

Parental Leave Policy

This policy was formerly part of the Work and Parents Policy, which was:

- First approved by Finance & Human Resources Committee 08.10.02
- Update approved by Finance & Human Resources Committee 11.06.03
- Updated March 2004 following consultation with the unions
- Updated October 2006 to incorporate the Work & Families Act 2006 (effective 1 October 2006)
- Updated August 2008 to clarify the position regarding statutory and occupational annual leave entitlements during maternity leave (Section 5.1 in maternity leave section). 4.1.6, 5.3.2 and 5.6.4 in maternity leave section also updated. Updates also reflected in Adoption policy.
- Updated October 2008 - update to Section 1; update titles under H&S Section; clarification on the calculation for statutory maternity pay; update to 5.1.1; update to 5.3.2; and update to titles under 5.6.4. Updates also reflected in Adoption policy.
- Updated March 2009 to reflect the proposed increase in statutory annual leave from April 2009 and sections 3.1 and 3.8 of the Parental leave section (18 weeks for each disabled child)
- Updated July 2009 to include additional text under section 5.1
- Updated August 2010 – update to Appendix 1 regarding continuous service
- Updated February 2011 (Maternity policy Section 4.2.9 and Paternity Leave Policy section 2.3)

This separate Parental Leave Policy was finalised in June 2013 following consultation with the unions.

December 2014: Minor updates to reflect Shared parental leave legislation

November 2016: terminology updates

January 2019: terminology updates

April 2019: updated to ensure inclusive and gender neutral

July 2019: Reviewed by Stonewall

July 2021: Reviewed by HR; no changes needed

June 2022: Updated to improve gender neutrality and inclusivity and to reflect the full spectrum of identities

July 2022: updates approved by SLT

October 2023: Terminology updated to be more inclusive

Parental leave policy

1. Introduction

Parental leave is an entitlement to unpaid leave to enable birth parents/first parents to take time off to care for a child. Parental leave is in addition to entitlements in respect of maternity leave; adoption leave; shared parental leave and paternity leave, which are outlined in the relevant separate policies.

This policy applies to all members of staff, regardless of their gender or the gender of their partner, is inclusive of couples, regardless of gender, and is intended to be gender neutral.

2. Purpose of parental leave

2.1 Parental leave is unpaid and is intended for the purpose of caring for a child, ie:

- looking after a child; or
- making arrangements 'for the good of a child'.

2.2 Leave might be taken to enable parents¹ to spend more time with young children, for example:

- spending more time with the child in early years (for example during nursery or school holidays);
- to accompany a child during a stay in hospital;
- checking out new schools;
- settling the child into new child care arrangements; or
- to enable the family to spend more time together, for example, taking the child to stay with grandparents.

This is not an exhaustive list.

2.3 The special leave policy provides information on requesting time off to deal with sudden sickness of children or a breakdown in childcare arrangements.

3. Entitlements - conditions/requirements

3.1 Continuous service

Members of staff who have at least one year's continuous service recognised for other purposes, (service with other HEFCE institutions, universities, further education establishments and local government will count for this purpose) are entitled to 18 weeks unpaid parental leave in respect of:

- each child, under the age of five; or

¹ This includes parents, regardless of gender, and is intended to be gender neutral and inclusive

- each adopted child up to their 18th birthday or 5th anniversary of their adoption, whichever comes first; or
- each disabled child up to 18 years of age, (including adopted disabled children)

for which they have parental responsibility. Human Resources can provide line managers with confirmation of a member of staff's continuous service.

For children born or placed for adoption between 15 December 1994 and 14 December 1999 (paragraph 3.4 refers), the birth/first parent(s) must have either worked for their current employer continuously for one year by the time that they want to take the leave, or, have worked for a previous employer continuously for a year during the period 15 December 1998 and 9 January 2002 (paragraph 3.4 refers).

3.2 Definition of 'a week'

A week is equal to the length of time that a member of staff is normally required to work in a week. Where working patterns vary, an average working week shall be calculated as a fraction of the period for which the member of staff is required to work in a year. (Calculations shall exclude annual leave and sick leave).

3.3 Parental responsibility

A member of staff has parental responsibility for a child if:

- a) they have parental responsibility for the child under the Children Act 1989(a) or have acquired it in accordance with the provisions of that Act;
- b) they have responsibilities for the child under the Children (Scotland) Act 1995(b) or have acquired it in accordance with the provisions of that Act; or
- c) they have been registered as the child's parent under any provision of section 10(1) or 10A(1) of the Births and Deaths Registration Act 1953(c) or of section 18(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(d).

3.4 Effective date - (15 December 1999)

Parental leave can be taken in respect of children born or adopted on or after 15 December 1999, up to the age of 5, (or 18 in the case of a disabled child - i.e. a child for whom a disability living allowance is awarded) or up to 5 years after the date of adoption/formal placement date (or up to 18 years of age in the case of a disabled child). Where a child is adopted by a step-parent, the period in which leave can be taken starts when the parent acquires parental responsibility, until 5 years later.

3.5 How much leave can be taken at a time/in one year?

A maximum of 4 weeks may be taken in any one year**. Of these 4 weeks, two weeks may be taken in single days and the other two weeks should be taken in blocks of one week (or more). If the member of staff has a disabled child, all parental leave may be taken in single days. (**A year commences on the date of birth or adoption of the child, or the date on which the member of staff satisfies the length of service criteria to qualify for parental leave).

3.6 Notice of intention to take leave

Members of staff must provide their line manager with at least 21 days notice of their request to take parental leave. Where prospective parents request to take leave around and/or after the expected birth/adoption, some flexibility regarding notice periods may be necessary.

3.7 Postponement of leave requests

The line manager may postpone requests for leave, for not more than 6 months, where substantial prejudice to the running of its business would be caused. In such circumstances, the reasons for postponement, together with the dates that the line manager permits the member of staff to take parental leave will be confirmed to the member of staff, in writing, as soon as possible (please refer to paragraph 5.2 for more details). A copy must be retained by the line manager for monitoring purposes and a copy sent to their Human Resources contact, to be placed on the member of staff's file.

3.8 Changing employers

Members of staff who change employer during the period of their entitlement to parental leave need to complete 12 months service with the new employer before they are entitled to request parental leave, unless continuous service is recognised (service with other bodies recognised under the Redundancy Payments Modification Order, including universities, further education establishments and local government will count for this purpose). Members of staff are entitled to no more than 18 weeks in total for each child (or 18 weeks in total for each disabled child).

3.9 Part-time members of staff

Part-time members of staff are entitled to an amount of parental leave in proportion to hours worked. For example, if a member of staff works 3 days per week they are entitled to 18 weeks parental leave based on a 3 day working week.

3.10 Parental leave following maternity leave

Parental leave may be taken immediately following exhaustion of a period of additional (unpaid) maternity leave, provided that the relevant parental leave notification requirements are complied

with.

3.11 Parental leave: non-transferable

Parental leave is an individual entitlement and cannot therefore be transferred between parents.

3.12 Rights on return to work

Members of staff are entitled to return from parental leave to the job in which they were employed under their original contract of employment and on terms and conditions which are not less favourable than those which would have been applicable to them if they had not been absent on paternity leave. For this purpose 'job' means the nature of the work which they were employed to do and the capacity and the place in which they were so employed.

4. Contract of employment/terms and conditions

4.1 Continuation of the contract of employment

4.1.1 Parental leave counts as continuous employment and will not affect the member of staff's continuous service with the University.

4.1.2 Apart from normal remuneration, all terms of the contract of employment continue throughout parental leave. Staff will therefore be entitled to receive an annual increment (where applicable) on their salary scale, in accordance with the terms of their contract of employment

4.2 Terms and conditions of employment

Periods of unpaid parental leave will not affect the member of staff's accrual of statutory employment rights.

Entitlements to annual leave will normally continue to accrue during periods of unpaid parental leave taken during employment with the university.

4.3 Occupational pension rights

▪ Local Government Pension Scheme (LGPS)

If the period of unpaid parental leave is 30 days or less contributions will be deducted as per normal salary, in the month following the unpaid leave. If the unpaid absence amounts to more than 30 days, deductions in respect of the LGPS will not be made during the period of unpaid parental leave. In this case, members of staff have the option of electing to backdate contributions to cover the period of unpaid leave (the university paying the employer's contribution). Such an election must be made within 30 days of returning to work.

- **Teachers' Pension Scheme**

Deductions in respect of the Teachers Pension Scheme can not be made during unpaid parental leave.

4.4 Right to improvements to terms and conditions on return to work

A member of staff returning to work after parental leave is entitled to benefit from any general improvements to rate of pay or other terms and conditions introduced during their absence, as though they had not been absent from the work place (including incremental progression, cost of living increases etc).

4.5 Members of staff not wishing to return following parental leave

A member of staff who does not wish to return to work following a period of parental leave must terminate their employment in accordance with their contractual notice requirements

5. Requesting parental leave

5.1 Members of staff who wish to request unpaid parental leave should complete a [parental leave declaration and request form](#) and forward this to their line manager for consideration as soon as possible, in accordance with the required notice periods (paragraph 3.6 refers).

5.2 Consideration of requests

Line managers should consider requests as soon as possible and, wherever possible, subject to the required notice provisions, approve them. Managers have the discretion to postpone requests for leave up to a maximum of 6 months where substantial prejudice to the running of business would be caused, except in cases where it would not be reasonable to do so, for example when the member of staff provides notice of a request for leave at the time of, or immediately following, their child's birth. Managers wishing to postpone leave should discuss the reasons for this with the member of staff as soon as possible and normally no later than 2 working days after receipt of the request, and record these on the member of staff's parental leave declaration and request form. The line manager will then confirm these reasons, in writing, to the member of staff, normally within no more than 7 days after receipt of the original request from the member of staff. Managers should ensure consistency of application in considering and postponing requests for parental leave. Managers may wish to seek advice from Human Resources in considering requests.

A copy of the parental leave declaration and request form, incorporating the decision, must be retained by the line manager

for monitoring purposes and a copy sent to Human Resources, to enable the appropriate salary deductions to be made and so a copy can be placed on the member of staff's file.

Managers may be justified in postponing leave when, for example:

- the work is at a seasonal peak;
- where a significant proportion of the workforce applies for parental leave at the same time (managers are advised to seek advice from Human Resources if this arises); or
- where the member of staff's role is such that their absence at a particular time would unduly harm the business.

The length of the postponed period of parental leave must be equivalent to the member of staff's original request.

If postponement of the member of staff's request for business reasons results in the end date of the member of staff's entitlement having passed (i.e. the child's fifth/eighteenth birthday (as applicable) or five years from date of adoption/placement), the member of staff must be permitted to take this period of parental leave after their entitlement expiry date.

5.3 Complaints of unreasonable refusal of requests

Members of staff who feel that they have been unreasonably refused leave should raise their concerns with their line manager or the head/director.

5.4 Advice/guidance

Advice/guidance may be sought from Human Resources.

6. Monitoring and recording parental leave taken

6.1 Leave taken in previous employment

Members of staff will be asked by their line manager, to complete and sign a parental leave declaration and request form.

6.2 Recording leave taken

Line managers are advised to keep local records of parental leave taken by their members of staff. HR will also record parental leave taken, in respect of the children of members of staff, on the HR/payroll system, for central monitoring purposes.