



## PARENTAL LEAVE POLICY

**Co-ordinator:**

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Partnership Forum

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Partnership Forum

**Signature**

**Signature**

**Signature**

**Identifier:**

NHS/POL/13/HR

**Review:**

This policy will be  
reviewed biennially  
by Grampian Area  
Partnership Forum.

**Implementation  
date:**

8<sup>th</sup> May, 2008

**UNCONTROLLED WHEN PRINTED**

**VERSION 2**

The provisions of this policy, which was developed by a partnership group on behalf of Grampian Area Partnership Forum, apply equally to all employees of NHS Grampian except where any specific exclusions have been identified.

**NOTE:**

The service eligibility criteria of one year, outlined in **Section 3 – ELIGIBILITY** – applies only to those employees who commenced continuous employment within the NHS on, or after, 8<sup>th</sup> May, 2008.

**NHS GRAMPIAN  
PARENTAL LEAVE POLICY**

**If you have difficulty understanding the English language, this policy can be made available to you in a language of your choice.**

**This policy can also be made available, on request, in other formats e.g. in large print or on a computer disk.**

**For all requests for copies of this policy in another language, or in an alternative format, please call the Corporate Communications Team on 01224 554400.**

# **NHS GRAMPIAN PARENTAL LEAVE POLICY**

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# NHS GRAMPIAN PARENTAL LEAVE POLICY

## 1 INTRODUCTION

**Parental Leave is expressly for the purpose of allowing parents to spend quality time with their children and should be utilised for this purpose.**

NHS Grampian recognises that parents have a joint responsibility for the care and upbringing of their children and that work and parenthood can create conflicting pressures. Parents need time with their children and time to create a supportive home in which their children can thrive. Parental Leave is therefore aimed at encouraging a culture of flexible working practice to assist staff to balance family and work commitments.

Managers and staff must show responsibility for ensuring transparency and equity in the implementation of this policy, balancing their own needs with due consideration of the needs of patients, colleagues and team members. Consideration should be given to the reasonableness of the duration and timing of leave especially during peak periods of annual leave and the impact this will have on the needs of patients, colleagues and team members. Flexibility should be demonstrated in circumstances where the normal notice cannot be given such as during adoption or at times of sudden illness.

## 2 ELIGIBILITY

This policy applies to all members of staff whether they are full or part-time, who have completed one years continuous qualifying service with an NHS employer (but, see **NOTE** on title page) and have parental responsibility for a child under the age of 14 years, or 18 years in the case of adopted or disabled children – see below.

To be eligible for Parental Leave an employee must be a parent (named on the birth certificate) of, or have formal parental responsibility for, a child who is aged under 14 years i.e. up to the child's 14<sup>th</sup> birthday.

In the case of an adopted child, eligibility will apply for 14 years after the child is first placed with the family for adoption, or up until the child's 18<sup>th</sup> birthday, whichever is earlier.

In the case of a child with a disability i.e. one for whom disability living allowance is paid, eligibility will apply up until the child's 18<sup>th</sup> birthday.

### 3 ENTITLEMENTS

Members of staff who meet the above requirements will be entitled to thirteen weeks Parental Leave, for each child, which may be taken at any time until the child's 14<sup>th</sup> birthday.

Where an employee is the parent of a disabled child this entitlement increases to **eighteen weeks** which may be taken at any time until the child's **18<sup>th</sup> birthday**.

Part-time staff who do not work over 5 days will receive a pro-rata entitlement (13 weeks – or 18 weeks in the case of a disabled child - at whatever constitutes a week for them).

Staff who have more than one part-time contract running concurrently will be entitled to Parental Leave from both posts i.e. based on total hours worked.

During the first 4 weeks of this leave the member of staff will receive pay at their normal rate of pay (as if they had been at work). The remaining weeks will be unpaid.

This leave may be taken as either:

- A single block of 13 weeks (18 weeks in the case of a disabled child)
- As an annual allowance **or**
- Under any other individual arrangements agreed between members of staff and their line managers in line with service needs, e.g. single days, blocks of one week, etc.

**It is not normal practice to agree Parental Leave to be taken as part of an employee's notice period when they are leaving NHS Grampian.**

### 4 NOTIFICATION OF INTENTION TO TAKE PARENTAL LEAVE

An employee who intends to exercise their right to Parental Leave must apply by completing the application form and submitting it to their line manager, before they intend to commence Parental Leave. Employees must include in this form the date on which they intend to commence and return from Parental Leave. In order to assist with service provision employees are required to give 3 weeks notice.

Employees who are requesting more than four weeks leave, at any one period of time, are required to give a minimum of 2 months notice of their request to take Parental Leave. However there will be rare cases where notice cannot be given. In these cases parents should give the notice as soon as reasonably practicable.

The line manager and the employee must discuss the terms on which the employee will exercise their right to Parental Leave (e.g. as an annual allowance or under any other individual arrangement). The line manager will complete the appropriate section of the application form. This will be confirmed in writing by the employee's manager - (see example letter Appendix 3).

If a partner and/or secondary carer is applying for Parental Leave around the time of the birth of their child, they may be required to produce a copy of the MAT B1 certificate. However this may be better addressed by referring to NHS Grampian's Paternity Leave provisions.

In exceptional circumstances, due to the needs of the service the employee may be asked to postpone their Parental Leave until a later date. Postponement would only take place after discussion with the employee and their manager where a valid/objective operational reason will be provided. The employee, should they wish, would have the option to withdraw or alter their application.

Should they wish to proceed with the full application the leave will not be postponed for more than **six months** from the date on which the employee wanted to start Parental Leave. The manager and the employee should try to agree a suitable time but if they cannot the manager becomes responsible for guaranteeing that the employee can take the leave at a time, **no more than six months ahead**, which best fits the needs of the service and the employee. If this means that the leave is postponed beyond the 14 year limit the parent still has a right to take it.

The manager **must** confirm agreement, or the postponement, of **arrangements in writing** on the Request for Parental Leave Response Letter no later than 7 working days after the employee's request to take leave is received – see **Appendix 3**. The manager should clearly state the reasons for any postponement.

However, leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption e.g. the mother/main carer may be on Maternity Leave/Adoption Leave and their partner may wish to utilise Parental Leave at this time. In such cases reference should be made to the following policies:

- Adoption & Fostering Policy
- Paternity Leave Policy

## 5 PROVISION OF EVIDENCE

The employee must also provide appropriate documentation to confirm that they are the parent or legally responsible for a child. For example:

- Copy of the Birth Certificate of the child for whom they are applying for Parental Leave.
- Copy of adoption papers or confirming a placement.

- Copy of papers confirming the award of a disability allowance for a child.

The employee only has to provide this information on the first occasion of applying for Parental Leave for each child. **This evidence must be retained by the manager.**

## 6 RIGHT TO RETURN

At the end of parental leave an employee is guaranteed the right to return to the same job as they were doing before they commenced parental leave, provided that the leave was for a period of four weeks or less.

If the leave is greater than four weeks, the employee is entitled to return to the same job, or if that is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the employees previous job.

Absence on parental leave will not break continuity of service. An employee's contract of employment will continue during the whole period of parental leave, unless either party expressly terminates it by dismissal, or resignation.

The employee will not be bound by any contractual terms, whilst on unpaid leave except terms relating to good faith and confidentiality, which will also bind the employer.

When parental leave follows maternity leave, the general rule is that the employee is entitled to return to the same job which the employee had been employed in before the leave. If, at the end of additional maternity leave, this would not have been reasonably practicable, and it is still not **practicable** at the end of parental leave, the employee is entitled to return to a similar job which has the same or better status, terms and conditions as the employee's previous job.

## 7 EMPLOYEES WHO CHANGE JOBS

In some circumstances, employees who commence employment, may previously have been entitled to receive and have taken their full entitlement to Parental Leave, with another employer.

In these cases, employees cannot receive any further entitlement to Parental Leave, unless they have another child for whom they have not previously received Parental Leave. NHS Grampian reserves the right to write to the employees previous employer to confirm whether or not they have received their full entitlement to Parental Leave. (This will normally be undertaken by the manager).

If an employee leaves employment NHS Grampian will provide, if requested, a record of the employee's Parental Leave.

## **8 ABUSE OF PARENTAL LEAVE**

Parental Leave is expressly for the purpose of allowing parents to look after or spend quality time with their children and, for that reason, all employees are reminded that Parental Leave should not be used to undertake paid employment during their normal hours of work for NHSG, or for any individual financial gain.

Any employee who is found to be undertaking paid work in any capacity, during the hours they would normally work for NHS Grampian, during a period of Parental Leave will be asked to cease such work immediately. Such abuse of the policy may be viewed as misconduct and dealt with in accordance with the appropriate NHS Grampian policy.

## **9 SICK LEAVE**

Parental Leave will not be treated as sick leave and will not therefore be taken into account for the calculation of sick leave entitlement in accordance with the occupational and statutory sick pay schemes.

If an employee becomes unfit for work during Parental Leave they must report this to their line manager immediately and complete the appropriate paperwork in line with Sickness Absence Policy before days can be claimed back.

If an employee fails to return to work on the notified date and submits the appropriate medical certificate, the provisions of the occupational and statutory sick pay schemes will apply.

## **10 INCREMENTS**

Absence on Parental Leave shall count towards the normal annual increment on an employee's scale. Normal increment dates will not be deferred.

## **11 ANNUAL LEAVE**

Annual Leave will accrue as normal during this period in accordance with the employee's current terms and conditions of service as at the time of commencing Parental Leave.

## **12 COMPLIANCE**

Employees who exercise their right to their entitlement to Parental Leave will be protected against dismissal or any other action, which is in connection with the fact, that they have exercised their right to take up their entitlement to Parental Leave.

This does not negate an employee's responsibility for ensuring that they notify their line manager of their intention to take Parental Leave.

### **13 RECORD KEEPING**

It is essential that managers maintain a record of Parental Leave as it is utilised. This should be transferred if the member of staff moves jobs or Employers. This will be recorded on the Parental Leave Request Form, Appendix 1 and Parental Leave Monitoring Form, Appendix 2 (one per child) and in the letter of confirmation issued by the manager, Appendix 3. Any period of paid or unpaid leave must be reported to the Payroll Department in the normal manner.

### **14 APPEALS**

Should a dispute arise, this should be referred to the appropriate member of HR staff and the appropriate Staff Side Lead who will assist in resolution.

This does not remove the right of an employee to invoke the Grievance Procedure.

## PARENTAL LEAVE REQUEST FORM

Name: \_\_\_\_\_ Pay Number: \_\_\_\_\_

Job Title: \_\_\_\_\_ Start Date with NHSG: \_\_\_\_\_

Start Date of Continuous service  
within the NHS: \_\_\_\_\_

Dept: \_\_\_\_\_ Location: \_\_\_\_\_

Name of Child for whom Parental Leave is requested:  
\_\_\_\_\_**PLEASE DELETE THE FOLLOWING AS APPROPRIATE**Date at which Child was/will be born/adopted: \_\_\_\_\_ Age: \_\_\_\_\_  
(at time of requested dates)Has disability living allowance been awarded for the child? Yes  No Is request in conjunction with expected week of childbirth  
or adoption placement? Yes  No **Please also refer to the Maternity, Paternity and Adoption & Fostering Policies****Period of Leave** (Applicants must provide a minimum of 21 days-advanced notice for  
request)Request runs from \_\_\_\_\_ to \_\_\_\_\_ (inclusive) and is of \_\_\_\_\_  
week(s) day(s)\* duration

I have included evidence of:

- Parental responsibility (e.g. birth certificate)
- Date of birth for child/expected date of birth of child (e.g. birth certificate, doctor's letter, MAT B1)
- Placement for adoption/expected date of placement for child (e.g. letter from Social Services)
- Child's entitlement to disability living allowance (e.g. the letter of award)

**Where leave has previously been requested of NHS Grampian in respect of this child, duplicate evidence will not be required. Photocopied evidence is acceptable but originals should be provided for inspection if requested.**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**PARENTAL LEAVE REQUEST FORM continued**

**TO BE COMPLETED BY THE MANAGER**

Date at which the employee was first entitled to take Parental Leave for this child \_\_\_\_\_

Entitlement taken in this year \_\_\_\_\_

Entitlement taken to date \_\_\_\_\_

Entitlement balance to date \_\_\_\_\_

**Request granted?**

Yes

**PAID / UNPAID** (delete as appropriate)

No\*

Postponed (\*only when Parental Leave is not in conjunction with adoption placement or childbirth. Alternative dates to be agreed within 7 days of request. New dates to be within six month of the requested period.)

**Reason for postponement/further details:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Manager's signature: \_\_\_\_\_ Date form received: \_\_\_\_\_

Manager's name: \_\_\_\_\_ Date form signed: \_\_\_\_\_

**c.c. Payroll**

**PARENTAL LEAVE MONITORING FORM**

Name: \_\_\_\_\_ Pay Number: \_\_\_\_\_

Job Title: \_\_\_\_\_ Start Date with NHSG: \_\_\_\_\_

Start Date of Continuous service  
within the NHS: \_\_\_\_\_

Dept: \_\_\_\_\_ Location: \_\_\_\_\_

Name of Child for whom Parental Leave is requested:  
\_\_\_\_\_Date at which Child was/will be born/adopted: \_\_\_\_\_ Age: \_\_\_\_\_  
(at time of requested dates)Has disability living allowance been awarded for the child? Yes  No Is request in conjunction with expected week of childbirth  
or adoption placement? Yes  No **Please also refer to the Maternity, Paternity and Adoption & Fostering Policies****Period of Leave** (Applicants must provide a minimum of 21 days-advanced notice for  
request)Request runs from \_\_\_\_\_ to \_\_\_\_\_ (inclusive) and is of \_\_\_\_\_  
week(s) day(s)\* duration

DATES OF LEAVE		PROPORTION OF WEEK TAKEN	REMAINING BALANCE	PAID/ UNPAID LEAVE	AUTHORISED SIGNATORY
FROM	TO				

## REQUEST FOR PARENTAL LEAVE RESPONSE LETTER

Date:  
Your Ref:  
Our Ref:

Enquiries: 0845 456 6000  
Extension:  
Direct Line:  
Email:

Dear

**REQUEST FOR PARENTAL LEAVE**

I am pleased to confirm that your recent request for \_\_\_\_\_ days Parental Leave on **OR** from \_\_\_\_\_ to \_\_\_\_\_ has been granted.

The whole of this period of Parental Leave will be paid/unpaid.

**OR**

While the period from \_\_\_\_\_ to \_\_\_\_\_ will be paid, your entitlement to four weeks paid Parental Leave will have been exhausted on \_\_\_\_\_ and the period thereafter will, consequently, be unpaid.

Parental Leave is expressly for the purpose of allowing parents to look after or spend quality time with their children and, for that reason, all employees are reminded that Parental Leave should not be used to undertake paid employment during their normal hours of work for NHSG, or for any individual financial gain.

Any employee who is found to be undertaking paid work in any capacity, during the hours they would normally work for NHS Grampian, during a period of Parental Leave will be asked to cease such work immediately. Such abuse of the policy may be viewed as misconduct and dealt with in accordance with NHS Grampian policy.

I hope both you and your family enjoy this period of Parental Leave.

Yours sincerely

Manager

## PARENTAL LEAVE POLICY FREQUENTLY ASKED QUESTIONS

### 1. Who is eligible to receive Parental Leave?

This policy applies to all members of staff whether they are full or part-time, and have completed one years continuous qualifying service with an NHS employer, who have a child under the age of 14 years.

Members of staff who are:

- A parent (named on the birth certificate) of a child who is aged under 14 years (up to 14<sup>th</sup> birthday).
- Have a formal parental responsibility (eg Legal Guardianship) for a child who is aged under 14 years.

The eligibility rules are different for adoptive parents and parents of children with a disability. These are detailed in the policy.

Any requests for Parental Leave that do not clearly meet the eligibility criteria above should be discussed with the HR Manager for your area.

### 2. What is my entitlement?

The leave can be taken as either:

- A single block of 13 weeks
- An annual allowance, or
- Under any other individual arrangements agreed between members of staff and their line managers.

### 3. Is all the leave paid?

No – During the first 4 weeks of this leave the member of staff will receive pay at their normal rate of pay (as if they had been at work). The remaining weeks will be unpaid.

Part-time staff who do not work over 5 days will receive a pro-rata entitlement (13 weeks at whatever constitutes a week for them).

### 4. Am I entitled to 13 weeks Parental Leave annually?

**No** – the amount of leave is intended to cover the whole period up to the 14<sup>th</sup> birthday of each child and is not renewed in any way.

**5. I have three children under 14. Do I receive the same entitlement for each child?**

**Yes** – regardless of the number of children you have, you can receive 13 weeks leave for each child, the first four of which are paid with the remainder unpaid for each child.

**6. Is Parental Leave pro rata for part time staff?**

The entitlement is still 13 weeks per child but based on the length of your normal working week, e.g. if you work 2 days per week, 2 days leave would equal 1 week parental leave.

**7. What happens if both parents are NHS employees? Can only one of us take parental leave? Do we have to share the entitlement?**

Parental Leave is awarded to parents to help them balance family and work commitments. If you are both employed by the NHS then each of you is entitled to the full amount of the Parental Leave for each child under 14.

**8. How do I apply for Parental Leave? Is there an application form to complete?**

You must notify your manager at least 21 days before the date on which you wish to begin the leave and complete the Parental Leave application form.

In the rare event that 21 days notice cannot be given, then it should be given as soon as is reasonably practicable.

When making their first application for Parental Leave, a member of staff must submit copies of the appropriate documents (eg Birth Certificate). These need only be submitted once for each child as they will be kept in their personal file and referred to for all future requests. This will be confirmed in writing by the employee's manager.

**9. Does it matter whether it is the full or abbreviated copy of the birth certificate that is submitted?**

As long as the birth certificate gives sufficient information to clearly name the employee as a parent, then either would be acceptable.

**10. Can my request for Parental Leave be refused?**

In exceptional circumstances, due to the needs of the service, a member of staff may be asked to postpone taking this leave till a later date. This will only take place following discussion with the member of staff, and the leave will not be postponed for more than six months from the original date request.

Should a dispute arise, this should be referred to the appropriate member of HR and the appropriate Staff Side Lead who will assist in resolution. This does not remove the right of an employee to invoke the Grievance Procedure.

**11. How should the leave taken be recorded?**

Paid and unpaid leave should be recorded on the individual's Parental Leave application form and a monitoring form for each child and will be held by their manager.

**12. What if a member of staff transfers from another organisation or transfers within NHS Grampian and has already taken parental leave, which was unpaid, are they then entitled to 4 weeks paid with the new employer?**

Entitlement would depend on the amount of Parental Leave taken by the employee with their previous employer.

If the person has parental leave left and none of their previous leave has been paid, then they would be eligible to receive up to 4 weeks paid leave from the new NHS employer.

Confirmation of previous parental leave taken will be requested from previous employers.

**13. Will taking Parental Leave affect my continuity of service or annual leave entitlement?**

**No**, both will continue as normal.

**14. I am a Regular Car User - how will this be dealt with?**

Whilst on Parental Leave, regular car users will continue to have the lump sum paid for the duration of the Parental Leave.

## **15. I have a Leased Car - what happens?**

An employee who has contracted for private use of a Leased Car may choose to continue the private use at the contracted charge OR to temporarily return the vehicle to NHS Grampian until their return from Parental Leave, with no financial penalty. Any termination of the Lease will be in line with the appropriate Car Leasing Policy. Refer to Car Leasing Policy for further details.

## **16. Does this affect my Superannuation?**

Employees who are contributing to the superannuation scheme, will, on return to work have to pay the superannuation owed for the weeks of unpaid parental leave. This may be paid in a lump sum or instalments by agreement with the Payroll Department.

It is strongly recommended that the employee raises this matter with the Payroll Department before they commence parental leave since significant underpayments of superannuation can accrue.

## **17. Where can I read the policy?**

Copies of the policy can be obtained from the Human Resources Department, Staff Side, Department Manager or Intranet.

## **18. How will this be monitored?**

There is a Monitoring Sheet for each child to which all application forms submitted will be attached.

Requests will be calculated in part/full weeks e.g. if your working week is 2 days and you request 2 days off - this equals one week. As Parental Leave entitlement is expressed in weeks this allows your manager to keep a running total of weeks taken.

Should your pattern of work change i.e. working more or less days then the weekly calculation will be amended accordingly.

## **19. What if I have more than one contract running concurrently with NHS Grampian?**

Staff who have more than one contract running concurrently are entitled to take Parental Leave from both but not exceeding 13 week allocation in total (4 weeks paid, 9 weeks unpaid).

### Example 1

Post 1 Mon–Fri 9.00–1.00 (4hrs per day)	} Entitlement 13 x 20hrs
Post 2 Mon–Fri 3.00–6.00 (3hrs per day)	} Entitlement 13 x 15hrs

A day Parental Leave could but not necessarily be from both posts at the same time i.e. 7 hours and a week would be 35 hours.  
Would have to liaise with both managers.

### Example 2

Post 1 Mon–Fri 9.00–1.00 (4hrs per day)	} Entitlement 13 x 20hrs
Post 2 Sun–Sat 2 evenings on 6 evenings off (Average 7hrs per week)	} Entitlement 13 x 7hrs

When taking a days Parental Leave from day post could but not necessarily also take Parental Leave from evening post if falls on same day but would have to liaise with both managers.

### Example 3

Post 1 Mon–Fri 9.00–1.00 (4hrs per day)	} Entitlement 13 x 20hrs
Post 2 Sat/Sun 9.00–1.00 every other weekend (4 hrs per week)	} Entitlement 13 x 4hrs

When taking a weeks Parental Leave from Monday to Friday post could but not necessarily also take from weekend post if it falls in the same week. Would have to liaise with both managers.

In this way staff who have a number of part-time contracts running concurrently are not disadvantaged as Parental Leave will be based on TOTAL contracted hours as with full-time staff.