

# PARENTAL LEAVE POLICY

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The right to parental leave is a statutory right, introduced by the Employment Relations Act 1999 and the Maternity and Parental Leave Regulations 1999. The right is to a total of 13 weeks' unpaid leave for the purpose of caring for a child. An additional 5 weeks shall be granted to those with responsibility for a child for whom Disability Living Allowance has been claimed. In its widest sense caring for a child may be viewed under the regulations as allowing parents to spend more time with their children when they are young and to relieve some of the stresses of working and caring. Employees may, however as an alternative to Parental Leave, wish to consider applying for Carers Leave which is paid.

QRS has developed a policy for the granting of parental leave which it is intended should be applied to all employees. It is vital that the procedure for the granting of parental leave is applied consistently, fairly and sensitively to all employees.

## 1. Qualifying for parental leave

To qualify to apply for parental leave an employee must:

- ⇒ Have been in the company for more than a year
- ⇒ Be named on the child's birth or adoption certificate or they have or expect to have parental responsibility
- ⇒ Have a child under 18
- ⇒ Not be self-employed or a 'worker' from an agency
- ⇒ Not be a foster parent (unless they've secured parental responsibility through the courts)

## 2. Definitions

For the purposes of this policy, the definition of child is anyone up to 18 years old, regardless of whether they are adopted or birth children.

***Where the child(ren) is adopted*** parental leave may be taken up to eight years after the child is placed for adoption or until the child is 18 years old, whichever is the earliest.

***Where the child(ren) is disabled*** parental leave may be taken up to the date when the child reaches the age of 18. A disabled child is one for whom disability living allowance is awarded.

## 3. What is meant by 'Responsibility for a child'?

An employee who is entitled to apply for parental leave is defined by the regulations as having 'responsibility for a child' i.e.

- ⇒ The mother.
- ⇒ The father of the child if he was married to the mother at the time of the birth or he is registered as the child's father.
- ⇒ The father (if not covered by the above) if he has acquired parental responsibility under the Children Act 1989.

- ⇒ A guardian appointed under the Children Act 1989.
- ⇒ Grandparents with a significant parenting role.
- ⇒ Adoptive parents (including prior to placement).
- ⇒ A spouse or partner or any of the above (of either sex) if he or she is living with the child.
- ⇒ Civil partners and partners of mothers registered as the child's legal parent on the birth certificate. For non-civil partners, the 2<sup>nd</sup> parent can get responsibility by applying for parental responsibility if a parental agreement was made or by becoming a civil partner of the other parent and making a parental responsibility agreement or jointly register.
- ⇒ Foster parents.

## 4. Evidence

On applying for parental leave, the employee may be asked to produce a copy of the child's birth certificate. If this does not show proof of parental responsibility the employee may also be required to produce further evidence, for example, adoption papers.

## 5. Flexibility

QRS will strive to be sympathetic to flexible parental leave-taking arrangements as requested by employees.

Parental Leave may be taken:

- ⇒ As a single block of up to 13 weeks (or 18 weeks if the child is in receipt of Disability Living Allowance).
- ⇒ As a number of shorter periods of a minimum of half a day.
- ⇒ In patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 13 weeks leave as a single block (or 18 weeks if the child is in receipt of Disability Living Allowance).

Parental leave is an individual entitlement for each employee. It is the employee who attracts the statutory entitlement, not each individual contract of employment. In circumstances where both parents, as defined above in this policy, are employees, they may both apply to take parental leave, together or separately, in respect of the same child. However, the needs of the business will need to be considered as to whether QRS is able to grant leave to both parents at the same time.

An employee is entitled to apply for parental leave separately for each child for which they have responsibility.

## 6. Notice

An employee is required to make every attempt to give their line manager as much notice as possible that they intend to take parental leave with a minimum of 7 days' notice in writing before the day they propose to take the leave.

Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of their Director.

## 7. Postponement of parental leave

Every attempt will be made by QRS to avoid the postponement of Parental Leave. In any event, leave shall not be postponed for more than three months except in exceptional circumstances. Leave can be postponed where undue disruption would be caused for example:

- ⇒ Where more time is needed to make arrangements for covering the employee's work.
- ⇒ Where there is a peak in the workload.
- ⇒ Where the particular employee's skills are needed at a particular time and the work cannot be easily covered.

In terms of this policy 'exceptional circumstances' is where the service would be unduly disrupted if the employee took leave identified in their notice. In cases where this may be an issue the following procedure will apply:

- ⇒ A meeting will be arranged as soon as is practicable between the employee and their line manager after receiving a request for leave that cannot be granted.

The aim of this meeting will be to come to an agreement over an alternative arrangement.

These might include:

- ⇒ A different pattern of leave – e.g. part time rather than full time.
- ⇒ Shorter or longer period of leave.
- ⇒ Alternative dates within the three-month period.

Where there is no agreement, QRS will as a minimum permit the employee to take a period of leave of the same duration and beginning on a date determined in consultation with the employee no later than three months after the originally notified start date.

Following consultation with the employee QRS will give the employee notice in writing of the postponement that states the reasons for it and specifies the date on which the agreed period of leave will start and end.

Postponement cannot be used where employees in the particular circumstances outlined below have requested parental leave.

## 8. Following Maternity Support Leave

The unpredictability of childbirth will also have implications for notice. It is recommended that employees intending to take maternity support leave should discuss their likely requirement for parental leave at the same time as discussing Maternity Support Leave.

## 9. Following Maternity Leave

Where a mother takes a period of parental leave following on from a period of maternity leave.

## 10. At the time of adoption

At times prior to adoption where the parent is required to be at home as part of the adoption process, or following adoption leave.

## 11. Return to work

Employees on parental leave have the same right to return to their job as provided to those on maternity leave. Briefly the provision for returning to work after parental leave is as follows:

- ⇒ If you are intending to return to work, you will be entitled to return to the job in which you are employed under the same terms and conditions of employment.
- ⇒ In exceptional circumstances (e.g. redundancy, general re-organisation), it may not be possible to return to your present job. In such cases, you will be offered, where possible, suitable alternative employment under similar terms and conditions.

## 12. Record-keeping

Managers should record on an employee's record any parental leave which has been taken. Employees will be asked to declare how much (if any) parental leave they have already taken with previous employers.

## 13. Misuse of the parental leave scheme

Any misuse of the scheme may be dealt with under QRS's disciplinary procedure. The following are examples of misuse:

- ⇒ Taking parental leave for purposes other than for caring for a child. This will generally be in circumstances where someone other than the employee is taking primary responsibility for the child.
- ⇒ Making a false statement as to entitlement to parental leave, for example the age of the child, the relationship with the child or the amount of parental leave taken with a previous employee.

*These policies supplement your terms of employment but are not of contractual effect. Their purpose is to explain the Company's current policies and procedures but they may be subject to change without notice if changes are considered appropriate by the Company or if there are changes in relevant legislation.*