PARENTAL LEAVE POLICY AND PROCEDURE FOR ALL CATEGORIES OF SCHOOL

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# INTRODUCTION

The school governors recognise the value of offering parental leave to employees in being an employer of choice and a provider of first class public services.

The objectives of the parental leave policy and procedure are to:

* Ensure that legal requirements relating to parental leave are met.
* Give employees greater flexibility in balancing their work and parental commitments.
* Contribute to the school as an equal opportunities employer and an employer of choice.
* Ensure that managers and employees know the principles and processes relating to parental leave; and that parental leave is managed fairly, consistently and transparently.

# POLICY STATEMENT

This policy applies to all permanent and fixed term employees of the school who meet the eligibility criteria.

# ELIGIBILITY

The right to take parental leave is available to employees with one year’s continuous service with the school (by the date on which the parental leave is to start) who have, or expect to have, responsibility for a child (by way of being a parent) and who appear on the birth certificate, having registered the birth jointly with the mother.

In the case of adoptions, parental leave may be taken from the time of placement with the prospective adopters (not the date of the adoption order) or, in the absence of a placement date (e.g. where a step-parent adopts their partner’s child) from the time parental responsibility is acquired.

Parents do not have to live with the child to qualify for the right to take parental leave.

Parental leave is to be taken for the purpose of caring for the child for example to:

* spend more time with the child
* accompany a child during a stay in hospital \*
* assess new schools
* help a child settle in to new child care arrangements
* enable the family to spend more time together – for example taking the child to stay with grandparents.

Parental leave may be added to maternity, birth or adoption support leave (paternity) subject to the terms and conditions of this policy and procedure.

The right to parental leave applies up to the child’s 18th birthday (see below for definition). ~~In the case of adoption, for a period of 5 years from the date the child is placed or until the child’s 18~~~~th~~ ~~birthday if that comes sooner.~~

The period of parental leave must end by the relevantbirthday unless a manager’s postponement causes the leave to end beyond it.

# ENTITLEMENTS

A total of up to 18 weeks unpaid parental leave may be taken for each qualifying child, including each child in a multiple birth or adoption; ~~or a total of up to 18 weeks if the child is entitled to disability living allowance.~~ The total includes parental leave already taken for the child in question with a previous employer.

Parental leave may be taken in blocks of one, or more than one, contractual working shifts/weeks. If the employee has an irregular working pattern this will be calculated by averaging the previous 13 weeks work.

An employee may not normally take more than four weeks parental leave per year. For these purposes, a year starts when the employee become eligible for parental leave (either when the child is born, or when they have worked for the organisation continuously for one year, which ever comes later). Each successive twelve month period begins on the anniversary of the relevant date.

Terms and conditions of employment, apart from pay and, in some circumstances, pension contributions, will apply during parental leave and service is not broken by the leave, unless either party brings it to an end. Members of one of the school’s occupational pension schemes must continue to pay their employee pension contributions for the first 30 days of parental leave.

If the parental leave is less than four weeks the employee will be able to go back to the same job and will benefit from improvements in employment terms and conditions which would have applied had they been at work. If the parental leave is for longer than four weeks then the employee is entitled to return to the same job or, if that is not possible, a suitable and appropriate job.

# PROCEDURE

|  |  |  |
| --- | --- | --- |
| **EMPLOYEE SUBMITS REQUEST** | **HEADTEACHER (or nominated representative) CONSIDERS EMPLOYEE’S REQUEST** | **HEADTEACHER (or nominated representative) COMMUNICATES DECISION IN WRITING** |
| Use Parental Leave Request Form (P01) | Assess request against parental leave criteria set out in this policy | Within 7 calendar days respond in writing to employee with outcome |
| Attach evidence of parental responsibility | Discuss with HR Services if necessary | Grant request (P02 letter) |
| Give at least 21 calendar days’ notice. If this is not possible (e.g. the child is born prematurely or where less than 21 calendar days’ notice is given in an adoption placement), give as much notice as possible in the circumstances | Decide whether request can be agreed or if it would cause undue disruption. | Explain how the request fails to meet criteria and /or how granting the request would cause undue disruption and propose a later date, falling within 6 months of the employee’s proposed start date (P03 or P04 letter) |
| Give form to the headteacher or nominated representative | If unable to agree consider a later date, falling within 6 months of the employee’s proposed start date. This does not apply to parental leave which immediately follows maternity, adoption, birth and adoption leave (paternity leave). | Return original evidence to employee.  Record parental leave on appropriate system and payroll notified |

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# DECIDING PARENTAL LEAVE REQUESTS

A response must be sent to the employee within seven calendar days of receipt of the parental leave request.

The headteacher or nominated representative will first consider whether the request meets the parental leave criteria set out in this policy and procedure.

This includes determining what parental leave, if any, the employee has taken, for the child in question, with previous employers. This is to ensure that the ~~13/~~18 week cap are not exceeded by the employee. This information is sought from the employee, in the first instance, via the parental leave request form, but may also involve making enquiries from a previous employer.

Evidence submitted must be photocopied and held on the employee’s file.

If the request meets the parental leave criteria, the headteacher or nominated representative will then consider whether the operation of the organisation would be unduly disrupted by the employee taking leave at the time requested, bearing in mind that a valid request cannot be postponed by more than six months.

In considering whether the requested parental leave would cause undue disruption to the organisation’s operations, the headteacher or nominated representative will consider:

* Seasonal peaks in work
* Whether a significant proportion of the workforce has applied for parental or other leave at the same time
* Whether the employee’s role is such that their absence at a particular time would unduly harm the school
* Whether suitable cover can be found within the notice period and
* Whether a postponement is necessary to ensure continuity of education provision.

If, having considered the request, the headteacher or nominated representative decides to grant the parental leave requested he or she will write to the employee confirming the decision. A template letter (P02), which must be used, is available.

If the headteacher or nominated representative decides that the operation of the school would be unduly disrupted by the employee taking the requested parental leave, a postponement of less than six months will be proposed. This does not apply to new parents who were not able to predict the child’s date of birth or placement.

If a postponement is proposed the headteacher or nominated representative will give the employee notice of the postponement in writing, giving summary reasons of how request fails to meets criteria, or how granting the request would cause undue disruption, as applicable. The letter will propose start and end dates for a period of parental leave to which the headteacher or nominated representative would agree. Template letter (P03), must be used.

Where the employee request for parental leave is not valid the headteacher or nominated representative must write to the employee advising them using template letter (P04)

Once parental leave is agreed the headteacher or nominated representative will ensure that it is noted on the employee’s record (including payroll records) and a copy of all the correspondence will be held on the employee’s personal file. Original evidence will be returned to the employee.

The headteacher or nominated representative, with the assistance of the employee, will make arrangements to ensure adequate cover during the employee’s absence.

Once parental leave has been agreed the employee is free to take the leave in accordance with the agreement. The parental leave may not be postponed or cancelled by the headteacher or nominated representative and may only be cancelled or postponed by the employee in exceptional circumstances and at the discretion of the headteacher or nominated representative.

Parental leave taken must be recorded on weekly Sickness and Absence Record (SARS

If an employee is dissatisfied with the management of, or a decision in relation to, parental leave he or she should try to resolve the problem informally in the first instance.

If the employee wishes to appeal, they must write explaining their grounds to the clerk to governors within **five** working days of receipt of the parental leave decision.

The clerk to governors will arrange for a panel of governors to meet with the employee to hear the appeal. A minimum of **five** working days’ notice will be given of the meeting. The employee has the right to be accompanied by a trade union representative or work colleague to the meeting. If the employee, or their representative, cannot attend on the date arranged, they can suggest one other meeting date as long as this is within five working days of the original date of the meeting.

The clerk to governors will inform the employee of panel of governor’s decision and confirm it in writing within **two** working days of the meeting. There is no further right of appeal under this procedure.

# RETURN TO WORK

The headteacher or nominated representative will meet with the employee on or before the employee’s return to work, as agreed between them, to make arrangements for the employee’s smooth return to work. The nature of the arrangements will depend on the circumstances, including the duration of parental leave.

# COMPLIANCE

Failure to follow this policy and procedure may impact on good employee relations and the reputation of the school and governing body as a good employer. In addition, it may result in the school and governing body breaching employment legislation and incurring financial penalties.

Managers who fail to manage in accordance with this policy will be investigated and this may lead to formal action under the appropriate managing performance or disciplinary policy and procedure.

# IMPACT ON THE SCHOOL’S PRIORITIES

The policy provides clear statements about governor, headteacher, manager and employee responsibilities to ensure that the conduct of all school employees is of a high standard. This process supports schools in delivering excellent teaching and learning and enables the governing body to effectively meet its key school priorities.

# TRAINING AND AWARENESS REQUIREMENTS

Headteachers and employees will be informed about this policy and procedure via appropriate communication channels.

# MONITORING

The Director of Children’s Wellbeing is responsible for ensuring the implementation and review of this policy and procedure for LA schools.

The governing body is responsible for adopting and implementing this policy and procedure.

HR Services and the Learning and Achievement Team will be notified of any cases where it is concluded that the policy and procedure was breached. The notification will indicate whether there are any changes or improvements required to the policy, procedure, learning and development, support or any other aspect of the school’s approach.

# REVIEW

This document will be reviewed after three years unless circumstances demand a review before then.

Version log

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| Version | Status | Date | Description of change | Reason for change | Pages affected |
| 0.01 |  |  |  |  |  |
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# APPENDIX 1 DEFINITIONS AND RESPONSIBILITIES

**DEFINITIONS**

The meaning of some key words and phrases, for the purposes of this policy, are explained below:

**Child/qualifying child** – a child under the age of five (or under 18 if they are disabled or adopted).

**Parent** – birth, adoptive, step- or foster parents, or guardians, who meet the [eligibility](#_ELIGIBILITY) criteria.

**Headteacher** - the person responsible for leading and managing the school, and has delegated powers to ensure all performance issues are appropriately managed. References to the headteacher shall include any nominated Deputy Headteacher / line manager acting on his/her behalf.

**Panel of Governors** - a panel of 3 governors who have the power to hear appeals. They must have not previously been involved in the case.

**RESPONSIBILITIES**

It is each **employee’s** responsibility to request, record and take parental leave in accordance with this policy and procedure.

It is each **headteacher or nominated representative’s** responsibility to respond quickly and fairly to parental leave requests in accordance with this policy and ensure that leave is correctly allocated and recorded.

If you need further assistance with this document please refer to your manager or HR Services.