

# Parental Leave Policy and Procedures

## Introduction

The Parental Leave Policy is part of our suite of Family Friendly policies, designed to explain the School's positive approach to helping staff balance their family and work commitments, and aligned to the core principle of the School, *ex corde caritas*.

## Policy Aim and Statement

This policy, and the associated procedures, aims to provide clear guidance for parents in relation to **unpaid** statutory parental leave, including eligibility, entitlement to take leave, and the processes associated with requesting and taking this leave.

The purpose of statutory parental leave is to enable employees to take unpaid time off work to care for a child, look after their welfare, or make arrangements in relation to them. Parental leave is intended to be planned time off work and needs to be booked and agreed in advance. However, the School recognises that employees may also need to take time off unexpectedly to care for a child, and there is more information about this in the **Special Leave Policy**.

For clarity, this policy is about **unpaid** statutory Parental Leave, not Shared Parental Leave or Paternity Leave which are covered in separate policies.

## Scope

The policy applies to all employees of the School who meet the eligibility criteria regardless of their sex or sexual orientation.

## General Principles

In managing any family friendly leave, the School is committed to ensuring that:

- staff are supported before, during, and after a period of family leave
- we uphold the principles of our Equality, Diversity and Inclusion Policies, Guidance and Procedures at all times
- staff are never treated unfavourably, or dismissed, because they are reasonably taking, or wish to take, any family leave (i.e. maternity, paternity, adoption and surrogacy, parental, or shared parental leave)

## Data Protection

When managing an employee's family leave and/or pay, the School processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the School that they plan to take any such leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their family leave and/or pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the School's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the School's disciplinary procedure.

## Relevant Legislation

The following legislation is relevant in relation to the School's suite of Family Friendly policies:

Employment Rights Act 1996 (and subsequent amendments)

Equality Act 2010

Maternity and Parental Leave etc. Regulations 1999 (and subsequent amendments)

Paternity and Adoption Leave Regulations 2002 (and subsequent amendments)

## **Other Relevant Policies**

Maternity Policy

Paternity Policy

Shared Parental Leave Policy

Special Leave Policy

Equality, Diversity and Inclusion Policies, Guidance and Procedures

Flexible Working Policy

Grievance Policy and Procedure

## **Effective Date**

The Parental Leave Policy and associated procedures are effective from 6 June 2022. This policy supersedes any previous policies or procedures relating to unpaid statutory parental leave.

## **Approval and Review**

The Parental Leave Policy has been approved by the Staff Committee of the Governing Council, following endorsement by the Principal's Leadership Team and ICE Committee.

The School will regularly review this policy, and any associated procedures, to ensure that it continues to comply with current employment legislation and the School's operational needs. In line with the HR policy review schedule agreed with the ICE Committee, a policy review will take place at least every two years, or as soon as practicable after any change of relevant legislation.

***Date of next review: Summer 2024***

## **Appendices**

Appendix 1 Unpaid Parental Leave Procedures

Appendix 2 Unpaid Parental Leave Request Form

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Version 2/Issue1/June 2022

# Appendix 1

## Unpaid Parental Leave Procedures

### Introduction

The following information clarifies the procedures associated with Parental Leave, including eligibility and entitlement, and the various processes associated with requesting and taking this leave.

If you have any questions regarding any of this information, please do not hesitate to contact the HR Team.

### Eligibility and Definitions

To qualify for Parental Leave, an employee must:

- be named on the child's birth certificate, or
- be named on the child's adoption certificate, and/or
- have (or expect to have) legal parental responsibility for the child.

A parent does not necessarily need to be living with a child to be eligible for parental leave as long as they retain legal parental responsibility for the child.

As well as having parental responsibility for the child, employees must also have completed at least one year's continuous service with the School in order to qualify for parental leave.

For the purposes of this policy, the definition of a disabled child is one who is entitled to a disability living allowance benefit.

The School will ask the employee to provide appropriate evidence confirming their eligibility to request parental leave (e.g. birth certificate, adoption paperwork, surrogacy agreement etc)

### Entitlement

Employees who qualify for parental leave are entitled to up to a total of 18 weeks of unpaid parental leave for each individual child (i.e. including multiple births such as twins) up to the child's 18th birthday.

Some examples of how parental leave may be used include:

- spending more time with a child
- enabling a family to spend more time together
- staying with a child who is in hospital
- making new nursery, school or other childcare arrangements, and/or helping the child settle in

Parental leave applies to each child, not to an individual's job, and so any leave taken with previous employers will count towards the total entitlement of 18 weeks per child.

The School will request and provide this information (i.e. the amount of parental leave taken during employment), as necessary, as part of the standard employment referencing processes.

### Pay and Terms and Conditions

Parental leave is unpaid. The appropriate deduction will be made from the employee's salary during the month in which the parental leave is taken, or as soon as possible after the leave if it has been taken at short notice.

During any unpaid leave, neither employees nor the School make pension contributions. Periods of unpaid leave do not normally count as reckonable service for pension scheme purposes. Employees planning on taking parental leave should contact their pension provider to seek advice regarding any pension implications. For clarity, life cover remains in place for employees of the School during periods of unpaid parental leave.

Taking unpaid parental leave does not mean a break in service; continuous employment is maintained during all periods of parental leave. With the exception of pay and pensions, all other contractual terms and conditions of employment and any non-cash benefits remain the same throughout the period of parental leave.

### **Requesting parental leave**

When an employee wishes to take parental leave, they must complete the form at Annex 1 at least 21 days before the proposed period of leave.

This form should be sent to their line manager and then considered by the relevant member of the Principal's Leadership Team (PLT) who will forward the application to Human Resources for recording and processing the unpaid leave.

Employees may only take parental leave in blocks of one week (except in relation to a child who is disabled) and up to a maximum of 4 weeks per child in a year.

For part-time employees, a week equates to their normal (or average) working week.

If a child is disabled, employees may take parental leave as single days or multiples of single days.

### **Taking parental leave**

Employees may not take more than four weeks' parental leave in respect of any individual child in any year.

For these purposes of this policy, a year is defined as the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date. This date may be the birth or the adoption date of the child, or the date on which the employee completes one years' service with the School.

### **Employer's right to postpone**

Although the School is keen to support family friendly working, employers have the right to postpone the date of parental leave by up to six months after the original requested start date. This may happen when it is considered that there would be undue disruption if the employee were to take leave during the period requested.

The School cannot postpone parental leave if the request is for dates immediately following a birth or adoption. Parental leave cannot be postponed beyond the child's 18th birthday.

In cases of postponement, the School will write to the employee within seven days of receiving the parental leave request outlining reasons for postponing the dates and offering alternative dates for the leave to be taken. The alternative start date will be within six months of the requested start date. The School cannot change the amount of parental leave being requested.

### **Return from leave**

At the end of a period of parental leave of four weeks or less, the employee will normally return to the job in which they were employed prior to the unpaid leave.

An employee who returns to work after a period of unpaid parental leave that followed immediately from another period of statutory leave (e.g. maternity, adoption or shared parental leave), is normally entitled to return to the job in which they were employed prior to the absence, if reasonably practicable.

If it is not possible for the employee to return to the same job in which they were employed prior to the absence, they are entitled to return to another job that is both suitable and appropriate in the circumstances and with the same (or better) terms and conditions.

### **The right to be treated fairly**

Employees have the right not to be treated unfavourably or to be dismissed because they are reasonably taking, or wish to take, parental leave.

If an employee feels they have been treated unfavourably, or the policy has not been applied appropriately, they should first consider raising the issue informally with their line manager, PLT member or Human Resources. If the matter cannot be addressed or resolved informally, the School's **Grievance Policy and Procedure** should be used.

## Additional Information

The School is committed to supporting our staff to achieve a successful work-life balance that works for them. We have therefore provided links to some other information and agencies that may be useful for parents.

- **Employee Assistance Programme:** Information for parents provided by Care First as part of our employee benefits offering: <https://www.gwc.org.uk/portal/staff-resources/operations/staff-benefits/>
- **UK Government:** Information on benefits and financial support for families: <https://www.gov.uk/browse/benefits/families>
- **Parenting across Scotland:** partnership of charities (with funding from the Scottish Government) offering support for parents and families in Scotland through their information service and partners' helplines: <https://www.parentingacrossscotland.org/>

Although we try only to give useful sources of support and information, this is not a recommendation or endorsement by the School. We take no responsibility for the content of other websites and the services other organisations or agencies provide.



# Appendix 2 Unpaid Parental Leave Request Form

TO BE COMPLETED BY THE EMPLOYEE	
<b>Name</b>	<b>Department</b>
<b>Name of Child</b>	<b>Date of Birth/Adoption</b>
<b>Proposed Dates of Parental Leave</b>	
<b>From</b>	<b>To</b>
<b>Reason for Request</b>	
<b>Previous Parental Leave Taken</b>	
<b>Employee Signature</b>	
<b>Line Manager Signature</b>	

TO BE COMPLETED BY PLT MEMBER
<b>Approved</b> <input type="checkbox"/>
<b>Postponed</b> <input type="checkbox"/>
<b>Reason for Postponement</b>
<b>PLT Signature</b>
<b>Date</b>