

SOLIHULL METROPOLITAN BOROUGH COUNCIL

Ordinary Parental Leave Scheme

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework

Version	Date	Reason for change
4	April 2018	GDPR statement added to policy p4 and request form

ORDINARY PARENTAL LEAVE SCHEME

Introduction

An employee is entitled to 18 weeks' **unpaid** parental leave per child/young person if he/she:

- Is the parent or adoptive parent of a child/young person who is under 18 years of age.
- Has acquired formal parental responsibility for a child/ young person who is under 18 years of age.

“Ordinary” parental leave should not be confused with shared parental leave. Shared parental leave enables mothers to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. The Council/ School provides a separate policy on shared parental leave for this purpose available on the [Intranet](#)/School's [Extranet](#).

Eligibility

To qualify for parental leave, employees must have completed at least one year's local government continuous service.

Employees who do not qualify for this scheme may have entitlement under the Occupational Maternity Support Scheme.

Casual employees are not employed continuously so are ineligible for the Scheme.

Entitlement

For any individual child/ young person, in any parental leave year, the limit on how much parental leave can be taken a year is **four weeks**'.

Parental leave can be taken in blocks of no less than **one week** (except in relation to a child/young person who is disabled).

For these purposes a parental leave year is the anniversary of the date of the first application for parental leave.

Parental Leave applies to each child/young person not to an individual's job, therefore any parental leave taken with a previous employer will be counted towards the total 18 weeks entitlement.

Employees may be asked to provide evidence as to his/her entitlement, for example leave taken with a previous employer; parental responsibility or expected responsibility

for the child/young person; the child/young person's date of birth or date on which placement for adoption began. .

Notice Period

Employees must give at least **21 days'** notice before the date on which leave is to start. Employees must confirm the start and end dates in their notice. Employees may wish to use the Parental Leave Request form (Appendix A).

Delaying Leave

The granting of leave is subject to operational/ service considerations and managers/ head teachers may postpone a period of parental leave.

Parental Leave may only be postponed where there is a 'significant business reason' (for example where the timing would cause serious operational problems). In such cases, the manager/ head teacher will

- write to the employee giving reasons for the postponement within 7 days of the original request
- suggest a new start date - this must be an equivalent period of parental leave beginning no later than 6 months after the start date originally requested.

Parental Leave may **not** be postponed (delayed) in circumstances where:

- it is being taken by the parent or adoptive parent immediately after the birth or adoption of a child/young person
- it means an employee would no longer qualify for parental leave – e.g. postponing it until after the young person's 18th birthday

Rights during leave

During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended.

The right to accrue holiday entitlement will, however, remain in place.

During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- Notice of termination;
- Redundancy compensation; and
- Disciplinary or grievance procedures

Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- Notice of termination;

- Disclosure and confidential information
- Employee Code of Conduct

Pensions

- For employees who are members of the Local Government Pension Scheme (LGPS)/ NHS Pension Scheme:

During the unpaid period of Parental Leave, LGPS/NHS employees may elect to buy any or all 'lost' pension through an Additional Pension Contribution (APC). If this is done within 30 days of returning to work the Council/ School shall pay two thirds of the cost of the APC (a shared cost APC) and you will pay the remaining one third. If you make your election past the 30 day deadline the Council/ School will not make a contribution to the APC and the full cost has to be met by yourself. If you choose to stop contributions during the same period, this will not count towards reckonable service for pension purposes until contributions are resumed.

- For employees on Teachers terms and conditions where authorised unpaid leave occurs, deductions of salary shall be calculated at a rate based on the day's salary being 1/365th of a year for each day of the period of absence (Section 3, paragraph 3.2 of the 'Burgundy Book').

Unpaid parental leave, the leave will not count towards pensionable service and the Teachers Pension Scheme regulations do not allow restoration of this lost service.

For further advice on how unpaid parental leave affects your pensionable service please contact the pension's provider.

Return from Leave

At the end of parental leave (i.e. a period of four weeks or less); the employee will be entitled to return to the same job. If the period of parental leave follows immediately from a period of additional maternity or adoption leave, then the employee will be entitled to return to the same job, or, if that is not practicable, to a similar job on no less favourable terms and conditions as the previous job.

Data Protection

When managing your parental leave and pay, the Council processes personal data that has been collected in accordance with its data protection policy. Data collected from the point at which you inform the Council that you wish to take parental leave, is held securely and accessed by, and disclosed to, individuals only for the purposes of managing your parental leave and pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the Council's disciplinary procedure.

Appendix A



REQUEST FOR PARENTAL LEAVE

(Please complete a separate form for each child/young person for whom parental leave is requested)

Name of employee	
Employee number	
Job title	
Directorate/School	
Date commenced employment	
Amount of parental leave taken previously in respect of relevant child/young person	

I would like to apply for [] week(s)/day(s) unpaid parental leave from [date] to [date].
(applications for parental leave in periods of a day or multiples thereof may be made only where the child/young person in question is disabled)

The leave requested relates to my [*baby/son/daughter] [name where applicable] [*due on [date] / who was born on [date] / who was adopted on [date] . (*delete as appropriate)

I attach a copy of [child/young person's name]'s [birth certificate/adoption papers][entitlement to disability living allowance} **(delete if not applicable)**

I recognise that I may be required to provide evidence to support my request for parental leave and that the Council/ School is entitled to make enquiries of all or any of my previous employers in relation to any previous periods of parental leave taken.

I also recognise that the organisation may postpone the period of leave requested by up to six months where the leave requested does not coincide with the expected week of my child's birth or adoption and the business would otherwise be unduly disrupted by my absence.

Signed	
Date	

Please return this form to the Line Manager/Headteacher at least 21 days prior to the date on which your requested period of parental leave is due to commence

Manager Authorisation: *Subject to eligibility, I agree to this parental leave request*

Signed	
Date	

DATA PROTECTION FAIR PROCESSING NOTICE

All information supplied on this form may be held and used as detailed:

The form will be passed to the Human Resources department to process your parental leave and to ensure that you receive the pay and other benefits to which you are entitled. The line manager will also retain a copy of the form to manage the parental leave absence and to allow effective workforce management.

The information you provide may be shared with third parties such as other Local Authorities, the Department of Work and Pensions (DWP), HMRC and pension scheme providers.

For further information about how we use your information please refer to the Council's Data Protection Policy on the [Intranet](#)/ School's [Extranet](#) and Privacy Statement on www.solihull.gov.uk.