



Parental Leave Policy

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Revision History

Revision Date	Version Control	Summary of changes
September 17	01.01.02	New format, clarification of review period, new CIA
May 2022	01.01.03	Eligibility criteria has changed in accordance with employment law.

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
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Approvals Minor Change and Scheduled Review

Name	Title	Approved
TULG		September 2022

Approval Path

Major Change

Originator

Owner

TULG

CMT

Appts & Staffing Committee

Action

HR

Head of Paid Service

Consultative Group

Corporate Approval

Council Approval

Minor Change

HR

TULG

Director

Submission

Consultative Group

Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through Astute as a MANDATORY/NON MANDATORY policy and will also be available on the Intranet and paper based copies.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partner.

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1. Introduction

This policy sets out the circumstances where employees who have parental responsibilities may take unpaid time off work to look after their children who are under the age of 18.

Tamworth Borough Council (TBC) is committed to supporting a positive work-life balance for all our employees and recognise that time with children is important. If you are eligible, you can take ordinary parental leave to care for your child, this may be to look after your child during school holidays, be with them when they are unwell, or enjoy more quality time with them.

2 Amount of ordinary parental leave you can take

The Maternity and Parental Leave (Amendment) Regulations allows for a period of up to 18 weeks unpaid leave for employees who are parents of children under 18 years of age. It should not be confused with maternity, paternity, adoption or shared parental leave; see separate policies regarding this.

You can take up to 18 week's unpaid leave for each child, subject to a maximum of 4 weeks leave for each child in any one-year period.

This must be taken in blocks of at least one working week. However, if your child has a disability, and receives Disability Living Allowance, you can request to take the leave one day at a time.

Your entitlement to ordinary parental leave carries over from your previous employment. This means that if you have taken ordinary parental leave with a previous employer:

- You can take the balance with your organisation, but must wait until you have worked for us for at least a year, and
- We will ask you about the amount of ordinary parental leave already taken for your child with your previous employers

3 What is a week's leave?

A week's leave is equal to the length of time the employee is normally required to work, for example a week's leave is:

- 5 days for an employee working Monday – Friday
- 2 days for an employee working Tuesday and Wednesday only

4 Eligibility for Parental Leave

Following the birth of a child, eligible employees are entitled to take up to 18 weeks unpaid parental leave by the child's 18th birthday. An employee's entitlement to parental leave is subject to the following conditions:

- The employee must have a minimum of one year's continuous service with the employer by the time the parental leave is taken,

- The employee's name must be on the child's birth or adoption certificate, or they have, or expect to have, 'parental responsibility' for the child in question,
- The leave must be taken for the purpose of caring for the child.

5 Parental Responsibility definition:

A person has 'parental responsibility' for a child if he or she is the natural parent of the child (although where the father is not married to the mother, he must be registered as the child's father). Adoptive parents are also deemed to have 'parental responsibility' as from the date of placement of the child with them for adoption. Stepparents may acquire 'parental responsibility' for their spouse or civil partner's child by means of an agreement with the child's natural parents. An individual who is a guardian will also have 'parental responsibility'.

Civil Partners – Same sex partners will both have parental responsibility if they were Civil Partners at the time of the treatment e.g. donor insemination or fertility treatment.

Non-Civil Partners – For same sex partners who aren't Civil Partners, the second person can obtain Parental Responsibility by either

- (1) Applying for parental responsibility if a parental agreement was made, or
- (2) Becoming a Civil Partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

Foster parents are not eligible for parental leave unless they adopt the child whom they are fostering.

A parent does not have to live with the child to take parental leave, as long as they have parental responsibility.

6 The purpose of parental leave

The aim of parental leave is to allow employees the opportunity to take time off work to care for a child. Examples of why an employee may wish to take parental leave include:

- To spend more time with their child,
- To be with the child while they settle into new childcare arrangements, and
- Accompany a child during a hospital stay.

7 Birth or adoption of more than one child

In the case of multiple births or adoption of more than one child as part of the same placement, the employee has the right to take parental leave in respect of each child. Therefore, in the event of twins being born, each parent would be entitled to take a total of 36 weeks' parental leave during the period up to the twins' 18th birthday.

8 Documentary evidence of eligibility

The employee will need to provide documentary evidence to support a request for parental leave. This may take the form of a birth certificate or certificate of adoption.

9 When parental leave may be taken

Parental leave must be taken before the child reaches the age of 18.

10 Length of parental leave

The maximum amount of parental leave that may be taken in any one year in respect of a child is four weeks. Parental leave may not be taken in blocks of less than one week, except where the child is disabled, in which case it may be taken one day at a time. Where this occurs, the days will be added together to make up complete weeks.

11 Notification of parental leave

Employees must give at least 21 days' notice of the period of parental leave that they wish to take. This notice must specify the dates on which the period of parental leave will begin and end. In some cases, the employee may not be able to provide notice and discretion should be exercised.

Fathers, or others who have parental responsibility, may request to take parental leave when their child is born, notice must be given at least 21 days before the expected week of childbirth.

Similarly, when parental leave is requested to begin on an adopted child's placement, the employee's notice must be given at least 21 days before the beginning of the week of expected placement.

12 Link to Paternity Leave

If you are considering taking ordinary parental leave on the birth of your child (or if you are an adopter, the placement of the child with you for adoption), you should bear in mind that you may also be entitled to two week's paid paternity leave.

Paternity leave must normally be taken within 56 days of the child's birth or placement with you for adoption. Please see our separate policy on Paternity Leave.

13 Applying for parental leave

The employee must register their intention to take parental leave by completing the attached form (Appendix 1).

14 Postponement of parental leave

While our aim is to agree to your request for parental leave, there are circumstances in which we may need to postpone the start date. For example, if the employee's absence at the time requested will cause undue or significant disruption. We will:

- Give the employee written notice of the postponement,
- State the reason why the postponement is necessary,
- Suggest alternative dates for the employee to take an equivalent period of parental leave within the next 6 months.

The notice of postponement must be given to the employee no more than 7 days after receipt of the employee's notice requesting parental leave.

However, TBC will never postpone parental leave where it has been requested to coincide with the birth of the child or the child's adoptive placement or it means an employee will no longer qualify for parental leave because a postponement takes them beyond the child's 18th birthday.

15 Return to work after parental leave

Employees are not required to give any specific notice of their return from parental leave as their return date will have been agreed in advance. The employee should return to work in the usual way on the appropriate date.

At the end of parental leave, the employee will be entitled to return to the same job provided that the leave did not follow on immediately from a period of maternity, adoption or shared parental leave (taken in relation to the same child) that lasted more than 26 weeks, subject to the following two exceptions:

- a) Firstly, if a redundancy situation has occurred during the period and for that reason it is not reasonably practical for the employee to return to their old job, redeployment opportunities will be explored.
- b) Secondly, if it is not reasonably practical for the company to allow the employee to return to the same job, for a reason other than redundancy, redeployment opportunities will be explored.

16 Record Keeping

A record of parental leave should be retained so that the scheme can be administered appropriately.

17 Contractual Status

The employment contract continues during parental leave and annual leave will continue to be accrued.

18 Voluntary Deductions from Salary / Other Allowances Etc

TBC Car Loan Repayment Scheme

During the parental leave period, the monthly repayments will be deducted from any pay the employee receives in that month in the usual way. If at any stage during the parental leave period there is insufficient pay to cover the repayments, the employee will need to contact Payroll to arrange payment. Repayments of the loan would still need to be monthly.

Essential Car User Allowance

If the employee is entitled to essential car user allowance, this will continue to be paid throughout the whole of the parental leave period.

All other voluntary deductions (ie. UK Healthcare, Union subscription, Charities, Rent, Council Tax)

These will continue for as long as there is enough pay to cover the deduction, unless employees notify Payroll in writing that they would like them to cease.

Council Tax/Rent – Nil Pay Situation

Employees will need to make alternative arrangements by contacting the relevant Service Unit.

Union subscription etc – Nil Pay Situation

Deductions are suspended until employee returns to work.

If an employee wishes to continue making payments to preserve their benefits, they will need to make their own arrangements.

UK Healthcare – Nil Pay Situation

The corporate membership will continue throughout the parental leave. If employees voluntarily 'top up' their membership, then these 'top-up' deductions will be suspended during parental leave. If employees wish for their level of cover to continue, they may wish to continue to make these 'top-up' payments by contacting UK Healthcare directly.

Home Working Allowance

If employees receive this payment, this will continue during the parental leave period.

First Aid Payment

If employees receive this payment as a qualified First Aider, it will continue during the parental leave period, subject to the employee's qualification remaining valid.

19 Monitoring/Review

The Council will act equitably and reasonably and be able to demonstrate that they have done so in all cases. When determining the action to be taken, the Council will observe the need to satisfy the test of reasonableness in all circumstances.

To ensure that this procedure is applied fairly Human Resources will collate information from Directorates on the use of the policy and its effectiveness. The procedure will also be reviewed periodically to ensure compliance with new legislation and developments.

20 Appeal Process

If the request, or the amount of time requested is not approved by the line manager, this will be confirmed in writing, detailing the reasons for refusal and the employee's right of appeal. The employee must submit an appeal within fourteen days of the original decision being received, to the Head of HR & Organisational Development, who will arrange for an appropriate Head of Service or above to hear the appeal. The decision made at this appeal will be final.

The employee has the right to be accompanied at this meeting by a colleague or Trade Union representative. The outcome of the appeal should be relayed as soon as possible and in writing within fourteen days of the meeting.

The employee should be notified of the outcome and a confirmation letter sent by Human Resources.

21 Abuse of the scheme

Employees who abuse this procedure (for example, by either fraudulently or negligently, giving incorrect information or making a false statement or declaration for

the purpose of claiming Paternity Leave) may be liable to disciplinary action under the Council's Disciplinary Policy.

Appendix 1

Application form for Parental Leave

Name of employee		Job Title	
Date employment commenced			
Amount of parental leave taken previously in respect of relevant child			
<p>I would like to apply for [] week(s)/days(s) unpaid parental leave from [date] to [date]. (Applications for parental leave in periods of a day or multiples may be made only where the child in question is disabled).</p> <p>The leave requested relates to my [baby/son/daughter] [name where applicable] [due on [] /who was born on [] / who was adopted on []] [and who has been awarded Disability Living Allowance]. (Delete as appropriate).</p> <p>I attach a copy of [child's name]'s [birth certificate/adoption papers] (delete if not applicable).</p>			
<p>I recognise that my employer is entitled to make enquiries of all of any of my previous employers in relation to any previous periods of parental leave taken.</p> <p>I also recognise the employer 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 employer will be unduly disrupted by my absence.</p>			
Signed		Date	
<p>Please return this form to your Line Manager at least 21 days prior to the date on which your requested period of parental leave is due to commence. Line Manager must forward form to HR Admin mailbox to ensure salary is deducted appropriately.</p>			

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Parental Leave Policy	
Date Conducted	July 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input type="checkbox"/>
	Existing	<input checked="" type="checkbox"/>
	Being reviewed	<input checked="" type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To ensure all TBC employees are treated fairly regardless of their protected characteristics in their entitlement to parental leave

Who will be affected and how?

All employees who become a parent

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

All employees

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	But inappropriate language his/her should be they/their
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or

			belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair and assists an employee who is a carer
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living & subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Covalent			

Date of Review (If applicable)