



# PARENTAL LEAVE POLICY

*This policy sets out the statutory rights and responsibilities of employees who request parental leave*

Our objectives:

This policy sets out the statutory rights and responsibilities of employees of Boston Borough Council who wish to take parental leave.

We recognise that, from time to time, employees may have questions or concerns relating to their rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

This procedure applies to all employees of Boston Borough Council.

## **Principles**

This policy incorporates the following principles.

- **Good faith**  
This policy and procedure will be applied in a consistent manner and without discrimination.
- **Fairness**  
Any action taken will be reasonable and necessary. Members of staff involved are entitled to be heard with courtesy and respect.
- **Confidentiality**  
Information relating to Parental Leave will only be shared with individuals who have a need to know.
- **Representation**  
If issues arise within these procedures and a formal approach is required to deal with them, employees will be entitled to be accompanied by a trade union representative or by a work colleague.

### **Version History**

<b>Version</b>	<b>Author</b>	<b>Reason For Issue</b>
2004	People Services	Review of 1998 policy
June 2005	People Services	Review of 2004 policy
April 2007	People Services	Review of 2005 policy
August 2012	People Services	Review of 2007 policy and legislative changes to entitlement to parental leave

### **Document Distribution**

<b>Name</b>	<b>Role</b>
JCC	For consideration of amendments for policy
CMT	For approval of amendments to policy
HOST	For implementation.
All staff	Revised scheme/ staff benefit.

### **Document References**

<b>Reference</b>	<b>Document Title</b>
Appendix A	Use this form to apply for parental leave.

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## 1. Introduction

Boston Borough Council recognises that, from time to time, employees may have questions or concerns relating to their parental rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

## 2. How much parental leave am I entitled to?

You are entitled to up to 13 week's unpaid parental leave per child. [This increases to 18 weeks from 8 March 2013 if you:](#)

- Are the parent of a child who is under five years of age
- Have adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of the adoption or until the child's 18<sup>th</sup> birthday, whichever is the sooner); or
- Have acquired formal parental responsibility for a child who is under five years of age.

If you are the parent or adoptive parent of a child who has been awarded disability living allowance you are [also](#) entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18<sup>th</sup> birthday.

This leave may not be taken in blocks of less than one week (except in relation to a child who is disabled).

You may not take more than four week's leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when you first become 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.

## 3. How do I qualify for parental leave?

You must have completed at least one years continuous service with the Council.

## 4. What are my rights during parental leave?

Qualifying employees will be entitled to a maximum of ~~13~~ [13-13 weeks' \(18 weeks from 8 March 2013\)](#) parental leave to be taken up until the child's fifth birthday (unless the child is disabled (see point 2 above) or to be adopted (refer to the adoption policy for entitlement to adoption leave).

During parental leave you will remain employed, although pay and most contractual benefits will be suspended. Certain terms of employment will remain in force, as follows. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- Notice of termination;
- Redundancy compensation: and

- Disciplinary or grievance procedures.

If you take parental leave you will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- Disclosure of confidential information;
- The acceptance of gifts or other benefits: and
- Participation in any other business.

### **5. How does parental leave fit with my annual leave?**

Parental leave is granted in addition to your normal annual holiday entitlement.

Contractual annual leave entitlement will continue to accrue whilst you are on leave; you are therefore encouraged to take any outstanding annual leave due to you before the commencement of parental leave. You are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during parental leave, you should take your outstanding entitlement before starting your parental leave.

### ~~6. How does parental leave fit with my annual leave?~~

~~Parental leave is granted in addition to your normal annual holiday entitlement.~~

~~Contractual annual leave entitlement will continue to accrue whilst you are on leave; you are therefore encouraged to take any outstanding annual leave due to you before the commencement of parental leave. You are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during parental leave, you should take your outstanding entitlement before starting your parental leave.~~

### **6. What happens to my pension and other contributions and benefits if I take unpaid leave?**

Where staff take a period of unpaid leave they should be aware that no voluntary contributions will be made on their behalf e.g. Westfield Health Scheme or Trade Union membership deductions. Alternative arrangements are the responsibility of the employee to make for this time, although People Services/Payroll will help where possible.

Pension contributions will continue to be made during any period of parental leave.

During the period of parental leave, your contract of employment continues in force and you are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as life assurance, laptop, mobile phone) will continue.

**87. Are there any conditions of leave?**

The council has adopted the default scheme for the taking of parental leave and the following conditions apply:

You may not exercise any entitlement to parental leave unless you have complied with any request made by the Council to produce evidence as to your entitlement (e.g. parental responsibility or expected responsibility for the child in question: the child's date of birth or date on which placement for adoption began: or, where you are exercising a right in relation to a disabled child, details of the child's entitlement to disability living allowance.

You must give proper notice of the period of leave that you propose to take. This notice must be given to the Council at least 21 calendar days before the date on which the leave is to start and must specify the dates on which the period of leave is to begin and end.

Where you are the father of the child in respect of whom the leave is to be taken and you request parental leave to begin when this child is born, your notice must specify the expected week of childbirth and the duration of the period of leave. You must give notice at least 21 calendar days before the expected week of childbirth.

Where the parental leave is in respect of an adopted child and is to begin on the date of placement, your notice must be given at least 21 calendar days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.

**98. Can the Council delay my parental leave?**

The Council may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the Council considers that service delivery would be unduly disrupted if you were to take leave during the period requested. In such a case the Council will allow you to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. The Council will give notice in writing of the postponement stating the reason for it and specifying suggested dates for you to take parental leave. Such notice will be given no more than seven days after your notice was given to the Council.

**910. What happens when I return from leave?**

At the end of parental leave, you will be entitled to return to the same job provided that your period of leave was for a period of four weeks or less (and did

not follow on immediately from a period of additional maternity or adoption leave), then you will be entitled to return to the same job, or if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

## APPENDIX A

Use this form to apply for parental leave.

<b>Name of employee</b>	
<b>Department</b>	
Date of commencement of employment	
<b>Amount of parental leave taken previously in respect of relevant child</b>	
<p>I would like to apply for (.....) weeks/(day(s)) unpaid parental leave from (.....date, to ..... date). <b>Application for parental leave in periods of a day or multiples thereof may be made only where the child in question is disabled)</b></p> <p>The leave requested relates to my child ..... (name where applicable), due on .....(date) / who was born on .....(date) / who was adopted on .....(date) and who has been awarded disability living allowance (delete as applicable)</p> <p>I attach a copy of .....’s (name) birth certificate/adoption papers/ disability living allowance award (delete if not applicable)</p>	
<p>I recognise that Boston Borough Council is entitled to make enquiries of all or any of my previous employers in relation to any previous periods of parental leave taken.</p> <p>I also recognise that Boston Borough Council pay postpone the period of leave requested by up to six months where the leave does not coincide with the expected week of my child’s birth/adoption and service delivery would otherwise be disrupted by my absence.</p>	
<b>Signed</b>	
<b>Dated</b>	
<p>Once leave is agreed with your Manager please return this form to People Services at least 21 calendar days prior to the date on which your requested period of parental leave is due to commence.</p>	

This policy has been agreed by Boston Borough Council and the Trade Union representatives for the workforce at Joint Consultative Committee.

Signed: ..... Date: .....

Chief Executive: .....

Signed: ..... Date: .....

UNISON branch Secretary: .....

Signed: ..... Date: .....

GMB Representative: .....

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Chief Executive**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**UNISON Branch Secretary**

**Signed: \_\_\_\_\_ Date: \_\_\_\_\_**

**GMB Representative \_\_\_\_\_**