



# Langley Park Learning Trust

## Parental Leave Policy

Staff at Langley Park Learning Trust

Owner (job role):	Director of HR
Approval Body:	Trust Board
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Version	Approval Date	Summary of Changes
1.0	22/10/20	New policy

## 1. Introduction

- 1.1 Parental leave is a form of statutory unpaid leave available to working parents in addition to statutory maternity, paternity and adoption leave.
- 1.2 The entitlement is set out in the Maternity and Parental Leave etc Regulations 1999 (as amended) which implement the Parental Leave (EU Directive) Regulations 2013. Eligible employees have a right to be absent from work for the purpose of caring for a child up until the child's 18th birthday.

## 2. Eligibility and entitlement

- 2.1 The statutory right to parental leave is available only to employees who have been continuously employed for a period of not less than one year and have, or expect to have, responsibility for a child.
- 2.2 Each parent who meets the criteria has a statutory right to a total of 18 weeks' unpaid leave for each child, in addition to maternity, paternity or adoption leave.
- 2.3 This entitlement lasts until the child's 18th birthday. The limit on how much parental leave can be taken in one year is four weeks.
- 2.4 Parental leave must be taken in blocks of one week unless the employer agrees otherwise.

## 3. Definition of parental responsibility

- 3.1 The Children Act 1989 defines parental responsibility as all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and the child's property. The term therefore refers to:
  - Both the father and mother married at the time of the birth.
  - An unmarried mother.
  - An unmarried father, if he is registered as the child's father.
  - An appointed guardian with legal responsibility for the child.
  - Adoptive parents.
  - A partner of the main carer (whatever gender), if they have care responsibility for the child.
  - Parents under a surrogacy arrangement who have secured, or expect to secure, legal parental responsibility.
  - Others who have legal parental responsibility for the child.
- 3.2 Currently, step-parents and foster parents are not covered unless they already have, or expect to have, parental responsibility by adopting the child.

## 4. Reasons for taking parental leave

4.1 Parental leave may only be used for the specific purposes of caring for a child for which the employee has parental responsibility. Such reasons may include:

- Spending more time with a young child, individually or as a family.
- Accompanying a child during a stay in hospital.
- Establishing new childcare arrangements.
- Looking at new schools.

4.2 Should an employee use or attempt to use parental leave for purposes other than caring for a child for which s/he has parental responsibility, the Trust may take disciplinary action under the relevant procedures.

## 5. Contractual position

5.1 Particulars of employment

5.2 Parental leave applies to each child and not to the employee's job, so unpaid parental leave can be carried over from one employer to the next if an eligible employee changes jobs. For example, if a parent has already taken ten weeks with one employer, they will have eight weeks remaining with the next.

5.3 During the parental leave period, the particulars of employment will continue and both employer and employee will be bound by the duty of good faith, trust and confidentiality.

## 6. Return to work

6.1 The employee retains the right to return to their original job where the leave does not exceed four weeks. If this is not possible, or where the period of leave exceeds four weeks, or follows a period of maternity/paternity or adoptive leave, that right is to suitable alternative employment on no less favourable terms.

## 7. Salary

7.1 On return, the employee will be paid a salary equal to the salary that would have been paid, had they not been absent from work because of parental leave.

## 8. Redundancy

8.1 If a redundancy situation arises during the leave period, the employee will be treated as though they were at work.

## 9. Annual leave

9.1 During periods of parental leave, statutory annual leave will continue to accrue, but contractual leave does not, unless subject to any local agreement.

## 10. Pension

- 10.1 An employee who contributes to the Trust pension schemes will be required to pay contributions during the first 30 days of absence on parental leave. Employees who wish to maintain their pension contributions during periods of unpaid leave beyond the 30 days must notify payroll within 30 days of the start of their leave. The trust will continue to make contributions under the scheme during the parental leave regardless of whether it is paid or unpaid.

## 11. Part-time employees

- 11.1 Part-time employees have the same entitlement to parental leave as full-time employees. If they work for two days a week, for example, a weeks' parental leave will cover those two days. If hours of work vary from week to week, the employee will be entitled to parental leave on a pro-rata basis calculated over a period of 52 weeks. In reality, the time worked in any week becomes the week for calculating the entitlement for that employee.

## 12. Requesting parental leave

- 12.1 Employees must give the following periods of notice:
- 21 days' written notice specifying the start and end dates of the leave requested.
  - 21 days' written notice of the date of the expected week of birth, if the employee wishes to take leave immediately following any maternity leave.
  - 21 days' written notice of the date of the expected week of adoption, if adoptive parents want to take leave at the time of the placement.
- 12.2 Requests for time off under the parental leave scheme should be made to the school governing board, through the headteacher. The school governing board will then consider whether to approve or postpone the application.

## 13. The employer's right to postpone parental leave

- 13.1 The school governing board may postpone leave for urgent business or organisational reasons to an agreed future date, but for no more than six months. Reasons for postponement may include disruption to school business and operations. Leave postponed by the school governing board is not forfeited if the child reaches the age of 18 before it is taken. If the leave is postponed, the whole of the time requested must be postponed to a specific future date; the manager may not require the employee to split it into shorter periods. Written reasons must be given for the postponement within seven days of the original request and alternative dates should be suggested.
- 13.2 There are circumstances, however, in which the leave cannot be postponed, and that is when it is timed to be at the birth or adoption of the child. If the employee has given 21 days' notice of the expected date of birth or adoption of a child, the school governing board will not postpone a request for leave at the time of the birth or adoption.

13.3 Parental leave may also not be postponed beyond the date of the relevant child's 18th birthday.

#### 14. Records

- The manager of an employee who seeks parental leave is entitled to see the birth certificate, record of adoption or legal evidence that the employee has acquired parental responsibility for a child, or evidence that disability living allowance is awarded for a disabled child.
- While there is no obligation to keep records of the amount of parental leave taken, managers should do so to ensure that maximum entitlements are not exceeded. Written confirmation should be forwarded to payroll of the actual amount of unpaid leave taken.
- Employees should note that the Trust is entitled to ask previous employers how much parental leave has been granted and may be requested to provide similar information to future employers.

#### 15. Related documents

15.1 This policy should be read in conjunction with other Trust policies, including those relating to maternity, paternity, adoption and flexible working.