

# Parental Leave Policy

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Originator: L McCormick	Agreed: RTC Annual Meeting 4 <sup>th</sup> May 2021

## BACKGROUND

### **POLICY**

Ripley Town Council has adopted this Parental Leave Policy to provide a sound structure to the way it conducts its business

## Parental Leave

Parents of young children are entitled to take up to 18 weeks' unpaid leave to care for the child.

18 weeks can be taken in respect of each child and can be taken by each parent so if the Council has both parents in its employment, both employees will be potentially entitled to take 18 weeks' parental leave.

Parental leave can be taken at any time up to the child's 5<sup>th</sup> birthday or, in the case of a child who suffers from a disability, any time up to their 18<sup>th</sup> birthday. In the case of adopted children, leave can be taken at any time in the first five years after the child is placed with its adoptive parents; however, it must be taken before the child reaches 18, even if that is before the five years are up.

Leave can only be taken in blocks of a week unless the child has a disability, in which case shorter periods are permissible. No more than 4 weeks' parental leave in respect of each qualifying child can be taken in any one year.

As there is no obligation for the employer to pay an employee while they are on parental leave, the number of employees who take parental leave is relatively low. It is most commonly taken as an add-on to additional maternity leave.

### **Entitlement**

In order to be eligible to take parental leave, an employee must meet the following requirements:

- Be an employee; and
- Have continuous employment with the current employer for at least one year (Note that employees may have acquired one year's continuous service by virtue of working for a series of different local authorities on short term contracts or by virtue of a TUPE transfer from one local authority to another); and
- Either:

He or she has parental responsibility for a child, or

He is registered as the child's father on its birth certificate.

### **Notice Requirements**

An employee must give 21 days' notice of the precise start and finish dates of the leave.

Unless the request is for days commencing with the date the child is born, which is unlikely, then an employer can refuse to grant a request for parental leave for up to six months if it considers that taking leave at the employee's preferred time would unduly disrupt its business.

An employer is entitled to request proof of an employee's entitlement to parental leave and failure to provide such evidence entitles the employer to refuse to grant the leave.

During parental leave, an employee is entitled to the implied obligation of trust and confidence (An employee and employer owe each other a duty not to act in a way that is likely to destroy or seriously damage the relationship of trust and confidence between employer and employee) and the benefit of terms and conditions relating to:

- Notice of termination by the employer;
- Redundancy compensation;
- Grievance and disciplinary procedures.

An employee must abide by the implied obligation of good faith and obligations relating to:

- Notice of termination of employment by the employee;
- Disclosure of confidential information;
- Acceptance of gifts or other benefits;
- The employee's participation in any other businesses.

### **Right to Return**

An employee has the right to return to work after a period of parental leave. Where the employee is returning after a period of parental leave of four weeks or less, he or she is entitled to return to the job in which he or she was employed before the absence, provided the leave was an isolated period or it was the last of 2 or more consecutive periods of statutory leave which did not include additional maternity or adoption leave.

In any other case, the employee is entitled to return to:

- The job which he or she was employed before his absence, or
- If that is not reasonably practicable, to another job this is suitable and appropriate in the circumstances.

### **National Agreement on Pay and Conditions of Service**

Provided that Council policy is no less favourable to the employee than the statutory minimum parental leave provisions, a Council is able to put in place a Parental Leave Policy in place of that laid down by the general law by collective or workforce agreement. If the Council's employees' terms and conditions are governed by Green Book provisions, it is recommended that the model Parental Leave Policy contained within the National Agreement is implemented.

The main differences between the model policy and the default provisions under the general law are that leave is granted to those eligible for children up to the age of 8 or for up to 8 years following adoption. In addition, the Green Book policy also reduces the notice to be given by the employee before the day he or she intends to take the leave from 21 to 7 days. If an employee doesn't give the required notice, then the Council may use their discretion to allow the leave. The model policy also provides that any postponement to a request should be for no longer than 3 months.