of absence.
- 6.2 Leave granted in accordance with this policy will not be considered as a break in service by North Lanarkshire Council. Existing terms and conditions will continue to apply during parental leave.

- 6.3 If the employee taking parental leave is a member of the Pension Scheme, pensionable service will continue to accrue, even although parental leave is unpaid. Contributions payable, in order to maintain full pension benefits, will be deducted from an employee's wage/salary for periods of parental leave up to 30 days. For periods greater than 30 days, Part 1 of Pension Form S4 should be completed, as deductions are optional for any period greater than 30 days. (see Pension Scheme Handbook)
- 6.4 An employee who is on unpaid parental leave will accrue annual leave during that period. Public holidays will not accrue during unpaid parental leave.
- 6.5 On return from parental leave an employee has a right to return to the post in which he/she was employed before the absence, with no detriment to the terms and conditions of that post.
- 6.6 If an employee decides that he/she does not want to return to work following a period of parental leave, then he/she should give the appropriate notice in terms of the notice periods contained in the employee's contract of employment.
- 6.7 If a redundancy situation arises whilst an employee is on parental leave, the employee should be treated in exactly the same way as any other employee, including consultation procedures.

7. Procedure for Approval of Parental Leave

- 7.1 Parental leave will be authorised and managed by the employee's line manager.

Eligibility criteria will be checked by the employee's manager in the first instance.

The employee's manager has responsibility for ensuring that proof to support an application for parental leave has been made available.

- 7.2 The employee will complete an Application Form for each period of parental leave, which will be considered and authorised by his/her manager. The manager will require to note the amount of parental leave authorised, in a similar fashion to annual leave, for record purposes. The manager will then arrange for the preparation of the relevant paperwork for payroll and the employee.
- 7.3 The manager has responsibility for ensuring that the correct notice periods of intention to take parental leave have been provided by the employee.
- 7.4 Failure to adhere to the procedure may result in the request for parental leave being denied.

8. Postponement of Parental Leave

- 8.1 Parental leave may be postponed by the manager, only if the period of parental leave would cause disruption to the business of the Section/Division/Service. Any postponement must be justified, such as the following:-
- When work is at a seasonal peak
 - Where a significant proportion of the Section/Service applies for parental leave at the same time, or
 - Where the employee's role is such that his/her absence at a particular time would unduly harm the business.
 - Where a replacement cannot be found within the notice period.
- 8.2 If parental leave is postponed, this must be communicated to the employee in writing, following appropriate consideration and consultation, and the reasons for the postponement must be clearly stated.

Agreement will be reached between the manager/employee on a suitable alternative date on which the employee can take the postponed parental leave, and the alternative date must be confirmed in writing to the employee.

- 8.3 Parental leave taken immediately after the birth or adoption of a child cannot be postponed.
- 8.4 If an employee decides, once parental leave has been authorised, that he/she no longer needs to take parental leave at that time, it can only be cancelled if sufficient notice is received. Sufficient notice is considered to be a notice period at least equivalent to the amount of actual parental leave already authorised.
- 8.5 There are two exceptions to postponement. A manager cannot postpone parental leave where a new father has given appropriate notice or a new adoptive parent has given appropriate notice.

9. Parental Leave and Sickness

- 9.1 If an employee falls sick during a period of parental leave, a medical certificate will have to be produced to cover the period of sickness.

Parental leave falling on the day(s) of sickness may be used at a later date and will not be deducted from parental leave entitlement **if a medical certificate has been provided to cover the period of sickness.**

If an employee is ill at the end of a period of parental leave and is unable to return to work, he/she should be treated in the same way as any other employee who is absent due to sickness.

Normal sickness notification procedures will apply.

10. Benefits

- 10.1 If an employee takes the maximum entitlement of 4 weeks parental leave together, he/she may be eligible to receive benefits. Further advice on Income Support eligibility should be sought from the local Jobcentre Plus. Further advice on Housing Benefit and Council Tax Benefit eligibility should be sought from the Council's local benefits teams.

- 10.2 It must be emphasised that certain conditions must be met in order to qualify for any type of benefits.

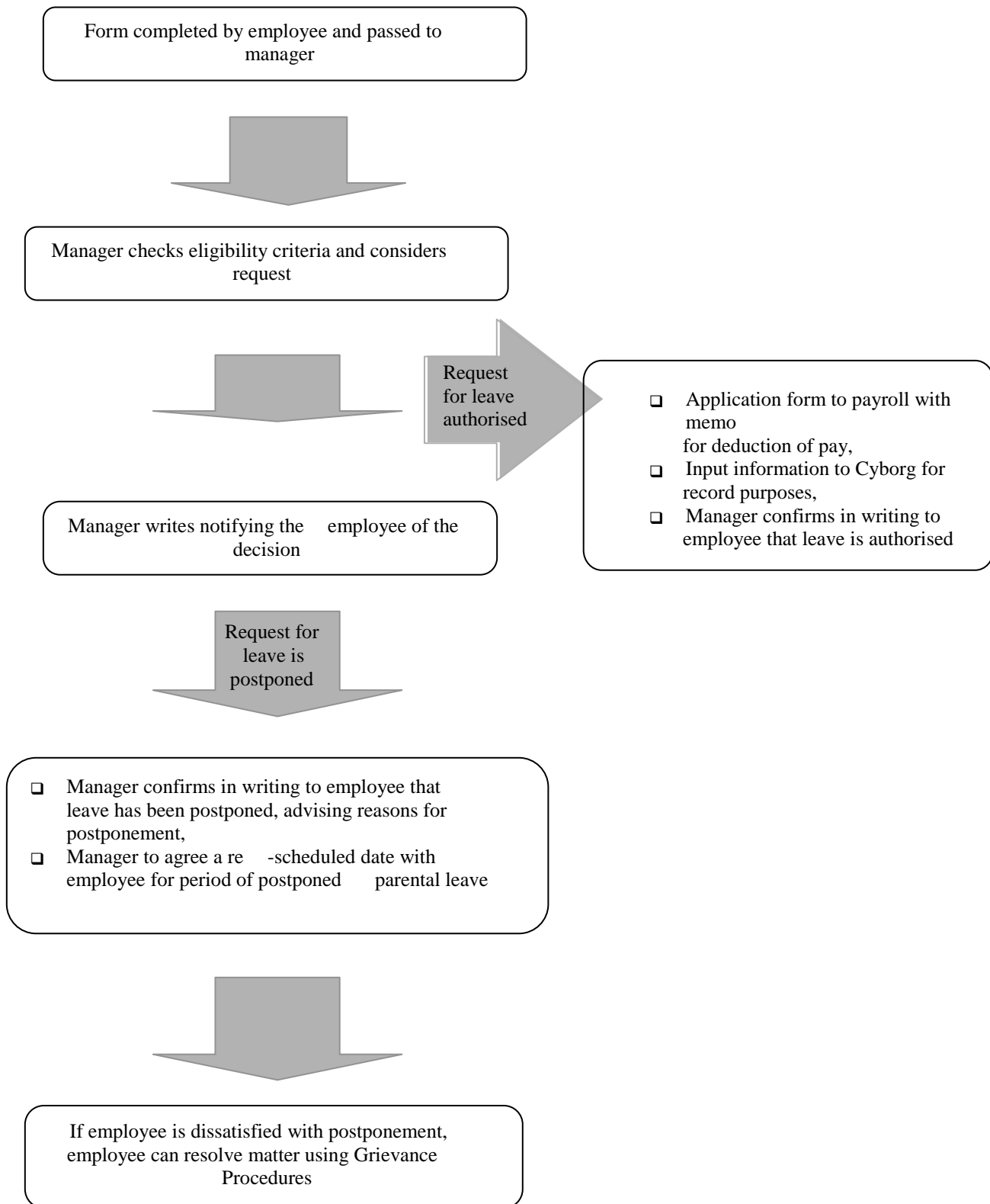
11.Remedies

- 11.1 An employee who considers that he/she has a complaint against management relating to an unreasonable postponement of a period of parental leave, or having been prevented from taking a period of parental leave, should in the first instance seek to resolve the matter by using the Council's agreed Grievance Policy for single status employees, and the agreed Grievance Procedure for Teachers.

Appendix 1

- ❑ Procedural flowchart
- ❑ Letter to employee authorising leave
- ❑ Letter to employee postponing leave
- ❑ Memorandum to Payroll
- ❑ Application Form for Parental Leave
- ❑ Confirmation of parental responsibility

HOW DOES THE PROCESS WORK?



LETTER TO EMPLOYEE

LEAVE AUTHORISED

Application for Parental Leave

I can confirm that your request for a period of unpaid Parental Leave, in terms of the Council's Parental Leave Policy, has been authorised.

Your Parental Leave will commence on ***** for a period of **** days/weeks, and an amount equivalent to this period of leave will be deducted from your salary/wage.

During unpaid Parental Leave, pensionable service will continue to accrue. Pension contributions must be made for the first 30 days of leave, thereafter you can elect whether to pay for the whole period or part of the period of your absence on parental leave in order to maintain full pension benefits. Part 1 of Pension Form S4, is available from your Human Resources team or Corporate Human Resources for this purpose.

If you wish to cancel this request for parental leave you must provide me with a period of notice equivalent to the amount of leave already authorised.

Yours sincerely

Designation

LETTER TO EMPLOYEE

LEAVE POSTPONED

Application for Parental Leave

I acknowledge receipt of your application for a period of unpaid Parental Leave.

I have considered your application and advise that your request for parental leave has been postponed for the following reason(s):-

- ☐
- ☐
- ☐

Please contact ****Name**** Tel. *********, to arrange to discuss when it would be most suitable for you to take your parental leave.

Yours sincerely

Designation

INTERNAL MEMORANDUM

TO: EXECUTIVE DIRECTOR OF FINANCE AND CUSTOMER SERVICES (FAO Payroll)	FROM: Ask for Ext:
Your Ref: My Ref: /	Date:
Copied to:	Subject: REQUEST FOR UNPAID PARENTAL LEAVE - EMPLOYEE NAME & NO.

I enclose a request from NAME for *** weeks unpaid parental leave from DATE to DATE. Please arrange to deduct this payment accordingly.

Designation

Application Form For Parental Leave

Service:			
Employee Name:			
Employee No.:		Payrun No.:	04/ /
N.I. Number:			
Continuous Service Date:			
D.O.B. of Child		Name of Child:	
Disabled Child:		Yes/No	
Adopting a Child:		Yes/No If yes, date of adoption:	
Adopting a Disabled Child:		Yes/No If yes, date of adoption:	

EXPIRY DATE OF PARENTAL LEAVE FOR ABOVE CHILD:

PROOF SUPPLIED BY EMPLOYEE IN SUPPORT OF THE REQUEST FOR PARENTAL LEAVE – <input type="checkbox"/>	
a)	Birth Certificate
b)	Solicitor's letter confirming parental responsibility
c)	Papers confirming formal adoption
d)	Other – please specify
e)	No proof – employee signed NLC document confirming parental responsibility

Entitlement is 18 weeks for each child

Date From -	Date To -	No of weeks or days requested	Balance of Leave	Signed by Applicant	Authorised by Manager	If leave refused or postponed, reasons for refusal or postponement and date of refusal or postponement

Data Protection – North Lanarkshire Council is registered in accordance with the Data Protection Act 1984 and subsequent legislation.

The information contained within this form may be shared with other Services should you move post within the Authority, and may also be used for statistical purposes.

APPLICATION FOR PARENTAL LEAVE CONFIRMATION OF PARENTAL RESPONSIBILITY

I confirm that I have parental responsibility for the undernoted child. However, I am unable to provide formal proof of this responsibility.

In terms of the Council's agreed Parental Leave Policy, having met all other eligibility criteria, I now make application for a period of parental leave detailed on the attached form.

I agree that in making application for parental leave and confirming parental responsibility, any information provided dishonestly may be dealt with under formal disciplinary procedures.

Signed

Date

Service:			
Employee Name:			
Employee No:		N.I. Number:	
Payroll No:			
Name of Child:			
Date of Birth of Child:	or Date of Adoption		