Unpaid Parental Leave Policy

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Unpaid Parental Leave Policy

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Policy scope and purpose

Scope and purpose	This document sets out the unpaid parental leave entitlements for employees on Teachers and support staff pay terms and conditions. This policy intends to: ● Fully inform employees of their entitlements in relation to unpaid parental leave ● Provide guidance on unpaid parental leave processes. ● Support managers by providing them with details of the ● trusts obligations to employees.
Legislative requirements	The Maternity and Parental Leave Regulations, which came into force on 15 December 1999, together with the provisions of the Employment Rights Act 1996, as amended by the Employment Relations Act 1999, the Employment Act 2002 and the Work and Families Act 2006, set out the framework for maternity rights.
Who uses this policy	This policy applies to all employees on Teachers and Support Staff Pay terms and conditions
Related policies	Maternity Leave and Pay Adoption Leave and Pay Paternity Leave and Pay Shared Parental Leave and Pay Surrogacy Special Leave Annual Leave Policy and Guidance

Introduction and Eligibility

Unpaid Parental Leave is the right to take unpaid time off work to look after a child or to arrange for the child's welfare.

Unpaid Parental Leave should not be confused with Shared Parental Leave which allows parents to share maternity or adoption leave between them.

The right to unpaid parental leave applies to both parents, whether they are biological or adoptive parents. Parents do not have to be living with a child to qualify for parental leave.

Unpaid parental leave is an individual right and cannot be transferred between parents. To qualify for unpaid parental leave all the following must apply:

- The employee must have at least one year's continuous service when the leave is taken
- The employee must be named on the child's birth or adoption certificate or they have, or expect to have, parental responsibility (which includes surrogate parents with a Parental Order)
- The employee must not be the child's foster parent (unless they have secured parental responsibility through the courts)
- The child must be under 18.

Continuous Service for Unpaid Parental Leave

An employee's continuous service date for unpaid parental leave eligibility is the length of time they have unbroken service with the Trust, but it also covers movement between employment by the County Council, the governing body of a community foundation or a voluntary aided school maintained by the County Council, or other modification order body - multi academy trust where there is no break in service. Continuity of service is normally broken if there has been a break in service of a period of one complete week, running from Sunday to Saturday between two contracts of employment, unless certain exceptions apply. The employee's statement of particulars of employment or amendment to contract letter confirms their continuous service start date.

Entitlement

A parent can take 18 weeks of unpaid parental leave (per child) prior to their child reaching 18 years of age. In any one year (running from January to December), each parent can take up to four weeks of parental leave. This needs to be taken in working-week blocks unless agreed otherwise, or unless their child is disabled.

The entitlement is given in working weeks. If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks, the number of days in a 'week' is the total number of days they work in a year divided by 52.

Unpaid parental leave applies to each child, not to an individual job. If a parent has used 10 weeks with a previous employer they can use up to 8 weeks with their new employer, if they are eligible.

Summary of Entitlement

Length of service	Entitlement
At least one year's continuous service at the time the leave is taken.	• Unpaid statutory leave • Up to 18 weeks in total up to age 18 • Up to 4 weeks for each child in any leave year • Both parents are eligible

Qualifying conditions for Unpaid Parental Leave

The employee must:

- provide the Head of School with a completed Unpaid Parental Leave Request Form *(Appendix A)* at least 21 days before the start of leave. If the employee or their partner is having a baby or adopting, it is 21 days before the week the baby or child is expected
- confirm the start and end dates in their application.

The Trust can ask for evidence of entitlement, such as a birth certificate, if it is reasonable to do so, for example when the first request is made, but not asking for evidence of entitlement each time an employee requests leave for the same child.

When Unpaid Parental Leave can be taken

Mothers/birth parents/primary adopters can take unpaid parental leave immediately after a period of maternity/adoption leave, provided that any notice requirements are met, and provided that other conditions, such as the qualifying period, are met.

Requests for unpaid parental leave cannot be refused but a request can be postponed if there is a 'significant reason', for example it would cause serious disruption to the school.

Leave cannot be postponed (delayed) by the manager if:

- there is no 'significant reason' for the leave to be delayed
- it is being taken by the father or partner immediately after the birth or adoption of a child
- it means an employee would no longer qualify for parental leave, for example, postponing it until after the child's 18th birthday.

If it is postponed, the manager:

- must write explaining why within 7 days of the original request
- suggest a new start date - this must be within 6 months of the requested start date and not change the amount of leave being requested.

Rights during Unpaid Parental Leave

Employees are entitled to receive all the normal terms and conditions of their contract of employment apart from normal pay.

An employee is protected from being subjected to detriment (by any act or deliberate failure to act by their employer) and protected from dismissal because they:

- Took unpaid parental leave

or

- Sought to take unpaid parental leave.

Detriment can cover a wide range of unfair treatment, such as denial of promotion, facilities, or training opportunities which the employer would otherwise have offered or made available.

Returning to Work following Unpaid Parental Leave

Employees who intend to return to work immediately after their unpaid parental leave period do not have to give notice of their return.

Employees have the right to return to their job, on terms and conditions no less favourable than those at the commencement of their unpaid parental leave, and to any improvements implemented in their absence unless this is not reasonably practicable, if they follow the notice procedures for taking parental leave and they:

- take 4 weeks or less of unpaid parental leave
- take 4 weeks or less of unpaid parental leave prior to or at the end of ordinary maternity leave, ordinary adoption leave or paternity leave (see relevant policies for more details)
- take unpaid parental leave in conjunction with shared parental leave (see shared parental leave policy for more details), where the total parental leave taken adds up to 26 weeks or less (that will include any periods of maternity, adoption or paternity leave taken in respect of the child).

The employee will have the right to return to their job or a similar job if it is not reasonably practicable to give them their old job if they:

- take more than 4 weeks of unpaid parental leave prior to or at the end of ordinary maternity leave or ordinary adoption leave
- take unpaid parental leave following a period of additional maternity leave or additional adoption leave
- take unpaid parental leave following a period or ordinary maternity leave if that period of ordinary maternity leave immediately follows a previous period of ordinary maternity leave or a period of additional maternity leave (back to back maternities)
- take unpaid parental leave in conjunction with shared parental leave where the total parental leave taken adds up to more than 26 weeks (including any periods maternity, adoption or paternity leave taken in respect of the child).

Similar means the job has the same or better terms and conditions. If the employee unreasonably refuses to take the similar job the school can take this as their resignation.

Annual Leave and Bank Holidays

An employee taking unpaid parental leave will continue to accrue all their paid annual leave (including bank holidays where applicable) whilst on unpaid parental leave. Employees who have a non-standard working pattern (e.g., term time only, annualised hours or on a bank (zero hours basis) should refer to their terms and conditions of employment on guidance about how their annual leave and bank holidays are calculated.

Pensions

LGPS Pension Scheme

Any weeks taken as unpaid parental leave will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence. If an employee is interested in buying the pension lost, they must refer to the LGPS website or contact My Helpdesk Pensions at crtpensions@surreycc.gov.uk if advice is needed.

Teachers' Pension Scheme

Any period of unpaid parental leave will not be counted as pensionable. For further information see the Teachers' Pension website or contact the Teachers' Pension helpline on 0345 606 6166..

Pay and Pay Progression

If the annual pay award/progression falls during the period of an employee's unpaid parental leave, they will be notified of their reviewed salary at the same time as other employees and will receive their reviewed salary upon their return to work.

Sickness Absence

If an employee is unwell before starting their period of unpaid parental leave, they can postpone it and take sick leave.

If an employee is due to return to work but then becomes ill and is unable to return, this will be treated as sickness absence in accordance with the Trusts Absence Management policy.

Other sources of information :

Unpaid parental leave: Entitlement - GOV.UK (www.gov.uk)
Time off for working parents - Maternity Action

Appendix A

Application for Unpaid Parental Leave Form

Employee Name	

Start Date of continuous service *(to be eligible this must be 1 year or more)*	

*Date of Birth of child *(see policy for qualifying conditions)*	
Name of child	
Start date of parental leave *(see policy for qualifying conditions)*	
End date of parental leave	

I confirm that I am named on the child's birth / adoption certificate or have, or expect to have, parental responsibility (which includes surrogate parents with a Parental Order)

Signed by employee	

** the birth/adoption certificate should be provided with the first application for this child.*

This form should be sent to the Head of School and copied in to HR@ietmat.co.uk