



# STEP Academy Trust

## Parental Leave Policy

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The STEP Academy Trust Board of Trustees has agreed this Policy and as such, it applies to all members of staff within the Trust.

### 1. Introduction

Under the amended Maternity and Parental Leave etc. Regulations the child age limit on "ordinary" parental leave increased from five years to 18 years. Ordinary parental leave now provides each person with parental responsibility with the right to up to 18 weeks' unpaid parental leave for each child under 18.

Ordinary parental leave is a legal entitlement for both men and women. It is a period of unpaid leave for employees who are the parents of children aged under 18.

**Please note:** *Parental leave should not be confused with shared parental leave, which applies in relation to babies due on or after 5 April 2015 or children placed for adoption on or after 5 April 2015, or who enter Great Britain on or after that date if adopted from overseas. Shared parental leave allows mothers or adopters who meet the eligibility requirements to bring their maternity or adoption leave to an end and choose to take shared parental leave with their partner, who must also meet the relevant eligibility requirements. Full details of shared parental leave can be found in the STEP Shared Parental Leave Policy.*

### 2. Key features

- 18 weeks parental leave for each child;
- Right to take parental leave until the child's 18<sup>th</sup> birthday;
- The employee will remain employed while on parental leave; some terms such as contractual notice and redundancy terms will still apply;
- At the end of parental leave an employee is guaranteed the right to return to the same job as before, or, if that is not practicable, a suitable job which has the same terms and conditions as the old job; where the leave taken is for a period of 4 weeks or less, the employee will be entitled to go back to the same job.

### **3. Main provisions**

- The leave can only be taken in blocks or multiples of one week\*;
- The amount of leave is restricted to four weeks per child per year;
- The employee must give at least 21 days' notice of any proposed period of parental leave. Parental leave may be postponed if it would unduly disrupt service provision for a period of no longer than six months;
- The leave cannot be postponed if the leave is to be taken upon the birth of a child or upon the placement of a child for adoption;
- \*Parents of children with disabilities can take their leave in blocks and multiples of one day rather than one week.

### **4. Who is entitled to parental leave?**

- All employees who have been continuously employed for one year and have or expect to have responsibility for a child;
- An employee has responsibility for a child if:
  - the employee is the named parent on the birth certificate; or
  - has adopted a child; or
  - has acquired parental responsibility under the Children Act 1989.

### **5. Extent of the entitlement**

An employee is entitled to 18 weeks' unpaid leave in respect of any individual child.

Where an employee's contractual hours **do not** vary, a week's leave for that employee is a period of absence from work which is equal in duration to the period of time that the employee would normally be required to work. For instance, an employee who works Monday to Friday, 36 hour week would be entitled to 18 weeks Monday to Friday, 36 hour week off on parental leave. Another employee, who works Monday to Wednesday, 21 hour week would be entitled to 18 weeks of parental leave of a similar pattern of work.

Where an employee's contractual hours vary from week to week or over a longer period, or where they are contractually required to work on some weeks but not on others, a week's leave is a period of absence from work which is equal in duration to the total number of periods which they are normally required to work in a year divided by 52.

### **6. Terms and conditions during periods of parental leave**

During parental leave the employee will remain an employee and contractual obligations still apply.

### **7. Right to return after parental leave.**

Where the leave is four weeks or less:

- Employees who take parental leave are entitled to return to the same position they held before they went on parental leave. See the position where parental leave of four weeks or less is taken straight after additional maternity leave.

Where the leave is more than four weeks:

- Employees who take parental leave are entitled to return to the same position they held before they went on parental leave OR if this is not reasonably practical to another suitable position.

At the end of the parental leave an employee is entitled to return to the same terms and conditions in respect of remuneration, seniority, pension rights and similar rights as if they had not been absent.

Employers are permitted to defer requests for parental leave where their business would be unduly disrupted if the employee took parental leave at the time requested (see para 9.1)

## **8. Parental leave and other HR policies**

Where parental leave of four weeks or less is taken immediately after a period of additional maternity / adoption / paternity leave or shared parental leave the employee is entitled to return to the job they held before their leave began. Except where it would not have been reasonably practical for the employee to return to that job even if they had returned at the end of their additional leave. Otherwise the employee is entitled to return to another job which is both suitable for them and appropriate for them in the circumstances.

If an employee abuses the parental leave scheme in any way disciplinary action may be taken.

## **9. Records**

Employers will keep records of any parental leave taken.

## **10. Evidence**

The employer can request evidence of an employee's entitlement to parental leave. This may take the form of evidence of any or all of the following:

- evidence of the employee's responsibility or expected responsibility for the child in respect of whom parental leave is claimed;
- the child's date of birth or, in the case of a child who was placed with the employee for adoption, the date on which the placement began; and
- in the case of a child with a disability, evidence of the child's entitlement to Disability Living Allowance.

## **11. Notice**

An employee wishing to take parental leave must provide 21 days' notice, specifying the date on which the period of leave is to begin and end. In addition:

- i. Where the employee with parental responsibility for a child is to start parental leave on the date on which the child is born must:
  - Specify the expected week of childbirth; and
  - Specify the duration of the period of leave; and
  - be given to the employer at least 21 days before the expected week of childbirth.
- ii. In adoption cases, where parental leave is to start on the date of the placement the notice must:
  - specify the week in which the placement is to occur; and
  - specify the duration of the period of leave; and
  - be given to the employer at least 21 days before the beginning of that week, or if that is not reasonably practicable, as soon as is reasonably practicable.

## 12. Postponement of parental leave

Except where parental leave is to be taken on the birth of a child or placement of a child for adoption and the employee has given the required notice (as detailed above) the employer is permitted to postpone the taking of parental leave where it would unduly disrupt service delivery, for a period not in excess of six months.<sup>1</sup>

Where the employer wishes to postpone a period of parental leave it must, within 7 days of the employee's notice being given:

- give the employee notice in writing of the postponement;
- state in the notice, the reason for the postponement; and
- specify the date on which the period of leave the employer agrees to permit the employee to take will begin and end.

## 13. Minimum periods of leave

An employee cannot take parental leave in blocks of less than a week. **Except** where the child in respect of whom leave is taken is entitled to a Disability Living Allowance, then leave may be taken in daily blocks.

Maximum parental leave allowance per year\*

An employee may not take more than four weeks leave in respect of any individual child during a particular year.

*\*A year is a period of 12 months beginning from:*

*the date on which the employee first became entitled to take parental leave in respect of that particular child; or*

*in a case where the employee's continuous service has been interrupted, on the date on which the employee most recently became entitled to take parental leave in respect of that child.*

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<sup>1</sup> Other factors which might count towards postponing the taking of leave could include a peak business period or a peak absence period, the level of the employee's skill and responsibility, or the difficulty in covering the absence.