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# PARENTAL LEAVE

## Policy and Procedure

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### 1 Introduction

You have the right to unpaid time off to look after your child's welfare up to their 18<sup>th</sup> birthday. This is called 'ordinary' or unpaid parental leave.

Reasons you might take Parental Leave to be with your child could be to: -

- spend more time with them
- look after them in school holidays
- care for them when they're off school sick/accompany them during a hospital stay
- check out new schools/go to school open days or events with them
- help settle them into new childcare arrangements
- enable a family to spend more time together, e.g., visiting grandparents

### 2 Taking Parental Leave

Each parent can take up to 18 weeks unpaid parental leave for each child/adopted child up to their 18<sup>th</sup> birthday.

If you take it, it should be:

- in blocks of a week at a time
- a maximum of 4 weeks a year for each child
- If your child has a disability or you receive Disability Living Allowance (DLA) or Personal Independence Payment (PIP) for your child you can take parental leave more flexibly i.e. take individual days rather than weeks.
- A period of leave can be taken immediately after the end of normal maternity, paternity or adoption leave.
- A week equals the length of time an employee normally works over 7 days

### 3 Eligibility

To get parental leave for your child you must:

- Be legally classed as an employee
- Have parental responsibility for your child. This means you must be named on one of the following:
  - their birth certificate
  - their adoption certificate
  - a parental order, for surrogacy
  - a legal guardianship

If you're a step-parent, you can also have parental responsibility if its agreed by both biological parents

If you're separated from the other parent or do not live with your child, you still have the right to parental leave if you keep parental responsibility for your child

You must provide evidence of the above, but this will only be requested once. It is not necessary to request evidence of entitlement on every occasion when leave is requested.

#### **4 Notification of parental leave**

You must give at least 21 days notice before a period of parental leave begins, of both the start and end dates of the leave period you intend to take. This does not have to be in writing. If a situation occurs where you are prevented from giving 21 days' notice managers have the discretion to agree requests at short notice

You must notify us 21 days before your maternity/paternity/adoption leave ends if you want to take parental leave immediately after the end of your maternity, paternity or adoption leave.

#### **5 Notification for parental leave immediately after childbirth or adoption**

If you want to take parental leave immediately after the birth of a child, you must give 21 days' notice before the beginning of the expected week of childbirth.

If you want to take parental leave immediately after the adoption of a child, you must give 21 days notice of the expected week of placement. If this is not possible you should give notice as soon as is reasonably practicable.

As long as the right notice is given the parental leave will start on the day on which the child is:

- born – regardless of whether the child is born early or late
- placed for adoption

Parental leave may be granted without the required notice in special circumstances at the discretion of the Council.

#### **6 Postponement of parental leave**

Leave can be postponed for up to six months after the beginning of the leave period originally requested if it's going to be disruptive to work. However, it cannot be postponed so that it ends after the child's 18th birthday.

Leave can only be postponed if it would cause significant disruption to service delivery e.g., if leave was requested:

- over a period of peak seasonal production
- at the same time as other employees have requested leave
- and the employee's absence would unduly harm your business

Leave cannot be postponed if it's requested to be taken immediately after the child is born or placed for adoption. If an employee's parental leave needs to be postponed you must consult them about a new date. This should be done in writing within 7 days of receiving the employees notification explaining why you need to postpone their leave and confirming the

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new start and end date. They must be allowed to take the same amount of parental leave as they originally applied for.

## **7 Irregular working weeks**

If your working pattern varies from week to week, an average working week must be calculated as a fraction of the period for which you're required to work in a year.

For example, if you work three days a week for 30 weeks, four days a week for 18 weeks and two days a week for four weeks, you would calculate the number of days leave in your average week by dividing the total number of working days in these periods by 52.

If you take leave in blocks of less than one week, a week is only deducted from their overall entitlement to 18 weeks when the short periods of leave add up to what would be a normal or average working week

## **8 Terms and Conditions during Parental Leave**

Time taken as parental leave shall be treated as continuous service for the purpose of Part 2 Paragraph 14 of the Green Book.

If you fall sick during a period of parental leave and give the relevant notification you are entitled to pay under the sickness scheme and this period shall not count towards your parental leave entitlement.

You are prohibited from undertaking any other paid employment during your 'usual working hours' whilst taking periods of Parental Leave. Anyone found to be abusing Parental Leave will be subject to the Councils Disciplinary Policy.

## **9 Returning from Parental Leave**

You return to work to the same post you held when the parental leave first started.

## **10 Time off to deal with emergencies**

If there's an emergency or unexpected event and you need time off to care for your child, you can ask if you can use:

- Annual Leave
- Flexi
- Compassionate Leave

If this is not an option you have the right to a reasonable amount of unpaid time off to deal with an emergency involving a dependant.

A dependant is a spouse, partner, child or parent or a person who lives with you (but not a lodger). However, it could also be someone else who reasonably relies on you for care e.g., an elderly neighbour.

The amount of time off should allow you to deal with the immediate problem and put any other necessary care arrangements in place

## **11 Childcare Advice**

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For **free** advice on childcare provision, please contact the Families Information Service, on 0800 783 4645 or email [fis@southtyneside.gov.uk](mailto:fis@southtyneside.gov.uk)

## 12 Equality and Diversity Statement

South Tyneside is committed to promoting equality and valuing diversity. An equality check for this policy was carried out in 2021. No equality implications were identified in this policy.

Policy approved by:	Policy Review Group
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