

Workforce Directorate Policy W19 – Leave Policy
Chapter 7: Parental Leave Procedure
includes Flowcharts, FAQ and Relevant Forms/Paperwork

The Trust supports the use of Parental Leave to enable employees to take unpaid time off work to look after a child or make arrangements for a child's welfare. Parents and those with formal parental responsibility can use it to spend more time with children and strike a better balance between their work and family commitments. The Trust applies the arrangements set out within NHS Terms and Conditions of Service Handbook to support in managing this period of the employment relationship.

Frequently Asked Questions

Amount of Parental leave

1. How much parental leave is available?
2. *How much leave can I take in one leave year?*
3. *What is the minimum leave I can take in one go?*
4. *How long is a week?*

Eligibility

5. Am I eligible for Parental Leave?
6. When can I take parental leave?
7. Can I add Parental leave to the end of my maternity leave, adoption leave or maternity support leave?

Notice Procedures

8. How much notice is required if I wish to take Parental Leave?
9. *What evidence do I need to provide to support this?*

Postponing or Cancelling Leave

10. Can I postpone the start date of my leave?

Trust Postponing or Delaying Parental Leave

11. Can the Trust postpone the start date of my leave?
12. Are there circumstances where my manager can not delay my leave?
13. If my manager wishes to postpone my leave what will they do?
14. What action can I take if I do not agree with my managers decision to postpone my leave?

Contractual Rights

15. What happens to my contractual rights during Parental leave?

Keeping in Touch

16. Should my manager and I keep in touch during my leave?

Working during Parental Leave

17. Can I work for the Trust or another employer during my Parental Leave?

Pension Provisions

18. What happens to my pension during my leave?

Annual Leave and General Public Holiday Accrual

19. Do I continue to accrue annual leave during parental leave?

Returning to Work

20. What post will I return to work in?

Amount of Parental leave

1. How much parental leave is available?

Section 35.5 of the handbook sets provisions for *a non-transferable individual right to at least 18 weeks' leave*. Leave is unpaid.

2. How much leave can I take in one leave year?

You can take up to four weeks per child in any one year.

3. What is the minimum leave I can take in one go?

Leave must be taken in blocks no less than one week. Even if less than a full week is taken, one full week will be deducted from your total entitlement.

4. How long is a week?

A week is equal to your normal contracted weekly hours.

Eligibility

5. Am I eligible for Parental Leave?

The handbook section 35.6 sets out that *parental leave should be applicable to any employee in the NHS who has nominated caring responsibility for a child under age 18*. Employees wishing to take parental leave must have 12 months continuous service as at the first day of the date leave is requested to commence.

6. When can I take parental leave?

Parental leave is provided to allow you to care for a child. This means looking after the welfare of a child and can include making arrangements for the good of a child. Examples of how Parental Leave may be used include:

- Spending more time with a child in his/her early years
- Accompanying a child during a stay in hospital
- Checking/inspecting new schools
- Settling a child into new childcare arrangements
- Enabling a family to spend more time together, for example, taking the child to stay with grandparents

7. Can I add Parental leave to the end of my maternity leave, adoption leave or maternity support leave?

Yes, section 35.7 of the handbook sets out that *parental leave can be added to periods of maternity support (paternity) leave, maternity leave, adoption leave and Shared Parental Leave*. Further information is available in the Maternity, Adoption Leave and Maternity Support (Paternity) leave FAQ's.

Notice Procedures

8. How much notice is required if I wish to take Parental Leave?

The handbook in section 35.8 *requires that notice periods should not be unnecessarily lengthy and should reflect the period of leave required*. You must give at least 21 days' notice of your request (where possible) to take Parental Leave, giving details of when the leave is to start and finish. An application form for Parental Leave (Appendix B) must be completed and authorised by the line manager before any leave is taken.

9. What evidence do I need to provide to support this?

You must provide documentary evidence of your entitlement to parental leave (e.g. a copy of the child's birth certificate, adoption papers or award of disability living allowance).

Postponing or Cancelling Leave

10. Can I postpone the start date of my leave?

Yes, the handbook section 35.8 states that *employees may also postpone or cancel leave that has been booked with local agreement*. Where employees wish to alter or cancel their leave 2 weeks notice (or as much notice as is reasonably possible) should be given.

Trust Postponing or Delaying Parental Leave

11. Can the Trust postpone the start date of my leave?

Yes, however the handbook section 35.8 states that *employers should only postpone leave in exceptional circumstances and give written reasons*. In exceptional circumstances, your Leave can be postponed by a manager for up to six months where it can be demonstrated that the service would be particularly disrupted. For example where a significant number of employees apply for Parental Leave at the same time, or where the employee's role is such that his or her absence at a particular time would unduly harm the service.

12. Are there circumstances where my manager can not delay my leave?

Your leave can not be postponed or delayed

- if it is to be taken immediately after the child is born or placed with them for adoption or
- so that it ends after the child's 18th birthday.

13. If my manager wishes to postpone my leave what will they do?

If postponement is being considered, your manager must discuss their concerns with you in an attempt to resolve the problem to the mutual benefit of both parties and, if appropriate, alternative dates should be agreed. If the decision is taken by your manager to postpone the leave, this should be confirmed in writing as soon as possible stating the reason for the postponement and setting out the new dates of Parental Leave. The length of the new leave should be equivalent to your original request.

14. What action can I take if I do not agree with my managers decision to postpone my leave?

You can raise a grievance with your manager's manager at the final stage of the Grievance and Disputes Policy.

Contractual Rights

15. What happens to my contractual rights during Parental leave?

Section 35.9 of the handbook states *during parental leave the employee retains all of his/her contractual rights, except remuneration and should return to the same job after it. Pension rights and contributions shall be dealt with in accordance with NHS Superannuation Regulations. Periods of parental leave should be regarded as continuous service*.

Keeping in Touch

16. Should my manager and I keep in touch during my leave?

Yes, section 35.10 states *it is good practice for employers to maintain contact (within agreed protocols) with employees while they are on parental leave*. Keep in touch arrangements should be agreed between yourself and your manager prior to your leave commencing.

Working during Parental Leave

17. Can I work for the Trust or another employer during my Parental Leave?

You must not undertake any paid work with the Trust or any other employer during Parental Leave period. If you do so, leave will automatically cease and the leave will be treated as unauthorised absence. In these circumstances, action may be considered under the Trust's Disciplinary Procedure.

Pension Provisions

18. What happens to my pension during my leave?

Pension rights and contributions are dealt with in accordance with NHS Pension Scheme Regulations. Both Employee and Employer contributions will be due on the normal 'unreduced' pay based on the month prior to the parental leave. Therefore you will be required to pay arrears of contributions relating to the period of unpaid absence in order to retain the pensionable service. These arrears will be collected immediately following the period of leave.

Annual Leave and General Public Holiday Accrual

19. Do I continue to accrue annual leave during parental leave?

Yes, you continue to accrue contractual entitlement to annual leave and general public holiday during Parental Leave.

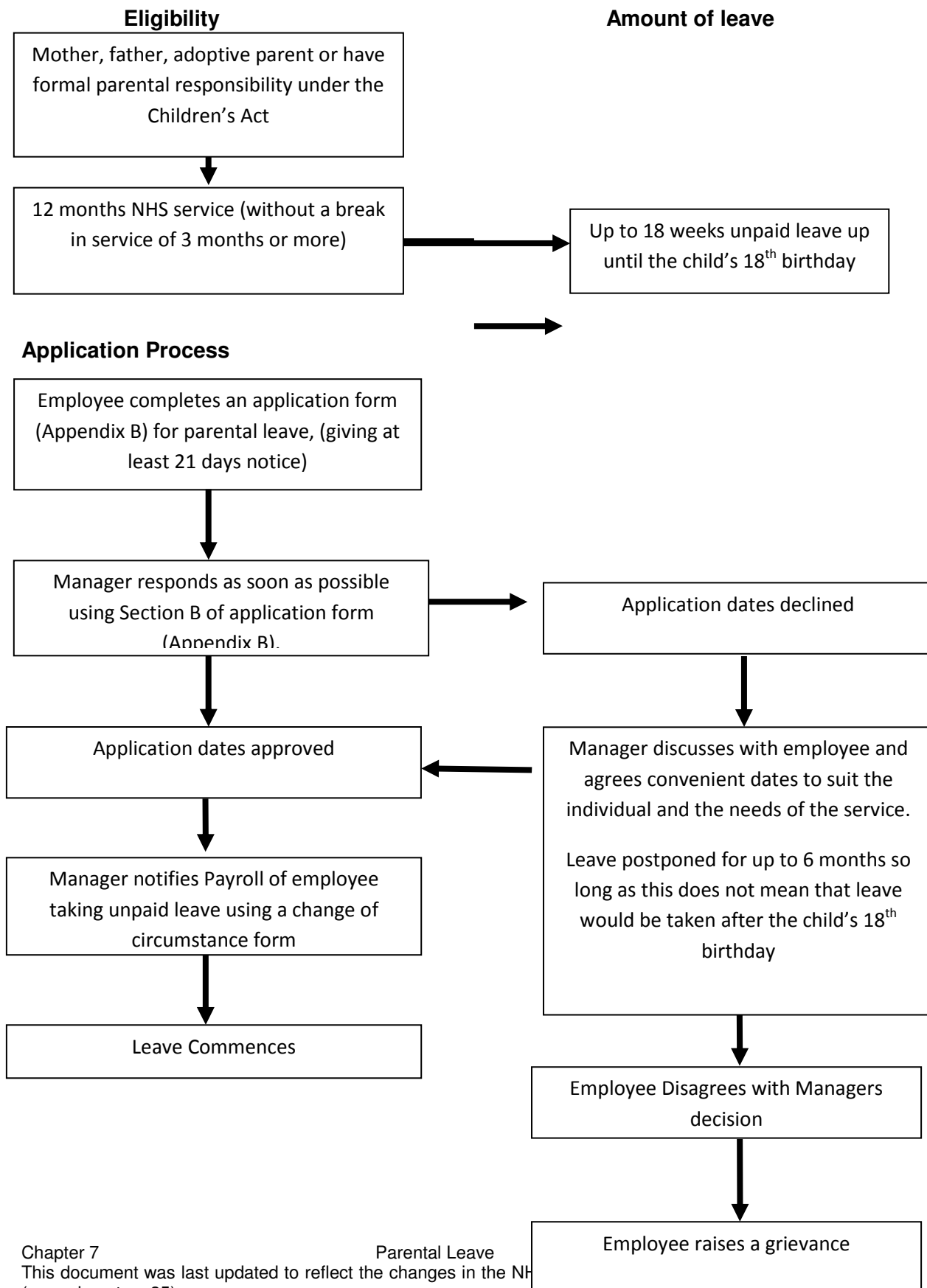
Returning to Work

20. What post will I return to work in?

You are entitled to return to the same post following a period of Parental Leave.

Appendix A

Flowchart of Parental Leave Procedure



Appendix B

Application for Parental Leave - HR27

Please ensure that you have read and understood the Parental Leave Policy before completing this form. Once completed please pass this form to your manager who will respond within 14 days.

Section A - To be completed by the employee:			
Part 1 - Personal Details			
First Name:		Surname:	
Employee No:		Department:	
Start Date with Trust:		Start Date with NHS:	
Part 2 – Notification and Evidence			
I wish to request Parental Leave as: (please tick)			
- I am the mother / father / adoptive parent		<input type="checkbox"/>	
- I have formal parental responsibility under the Children's		<input type="checkbox"/>	
I have attached the following documentary evidence: (Circle evidence provide)			
Birth certificate	Adoption Papers	Award of disability living allowance	
I understand that I am required to give my manager notice of my request for Parental Leave at least 21 days before I wish to take it.			
Part 3 – Parental Leave dates requested			
I intend to apply for Parental Leave of (please circle):			
1 week	2 weeks	3 weeks	4 weeks
I have met the criteria in section 4 of the policy and I would like to request the following dates:			
WEEK 1 Date:		WEEK 2 Date:	
WEEK 3 Date:		WEEK 4 Date:	
I understand that I can take Parental Leave in blocks of ONE week up to a maximum of FOUR weeks in any one year.			

**Section A continued...
Part 4 – Parental Leave Request**

Please tick ONE of the following options, indicating if you are taking Parental Leave to extend Maternity/Adoption/Paternity Leave.

I am requesting Parental Leave which does not follow a period of Maternity, Adoption or Maternity Support (Paternity) Leave.	
I have had a period of Maternity or Adoption Leave and I wish to take a period of Parental Leave to extend my leave.	
I have applied for a period of Maternity Support (Paternity) Leave and I wish to take a period of Parental Leave to extend my leave. I understand that I must notify my manager of my intention to take Parental Leave when I make my application for Maternity Support (Paternity) Leave.	

Part 5 - Declaration

I have read and understood the Parental Leave Policy and wish to apply for leave as indicated above. I understand that the period of Parental Leave, if granted, will be unpaid. I have attached the required documentation.

Signed :		Date:	
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Section B - To be completed by the Manager:

I confirm I have discussed this application and it's implications with the employee.

Name (Print):		Job Title:	
Signed:		Date:	
Is this a revised application? (i.e. has this application been submitted previously but the date has now changed)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date copy of this form, evidence and ESR Change of Circumstance form sent to Pay Services:	

Line Manager Action: Please

- retain a copy of the signed documentation, evidence and change of circumstance form on the individual's personal file and
- send the Application for Parental Leave to Pay Services with an ESR Change of Circumstance form.

Please note if the commencement of leave date changes a new Application for Parental Leave must be completed and a further copy and an ESR Change of Circumstances form sent to Pay Services indicating that this is a revised application.

**IF AN APPLICATION IS DECLINED PLEASE SEND A COPY OF THIS FORM TO YOUR
HR ADVISORY CONTACT**