

# People Framework

## Ordinary Parental Leave Procedure



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## Tracking

<b>Policy Title</b>	Ordinary Parental Leave Procedure		
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<b>Service</b>			

## Revision History

Revision Date	Revisor	Previous Version	Description of Revision

## Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

## **1. Introduction**

Ordinary Parental Leave is the right to take time off work to look after a child or to make arrangements for a child's welfare.

An employee is entitled to up to 18 weeks' unpaid Ordinary Parental Leave per child if they have parental responsibility for a child/children who are under 18 years of age.

To qualify for Ordinary Parental Leave, employees must have completed at least one years' continuous service with the Council.

Ordinary Parental Leave differs from Shared Parental Leave, which enables eligible parents to share the care of their child/children during the first year after birth or placement for adoption. Please see the Council's Shared Parental Leave Procedure.

## **2. Entitlement to Ordinary Parental Leave**

Eligible employees are entitled to a maximum of 18 weeks' Ordinary Parental Leave in respect of each individual child. In the case of multiple births or the adoption of more than one child as part of the same placement, the employee has the right to take Ordinary Parental Leave in respect of each child.

Ordinary Parental Leave is an individual right and cannot be transferred between parents.

An employee's total entitlement to Ordinary Parental Leave is limited to 18 weeks irrespective of whether they change employer. If, for example, an employee has taken four weeks' Ordinary Parental Leave out of their total entitlement of 18 weeks during their current employment, they will have 14 weeks' Ordinary Parental Leave available to take on moving to new employment. The employee will, however, have to work for a full year with their new employer before becoming eligible to take any of this entitlement.

Ordinary Parental Leave must be taken before the child's eighteenth birthday.

## **3. Rights during Ordinary Parental Leave**

During Ordinary Parental Leave employees remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will remain in place.

Under the terms of the Local Government Pension Scheme (LGPS), periods of unpaid leave, even where authorised, do **not** count as reckonable service for pension purposes. Employees can opt to pay pension contributions to cover periods of unpaid Ordinary Parental Leave so that full LGPS membership continues during the period in which they received no pay. Please contact the HR team for further details.

Employees who fall sick during a period of Ordinary Parental Leave and who report their sickness in line with the Council's Absence Management Procedure will receive their contractual sick pay. This period of absence will be recorded as sickness absence and will not count towards their Ordinary Parental Leave entitlement.

#### **4. Taking Ordinary Parental Leave**

Ordinary 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 applies, the Council will add together the individual days of Ordinary Parental Leave taken by the employee to make up complete weeks.

One week's Ordinary Parental Leave is equal to the length of time that an employee is normally required to work in a week and will be pro-rated for part-time employees. This means that a week's leave for an employee who normally works Monday to Friday is equal to five days, while for an employee who normally works Monday and Tuesday only, a week's leave is equal to two days.

A maximum of four weeks' Ordinary Parental Leave may be taken in respect of any individual child in any one year. For the purposes of taking Ordinary Parental Leave, a year is defined as the period of 12 months beginning when the employee first become entitled to Ordinary Parental Leave in respect of the child (e.g. the child's date of birth or date of placement for adoption), and each successive period of 12 months beginning on the anniversary of that date.

#### **5. Conditions of Ordinary Parental Leave**

Employees will need to evidence their eligibility for Ordinary Parental Leave (i.e. parental responsibility or expected parental responsibility for the child) by providing documentation confirming the child's date of birth or date on which placement for adoption began.

Where the employee is requesting Ordinary Parental Leave in relation to a disabled child, they will also need to provide evidence of the child's entitlement to Disability Living Allowance.

Employees must submit requests for Ordinary Parental Leave to their manager at least 21 days before the date on which they wish the leave to start using FORM.

Where an employee requests a period of Ordinary Parental Leave which begins when their child is born, notice must be given at least 21 days before the beginning of the expected week of childbirth. The request must specify the expected week of childbirth. (Please also see the Paternity Leave Procedure).

Where the request for Ordinary Parental Leave is in respect of an adopted child and is to begin on the date of the placement, notice must be given at least 21 days before the beginning of the week in which the child is to be placed for adoption (or as soon as is reasonably practicable). The request must specify the week in which the placement is expected to occur. (Please also see the Paternity Leave Procedure).

## **6. Postponement of Ordinary Parental Leave**

Managers may postpone a period of Ordinary Parental Leave where they consider that service provision would be unduly disrupted if the employee were to take leave during the period requested.

Ordinary Parental Leave cannot be postponed if it has been requested immediately after childbirth or immediately after placement for adoption. Ordinary Parental Leave cannot be postponed where it would mean that the employee would no longer qualify, e.g. postponement until after the child's 18<sup>th</sup> birthday.

Managers must seek HR advice when considering the postponement of Ordinary Parental Leave. Where Ordinary Parental Leave is postponed, the employee will be permitted to take an equivalent period of Ordinary Parental Leave beginning no later than six months after the start date of the period of leave originally requested.

The Council will provide the employee with written notice of the postponement no more than seven calendar days after the date on which the original request was received by the manager. The written notice will state the reason for the postponement and suggest alternative dates on which the employee may take Ordinary Parental Leave.

## **7. Returning to work after Ordinary Parental Leave**

At the end of Ordinary Parental Leave, employees are entitled to return to the same role provided that the leave was for a period of 4 weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave).

Where the period of Ordinary Parental Leave is longer than 4 weeks (or follows on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same role or, if that is not practicable, to a similar role that has the same or better status, terms and conditions as their previous role.

## **8. Data protection**

When managing an employee's Ordinary Parental Leave, the Council processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the Council that they intend to take Ordinary Parental Leave is held securely, accessed by and disclosed to individuals only for the purposes of managing their Ordinary Parental Leave.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy. Where appropriate, action may be taken in line with the Council's Disciplinary Procedure.