

## Crosslee Community Primary School



## Parental Leave Policy

**May 2022**

This policy and procedure has been produced by One Education’s HR and People service. The HR and People team provides management and HR support and advice to schools and academies purchasing their services under an agreed Service Agreement. For further information please contact the HR and People team via the HROne Helpline: 0844 967 1112 (local rate from landline) or HROne Helpline Email: [hrpeople@oneeducation.co.uk](mailto:hrpeople@oneeducation.co.uk) Website: [www.oneeducation.co.uk](http://www.oneeducation.co.uk)

This policy is recommended for adoption by all maintained schools including community, voluntary controlled, community special, maintained nursery, foundation, foundation special and voluntary aided schools. It is also recommended for adoption by academies and free schools (modified as appropriate and taking into account the particular circumstances of the relevant academy or free school). Some school or academy specific provisions are included. This policy should therefore be adapted as necessary and inappropriate provisions deleted. The HR and People team can assist in adapting this policy to fully reflect a school’s status including their academy or multi academy trust (MAT) status.

References in this policy to schools include a reference to academies and free schools unless otherwise stated. References in this policy to the headteacher include a reference to an academy or free school principal and references to the governing body include references to governing boards and/or trust boards as applicable.

<b>Document Control</b>	
Title	Parental Leave Policy
Date	May 2022
Supersedes	Previous Parental Leave policies and procedures 2020
Amendments	Reviewed to ensure compliance with current employment guidance and regulations
Related Policies/Guidance	Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002, Work and Families Act 2006, other “family friendly” policies, Attendance Management Policy, Equalities guidance
Review	Every 2 years
Author	HR and People, One Education Ltd
Date adopted	11 <sup>th</sup> May 2022

**Equality Statement:** - Under the public sector equality duty (PSED), all schools/academies must have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics. This means schools/academies must take into account equality considerations when policies are being developed, adopted and implemented. The One Education HR and People team regularly reviews all policies and procedures which are recommended to schools/academies to ensure compliance with education and employment legislation including the Equality Act 2010. Consultation with schools/academies is an important part of this review process. Headteachers, Principals and Governing Bodies are asked to contact the HR and People team via the HROne Helpline if they believe there are any negative equality impacts in their school/academy in relation to the application of this policy/procedure. Schools should also contact HR and People team if they need to access this policy in a different format.

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## 1. Introduction

- 1.1 Parental Leave is the right for an employee to take time off in order to take care of the employee's child or make arrangements for their welfare.
- 1.2 Parental Leave is a separate entitlement to time off to deal with emergency situations which may arise in relation to a child. For time off regarding this please see the school's Leave of Absence Policy.
- 1.3 Parental Leave should **not** be confused with Shared Parental Leave, which employees may be eligible for and is a separate right. For more information please see the school's Shared Parental Leave Policy.

## 2. Scope

- 2.1 This policy applies to all staff who are parents to children under the age of 18 and who have qualifying service with the school/academy or local authority (see [paragraph 4](#)).

## 3. Parental Leave

- 3.1 Parental Leave must be used in order to look after the welfare of a child, and can include making arrangements such as speculative school visits, spending time with the child during hospital stays or enabling the child to spend more time with family.
- 3.2 Eligible employees can take up to 18 weeks parental leave for each child under the age of 18.
- 3.3 Parental Leave must be taken in blocks of at least one weeks' leave. The exception to this is that parents of disabled children may take leave in blocks of less than one week in order to care for their children if requested.
- 3.4 Employees cannot take more than 4 weeks parental leave per child in any one year of entitlement, starting from the date of the first entitlement.
- 3.5 One week's parental leave is equal to the length of time that a staff member is usually required to work within a week.
- 3.6 There is no statutory entitlement to pay for periods of Parental Leave and therefore, **any period of Parental Leave will be unpaid.**

## 4. Eligibility

- 4.1 Parental Leave is available to all employees who have parental responsibility (either natural or adoptive parents) for a child as defined under the Children Act 1989.
- 4.2 Parents are not required to live with their children, however they must have caring responsibilities in order to be eligible for parental leave.
- 4.3 Foster parents are not eligible for Parental Leave.
- 4.4 Employees must have at least one year's continuous service with the school/academy or Local Authority in order to be eligible to take Parental Leave.

## 5. Notification for leave

- 5.1 Employees must provide at least 21 days' notice in writing of their request to take Parental Leave (a request form is provided at [Appendix A](#)).
- 5.2 Employees must provide information relating to the start and end dates of the leave and confirm their eligibility to take Parental Leave against the criteria set out above.
- 5.3 The Headteacher may ask to see evidence that the employee is the parent of a child or has parental responsibility for the child. Evidence might take the form of information contained in the child's birth certificate, papers confirming a child's adoption or the date of placement, or in the case of a disabled child, the award of disability living allowance for the child. The Headteacher's request must be reasonable; it would be seen as unreasonable to check on the employee's entitlement each time parental leave is asked for.

## 6. Fall back scheme

- 6.1 Each request for Parental Leave will be considered carefully and wherever possible, the employee will be authorised to take Parental Leave on the dates requested.
- 6.2 Where the Headteacher considers that the employee's absence would unduly disrupt the efficient running of the school, then the leave may be postponed for up to a maximum of 6 months after the start date originally sought by the employee. If this situation arises, advice should be sought from HR and People.
- 6.3 Headteacher should discuss the postponement with the member of staff and in the event of postponement must give notice in writing no later than 7 days after the individual's request to take leave was submitted. Reasons for postponement should be fully and objectively justified. The Headteacher's postponement notice should give the reason(s) for the postponement and set out the new dates of parental leave. The length of the leave should be equivalent to that in the employee's original request.
- 6.4 If an employee applies to take parental leave immediately after the birth or adoption of a child, then the Headteacher **cannot** postpone the leave. The employee must give 21 days' notice before the beginning of the expected week of childbirth or the expected week of placement for adoption.

## 7. Right to return to work

- 7.1 Employees have the right to return to the same job, if they take less than four weeks parental leave.
- 7.2 If an employee is, in exceptional circumstances, permitted to take more than 4 week's leave, or an employee takes parental leave immediately before or after adoption or maternity leave, they are entitled to return to the same job unless it is not reasonably practicable, in which case the employee is entitled to another job which is suitable and on terms which are not substantially less favourable. In these circumstances the Headteacher should take HR advice.

## 8. Continuous service

8.1 Continuous service is unaffected by periods of parental leave. With the exception of salary, all terms and conditions of employment remain in force during periods of Parental Leave.

## 9. Pension

9.1 **Parental Leave is unpaid** and therefore does not count towards pensionable service in the assessment of retirement benefits.

## 10. Further advice

The Headteacher (or nominee) should seek advice from One Education HR and People if they have any queries about the content or implementation of this policy.

Headteachers should contact the HR and People Advisory Service for relevant templates and further guidance.

**Notifications of entitlement to pay and leave may be undertaken on behalf of the school by the school's payroll provider. The school must ensure that all relevant documentation is provided in a timely manner to the payroll provider.**

## 11. Relevant Associated Policies

- ✓ Leave of Absence Policy
- ✓ Maternity Leave Policy
- ✓ Paternity Leave Policy
- ✓ Shared Parental Leave Policy

## Appendix A - Request form for Parental Leave

Surname or family name	
First name(s)	
National Insurance Number	

Child's Date of Birth or date of placement of the child/children:	
Is this the first request for ordinary parental leave? (attach a copy of the birth/placement certificate).	
<p>If this is not your first request provide dates of any previously taken parental leave (including any taken with a previous employer).</p> <p>A maximum of 4 weeks per year per child up to the age of 18.</p>	<p>From: ..... To: .....</p> <p>From: ..... To: .....</p> <p>From: ..... To: .....</p> <p>From: ..... To: .....</p>

### Leave Request Details:

(Leave may be taken in blocks of one week (maximum of four weeks in any one year) at any time up to the child's 18<sup>th</sup> birthday).

Dates Requested	From: ..... To: .....
(please note you must give at least 21 days' notice)	From: ..... To: .....
	From: ..... To: .....
	From: ..... To: .....

**Declaration:** (You must be able to tick all three boxes below to be eligible for parental leave).

- I have at least one year's continuous service with the school/academy or Local Authority.
- I will have parental responsibility for caring for the child/children.
- I am requesting unpaid parental leave to look after the child's/children's welfare.

Signed

Date