

North East Derbyshire District Council

Council

7 September 2015

Parental Leave Policy

Report No ADHRP/04/15-16/AG of the Assistant Director – Human Resources & Payroll

Purpose of the Report

To ask Council to consider the attached Parental Leave Provisions document and to approve it for adoption.

1 Report Details

- 1.1 The document attached at **Appendix 1** reflects the latest position in respect of legislation governing parental leave.

2 Conclusions and Reasons for Recommendation

- 2.1 Where policies reflect the legislative position, it is important to review these regularly to endure they remain fit for purpose.

3 Consultation and Equality Impact

- 3.1 At its meeting on 15 July 2015, JCG agreed to recommend this draft Policy document for adoption by the Council.

4 Implications

4.1 Finance and Risk Implications

- 4.1.1 None.

4.2 Legal Implications including Data Protection

- 4.2.1 None.

4.3 Human Resources Implications

- 4.3.1 None.

5 **Recommendations**

- 5.1 Council are asked to approve the revised Parental Leave Provisions document for adoption.

6 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

7 **Document Information**

Appendix No	Title
1	Parental Leave Provisions
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
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Parental Leave Provisions

(July 2015)



CONTROL SHEET FOR PARENTAL LEAVE PROVISIONS

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Parental Leave Provisions
Current status - i.e. first draft, version 2 or final version	Final draft version
Policy author	T Morrell - HR & Payroll
Location of policy - i.e. L-drive, shared drive	Intranet
Member route for approval	Council
Cabinet Member (if applicable)	
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council / Committee	SAMT / JCG / Council
Date policy approved	
Date policy due for review (maximum three years)	

Date policy forwarded to Strategy and Performance (to include on Intranet)	

PARENTAL LEAVE PROVISIONS

Parental Leave is for employees to take time off work to look after a child's welfare. This leave is on an unpaid basis, and is available for each child up to their 18th birthday.

Parental Leave should not be confused with Shared Parental Leave which is a new entitlement for eligible parents of children due to be born or adopted on or after 5 April 2015 (see separate policy and procedures document).

Entitlement

Parental leave of 18 weeks shall be granted to employees with one year's continuous service, who have or are expecting to have parental responsibility for a child (ie they must be the parent:

- named on the child's birth certificate OR
- named on the child's adoption certificate OR
- with legal parental responsibility for a child under 18.)

The Authority will also make parental leave available to foster parents, who do not currently fall under the legal definition.

Notice

- Every attempt must be made by the employee to give as much notice as possible with a minimum of 21 days' notice in writing before the day on which s/he proposes to take the leave.
- To take parental leave straight after the birth or adoption of a child, an employee should give notice 21 days before the beginning of the expected week of childbirth or placement. (In cases where this may not be possible notice should be given as soon as possible, eg if a child is born prematurely or where less than 21 days notice is given that a child is to be placed for adoption.
- As long as the employee qualifies for parental leave and gives the correct notice, it should be possible to take this leave at any time.
- Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the Head of Service. Such discretion shall not be unreasonably withheld.

Postponement

An employer can only postpone parental leave if they have a good business reason for doing so, for example seasonal production, another member of staff is off or the staff absence would harm the business. Parental leave can be postponed for up to 6 months but can not be postponed so that the leave ends after the child's 18th birthday.

Every attempt will be made by the Head of Service to avoid postponement. In any event, leave shall not normally be postponed for more than three months except in exceptional circumstances. Postponement will not be used in the following circumstances:

- Following maternity support leave
- Following maternity/adoption leave

In the event that postponement becomes an option, the Head of Service will undertake a consultation exercise with the Employee and their Trade Union representative (if applicable) with a view to coming to agreement over alternatives. These could include:

- A different pattern of leave – e.g. part time rather than full time
- A shorter or longer period of leave
- Alternative dates within the period

Where there is no agreement, the Head of Service will permit the employee to take a period of leave of the same duration and beginning on a date determined in consultation with the employee no later than three months after the originally notified start date.

Following consultation, and not more than seven days after the employee's notice was given to the Head of Service, the Head of Service shall give the employee notice in writing of the postponement, stating the reasons for it and specifying the date on which the agreed period of leave will begin and end.

Parental leave should be taken in blocks of a week, or multiples of a week and should not be taken as 'odd' days off, unless this is agreed for exceptional reasons. Employees cannot take off more than four weeks during a year.

Return

Employees on parental leave shall have the same right to return to their job as provided to those on maternity leave

Terms and conditions during parental leave

- Time taken as parental leave shall be treated as continuous service for the purpose of Part 2 Paragraph 14 of the Terms and Conditions of Service.
- Employees who fall sick during a period of parental leave and who give the Authority the relevant notification shall be entitled to pay under the sickness scheme and this period shall not count towards their parental leave entitlement for the period covered by the Fit Note from their doctor.