

CONTENTS

			Page No
Section	1	Scope of the policy	3
Section	2	The right to parental leave	3
Section	3	Who is entitled to parental leave	3
Section	4	How much leave is an employee entitled to?	3
Section	5	How does an employee arrange to take leave?	4
Section	6	Record keeping	5
Section	7	How does parental leave impact on other types of leave?	5
Section	8	Right of appeal	5

INTRODUCTION

The Governing Body of **Talbot Specialist School** adopted this policy on 7th October 2016.

It will review it in as advised by Human Resources.

SECTION 1 SCOPE OF THE POLICY

This policy applies to all teaching and support staff.

SECTION 2 THE RIGHT TO PARENTAL LEAVE

All employees with a minimum of a year's continuous service with the authority (or governing body in the case of aided or foundation schools) have a statutory right to up to eighteen weeks unpaid leave, in accordance with the Maternity and Parental Leave Regulations 1999/Parental Leave (EU Directive) Regulations 2013.

The leave can be taken to care for a child, and is not restricted to occasions when a child is unwell or there is a crisis.

The parental leave entitlements are in addition to the existing paternity and maternity leave schemes, and dependants' leave.

The statutory entitlement to leave does not apply to all parents and reference should therefore be made to the section below.

SECTION 3 WHO IS ENTITLED TO PARENTAL LEAVE?

The employee must;

- Have at least 1 year's continuous service with the LA, aided or foundation school, or other employer recognised by the Redundancy Modification Order (e.g. other local authorities or colleges). In the case of parents of children aged under 5 on the 15 December 1999, proof of previous employment is acceptable.
- Be the parent of a child born after 15 December 1999, or be the parent of a child aged 5 or under on the 15 December 1999.

This definition includes adoptive parents, grandparents who have acquired parental responsibility and same sex parents.

SECTION 4 HOW MUCH LEAVE IS AN EMPLOYEE ENTITLED TO?

Parental leave entitlement is as follows;

- The parent is entitled to a maximum of **18 weeks unpaid leave** prior to the child's 5th birthday. In the case of a parent with a child aged under 5 on the 15th December 1999, this leave has to be used by 31 March 2005.
- The parent of an adopted child is entitled to **18 weeks unpaid leave** which may be taken within 5 years of the date of adoption or until the child's 18th birthday, whichever is the earliest.
- The parent of a child with a disability living allowance is entitled to **18 weeks unpaid leave**, up until the child's 18th birthday.

The leave entitlement is for each child and therefore where a parent has more than one child meeting the criteria the leave allowance will increase accordingly eg. The parent would be entitled to twenty six weeks unpaid leave in the case of twins. The leave is also an individual entitlement and therefore if a couple with a child both work in the same school they would nevertheless each have an entitlement to 13 weeks unpaid leave.

The leave can be taken by each parent in blocks of one to four weeks, with a maximum of four weeks in any year. However leave taken to care for a disabled child can be taken in days.

SECTION 5 **HOW DOES AN EMPLOYEE ARRANGE TO TAKE LEAVE?**

The employee is required to provide evidence of eligibility for the leave, such as their child's birth certificate or adoption papers.

The employee must give at least twenty one days written notice, of taking leave, to the headteacher, (or to the Chair of Governors on the case of a headteacher taking leave) including the dates when the leave will start and end.

In the case of a birth or adoption employees may have additional entitlements to maternity, adoption leave or paternity leave, and reference should be made to the relevant policies in school.

In certain circumstances the leave may be postponed by the headteacher, or Chair of Governors, for up to six months from the date requested.

In the case of a postponement this should be discussed with the individual and they should be given written confirmation of the reason and revised arrangements, within seven days of their request. The employee should also be informed of their right of appeal.

Advice should be sought from your HR provider prior to the postponement of any leave.

SECTION 6 RECORD KEEPING

A record will be kept on the employee's file of any parental leave taken, and this may be requested by other employers if an individual leaves the school.

SECTION 7 HOW DOES PARENTAL LEAVE IMPACT ON OTHER TYPES OF LEAVE?

Parental leave may be taken in addition to paternity leave, dependants' leave, annual leave and maternity leave.

In the case of maternity leave, where parental leave is taken directly following

maternity leave, this does not satisfy the contractual requirement to return to work for a period of time, in order to retain additional maternity pay.

SECTION 8 RIGHT OF APPEAL

An employee is entitled to follow the Grievance Procedure if they consider that they have been unfairly treated with regard to the parental leave procedure. If an employee considers that they have been prevented from taking parental leave, or that attempts to prevent them have been made, they are entitled to complain to an Employment Tribunal. This is also the case if they have been dismissed or victimised for taking parental leave.