

Livewell Southwest

## **Parental Leave (Unpaid) Policy**

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Review: July 2019

**Notice to staff using a paper copy of this guidance.**

**The policies and procedures page of LSW intranet holds the most recent version of this document and staff must ensure that they are using the most recent guidance.**

**Author: Human Resources Department**

**Asset Number: 917**

## Reader Information

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## Document review history

Version no.	Type of Change	Date	Originator of Change	Description of Change
1.0	New Document	June 2016	HR Policy Group	Development of new policy

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# Parental Leave (unpaid) Policy

## 1 Equality and Diversity Statement

- 1.1 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.
- 1.2 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.

## 2. Introduction

- 2.1 Parental leave is provided to allow employees time away from work to care for and spend time with their child or children. This policy details the arrangements within Livewell Southwest in relation to parental leave which is **unpaid**.
- 2.2 This policy does not form part of any employee's contract of employment and Livewell Southwest may amend it from time to time.
- 2.3 Staff members may be entitled to alternative forms of absence for care of children full details are available in the relevant policy or guidance documents. In particular the Leave Policy details parameters for 'Dependent Care, Domestic Crisis and Bereavement Leave'.

## 3. Purpose

This policy applies to all employees of Livewell Southwest. It is important to ensure the application of the most appropriate policy given the historical employment record of the employee requesting parental leave, particularly as specific contractual policy arrangements may apply following transfer processes (known as TUPE).

## 4. Definitions

Examples of parental leave include:

- To spend more time with the child,
- To look at new schools,
- To settle the child into new childcare arrangements,
- To spend more time with family, such as visiting grandparents.

This list is not exhaustive.

## **5. Duties and Responsibilities**

5.1 Line Managers are responsible for:

- Ensuring that this policy is adhered to within their specified area, and should take consideration of it when undertaking relevant processes.
- Ensuring that employees are made aware of this policy and understand the potential implications of processes in relation to it.

5.2 Employees must:

- Ensure that they participate and engage in any processes and in line with this policy.
- Make their Manager aware if they require any additional support to participate in processes within this policy.

## **6. Entitlement to Parental Leave**

6.1 Employees are entitled to up to a total of 18 weeks parental leave between the age of 0 to 18 years (up to the 18<sup>th</sup> birthday) for each child they are responsible for. To take parental leave in relation to a child an employee must:

6.1.1 Have been employed by the organisation for more than a year;

6.1.2 Have or expect to have responsibility for the child; and

6.1.3 Be taking leave to spend time or otherwise care for the child.

6.2 An employee will have responsibility of a child if they

6.2.1 Are the child's biological mother or father (whether or not they are living with the child);

6.2.2 Are the child's adoptive parent; or

6.2.3 Otherwise have legal parental responsibility for the child, for example, if you are the child's guardian, or a step-parent who has a parental responsibility agreement or parental responsibility order.

6.3 Parental leave must be taken in block of whole weeks (a week is the same amount of days that the employee would normally work in a week - e.g. if the employee only worked on Mondays and Tuesdays a week is 2 days) rather than individual days. With the exception that if the employee's child is disabled, then individual days can be taken to facilitate care responsibilities. 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 payment.

6.4 Parental leave is taken in blocks of whole weeks however only 4 weeks maximum for each child can be taken per year as parental leave. A year for this purpose begins on the date when the employee became entitled to take parental leave in relation to the child in question.

6.5 If an employee is changing roles within the organisation, their continuous service with Livewell Southwest will be recognised. Any parental leave taken while working for another employer counts towards the 18-week entitlement. If the employee has taken parental leave during previous or concurrent employment, they should provide details to their line manager.

6.6 The period of absence taken as parental leave is **unpaid**.

## 7. Notification

7.1 Employees must give notification of their intention to take **unpaid** parental leave by completing the Notice of Intention to Take Parental Leave form (Appendix A) and submitting it to their manager.

7.2 The initial notification of intention must be submitted to the line manager at least 21 days before their intended start date and include written confirmation of:

- The block(s) of whole weeks requested;
- The date leave is anticipated start/end; and
- The employee's confirmation of eligibility.

7.2.1 Therefore if an employee wishes to take parental leave commencing immediately on the birth of a child, they 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.

7.2.2 If an employee wishes to take parental leave commencing immediately on the adoption of a child, the employee should give notice of this intention at least 21 days before the start of the expected week of placement (EWP). If this is not possible, the employee should give as much notice as they can. The notice must specify the EWP.

7.2.3 If the employee wishes to take a period of parental leave immediately after a period of ordinary paternity leave, it would be helpful if they give their line manager notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, the employee should give as much notice as they can. If the employee does not give notice at least seven days before the period of ordinary paternity leave starts, the organisation might not allow the employee to take the period of parental leave requested. However, each case shall be considered on its merits.

7.3 Upon receipt of the Notice of Intention to take Parental Leave form the organisation may ask to see evidence of:

- The employee's responsibility or expected responsibility for the child, such as a birth certificate, adoption or matching certificate, parental responsibility agreement or court order.
- The child's date of birth or date of adoption placement.

7.4 Employees should be mindful to ensure their line manager is updated with any changes to the anticipated start date and provide at least 21 days' notice of their intention to change parental leave period start or end dates.

- 7.5 The line manager will be responsible for preparing and submitting a change form with the details of the **unpaid** parental leave arrangements. Within which the line manager will be responsible for confirming the employee is eligible for the parental leave identified on the change form, in accordance with the criteria detailed within this policy. The line manager will also be responsible for ensuring the leave is recorded on the monthly absence returns to ensure accurate recording within the personnel records.
- 7.6 The notification form shall be securely stored on the personnel file of the employee with the HR department in accordance with document control parameters for the retention and destruction of personal sensitive data.
- 7.7 In the event that the employee has provided less than 21 days notification of their intention to take parental the line manager may request the start date is delayed in order to facilitate the required notice period.

## **8. Postponement of Parental leave**

- 8.1 The organisation will always try to accommodate an employee's request for parental leave, however the organisation may postpone a requested period of parental leave for up to six months where the requested leave would unduly disrupt business services, for example, where:
- The employee wishes to take parental leave during a peak period;
  - A number of employees wish to take leave at the same time;
  - The employee's work at that time is of importance to a time-critical project; or
  - Cover for the employee's work cannot be found before the date on which parental leave is due to start.
- 8.2 If the organisation is considering the need to postpone a request for parental leave, there will be consultation with the employee about alternative dates. The organisation will notify the employee in writing of the reason for postponement and the new start and end dates for parental leave, no more than seven days after receipt of the employee's request for leave.
- 8.3 The organisation will not postpone parental leave if an employee has requested it to start immediately on the birth or adoption of a child.
- 8.4 The organisation will not postpone parental leave if the postponement would result in the leave being taken after the child's 18th birthday.

## **9 General Principles**

- 9.1 If the employee is currently a member of any of the pension schemes they may be able to continue with their contributions. Employees should discuss their options for continuing contributions or 'buying back' contributions with their specific pension programme provider (NHS Pensions, Scottish Widows, or Local Government Pension Scheme).
- 9.2 During the parental leave period, employees will continue to accrue annual leave as though they were in work. Annual leave cannot be taken during parental leave however employees may choose to use their annual leave (as per the Leave Policy) prior/post parental leave to facilitate additional needs.

- 9.3 During the period of parental leave the employee and line manager will remain in reasonable contact such as confirmation of return to work arrangements and updates in significant service changes.
- 9.4 During parental leave an employee will remain bound by their obligation of good faith towards Livewell Southwest, any contractual terms relating to the giving of notice, and any contractual restrictions on the disclosure of confidential information, the acceptance of gifts and benefits, or participation in another business (for example, by working for a third party).
- 9.5 On resuming work after parental leave, the employee is entitled to return to the same job as they occupied before commencing parental leave, on the same terms and conditions of employment as if they had not been absent. However, where an employee's period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave, it might not be possible in some cases for the employee to return to the same job. In such circumstances, Livewell Southwest will offer the employee a suitable and appropriate alternative position on no less favourable terms.

## **10. Training Implications**

Training will be provided to Managers, as required, on their duties in relation to this Policy.

## **11. Monitoring Compliance**

Failure to comply with the contents of this policy may result in disciplinary action. Please refer to the Disciplinary Policy for further details. The effectiveness of this policy will be monitored through the HR Policy Group.

**All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.**

**The Lead Director approves this document and any attached appendices. For operational policies this will be the Locality Manager.**

**The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.**

Signed: Michelle Thomas, Director of Operations.

Date: 29<sup>th</sup> July 2016

## APPENDIX A

Notice of Intention to Take Unpaid Parental Leave Form			
<b>Name</b>			
<b>Job Title</b>		<b>Pay Band</b>	
<b>Locality/Department</b>		<b>Work base</b>	
<b>Line Manager</b>			
<b>Trade Union</b>	<i>(If applicable please detail your trade union body and named representative supporting you with this matter.)</i>		

<b>Date of Initial Notification</b>	
<b>Date of Change Notification (if applicable)</b>	

<b>When do you want to take your parental leave?</b>	
<b>Duration of parental leave: (please indicate)</b>	..... Week(s)
<b>Start date of parental leave: (if known)</b>	
<b>End date of parental leave: (if known)</b>	
<b>Remaining balance of parental leave</b>	..... Week(s)
<b>Remaining balance of parental leave for this year:</b>	..... Week(s)

By authorising and submitting this Notice of Intention to Take Unpaid Parental Leave, I confirm that:

- I have been employed by the organisation for more than a year; and
- Named on the child's birth or adoption certificate or have or expect to have parental responsibility;
- Not a foster parent (unless they've secured parental responsibility through the courts); and
- I meet the Parental Leave criteria as detailed within the Livewell Southwest Parental Leave Policy.

Further information and advice is available from the HR Department.

Authorisation	
<b>Name (block capitals)</b>	
<b>Signed</b>	
<b>Date</b>	