

Parental Leave Guidance for Schools

DEPARTMENT OF CHILDREN'S SERVICES

This is issued as guidance

PARENTAL LEAVE GUIDE FOR EMPLOYEES AND HEADTEACHERS

What is parental leave?

Parental leave should only be taken to care for the welfare of a child, for example an employee may wish to take leave to:

- Stay with a child who is in hospital
- To spend more time with a child
- To make school / childcare arrangements and to help them settle in

Who has the right to take Parental Leave

If you have one year's continuous service (by the date that you want to take parental leave) you are entitled to receive 18 weeks unpaid parental leave *for each child* born or adopted for the purposes of caring for a child.

Who can make an application

Those who have a child aged under 18 , you must be the parent:

- Named on the child's birth certificate
- Named on the child's adoption certificate
- Legal parental responsibility for a child under 18 If you are separated or don't live with the child, you have the right to parental leave if you keep formal parental responsibility for the child.

When can you take unpaid Parental Leave: -

The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later. Employees can take it at any time up to the child's 18th birthday.

When can the request be made

A request should be made to an employer giving 21 days notice of the start date of the parental leave, the employer may ask for this to be in writing. As long as the employee qualifies for parental leave and gives the employer the correct notice the employee should be able to take parental leave at any time.

To take parental leave straight after the birth or adoption of a child, an employee should give notice 21 days before the beginning of the expected week of childbirth or placement. In cases where this may not be possible they should give notice to the employer as soon as possible. For example, if a child is born prematurely or where less than 21 days notice is given that a child is to be placed with you for adoption.

Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off. Employees cannot take off more than four weeks during a year. A week is based on an employees working pattern.

An employee will remain employed while on parental leave and some terms of your contract, such as contractual notice and redundancy terms, still apply.

Can an employer postpone parental leave?

An employer can only postpone parental leave if they have a good business reason for doing so, for example seasonal production, another member of staff is off or the staff absence would harm the business. Parental leave can be postponed for up to 6 months but cannot be postponed so that the leave ends after the child's 18th birthday.

Can an employee take off more than four weeks in a year?

The default arrangement does not allow anyone to take off more than 4 weeks in any year. However, if the employer agrees to more parental leave being taken then it may be possible.

What can an employee do if they change employers?

If an employee gets a new job they can carry over the untaken parental leave, but not until they have been with the new employer for a year.

What arrangements can be made if someone does not qualify?

If an employee does not qualify for parental leave, then the employer may offer contractual parental leave where may be offered to all staff. Alternately annual leave or unpaid leave may be taken