

**The Heath Family Multi Academy Trust
Parental Leave Policy**

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| Supporting documents, procedures & forms of this policy | | |

Where appropriate, this policy should be read in conjunction with the Flexible Working, Maternity, Paternity and Shared Parental Leave Policies

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1 SCOPE AND PURPOSE

- 1.1 The law recognises and the Heath Family Multi Academy Trust respects that there will be occasions when working parents wish to take time off to care for or spend time with their child or children.
- 1.2 This policy reflects that statutory right of employees who meet the eligibility criteria to take up to 18 weeks' unpaid parental leave in respect of each child.
- 1.3 No employee will be subject to a detriment for taking or seeking to take parental leave in accordance with this policy.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2 WHO IS RESPONSIBLE FOR THE POLICY?

- 2.1 The Heath Family Multi Academy Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Board of Directors has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal.
- 2.2 The Governing Body/Principal has a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

3 WHO IS COVERED BY THE POLICY

- 3.1 This policy covers all employees at all levels and grades including senior managers, employees, trainees, part-time and fixed term employees (referred to as **employees** or **you** in this policy).
- 3.2 It does not apply to agency staff, volunteers and self-employed contractors.

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4 ENTITLEMENT TO PARENTAL LEAVE

4.1 Employees who meet the criteria set out below are entitled to take up to 18 weeks' parental leave in relation to each child for whom they are responsible.

4.2 To take a period of parental leave in relation to a child, you must:

4.2.1 have at least one year's continuous employment;

4.2.2 have or expect to have responsibility for the child; and

4.2.3 be taking the leave to spend time with or otherwise care for the child.

4.3 You have responsibility for a child if you:

4.3.1 are the child's biological mother or father (whether or not you are living with the child);

4.3.2 are the child's adoptive parent; or

4.3.3 otherwise have legal parental responsibility for the child, e.g. if you are the child's guardian.

4.4 Any parental leave taken in relation to a child while working for another employer counts towards your 18 week entitlement. If you have taken parental leave in relation to a child during previous or concurrent employment, you should provide details to the Principal.

5 TIMING OF PARENTAL LEAVE

5.1 You can take parental leave before the child's 18th birthday.

5.2 You may not take more than four weeks' parental leave each year in relation to each child. A year for this purpose begins on the date when you became entitled to take parental leave in relation to the child in question.

5.3 Parental leave must be taken in blocks of a whole week or whole number of weeks, unless the leave is to be taken in respect of a disabled child.

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5.4 For the purposes of this policy, a disabled child means a child who is entitled to a disability living allowance, armed forces independence allowance or personal independence allowance.

6 NOTIFICATION REQUIREMENTS

6.1 You must give the Principal, (or in the case of the Principal the Chair of the Governing Body), notice of your intention to take parental leave. This notice must be given in writing.

6.2 The notice requirements are as follows:

6.2.1 if you wish to take parental leave commencing immediately on the birth of a child, you must give notice of this intention at least 21 days before the start of the expected week of childbirth (**EWC**). The notice must specify the EWC and the duration of the period of leave required.

6.2.2 if you wish to take parental leave commencing immediately on the adoption of a child, you should give notice of this intention at least 21 days before the start of the expected week of placement (**EWP**). If this is not possible, you must give as much notice as possible. The notice must specify the EWP and state the duration of the period of leave required.

6.2.3 in all other circumstances, you must give notice of the intention to take parental leave at least 21 days before you intend for the leave to start. The notice must specify the dates on which the period of leave is to begin and end.

6.3 If you wish to take a period of parental leave immediately after a period of ordinary paternity leave, it would be helpful if you could give the Principal notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, you should give as much notice as you can. If you do not give notice at least seven days before your period of ordinary paternity leave starts, the School might not allow you to take the period of parental leave. However, School will consider each case on its merits.

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7 EVIDENTIAL REQUIREMENTS

- 7.1 Before you take a period of parental leave under this policy, you must provide the Principal, (or in the case of the Principal the Chair of the Governing Body), with evidence of;
- 7.1.1 your responsibility or expected responsibility for the child such as the birth certificate or adoption or matching certificate;
 - 7.1.2 the child's date of birth or date of adoption placement; and
 - 7.1.3 if applicable, the child's entitlement to a disability living allowance, armed forces independence allowance or personal independence allowance.
- 7.2 For details of what evidence is required in your particular circumstances, or if you have difficulties obtaining the evidence, please contact the Principal.

8 THE RIGHT TO POSTPONE PARENTAL LEAVE

- 8.1 Although the Principal will always try to accommodate your request for parental leave there may on occasion be the need to postpone a requested period of parental leave for up to six months where the leave as planned would unduly disrupt the School at which an employee is based. Postponement might apply for example, where:
- 8.1.1 you wish to take parental leave during a peak period;
 - 8.1.2 a number of employees wish to take parental leave at the same time;
 - 8.1.3 your work at that time is of importance to a time-critical project;
or
 - 8.1.4 cover for your work cannot be found before the date on which the parental leave is due to start.
- 8.2 If the Principal needs to postpone your request, the Principal will consult with you about alternative dates. The Principal will notify you in writing of the reason for postponement and the new start and end dates for your

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parental leave, no more than seven days after receipt of your request for leave.

8.3 The Principal will not postpone parental leave if you have requested it to start immediately on the birth or adoption of a child.

8.4 You will not lose your parental leave entitlement if, because of a postponement of such leave, the leave remains untaken on the child's fifth birthday (or on the fifth anniversary of the child's adoption placement, if applicable).

8.5 The Principal will not postpone parental leave if, in the case of an adopted or disabled child, the postponement would result in the leave being taken after the child's 18th birthday.

9 TERMS AND CONDITIONS DURING PARENTAL LEAVE

9.1 Parental leave under this policy is unpaid leave. Your contractual provisions relating to pay and benefits are suspended during parental leave.

9.2 However, during parental leave you are entitled to benefit from any contractual terms in relation to being given notice, redundancy compensation and disciplinary and grievance procedures. Holiday entitlement will continue to accrue.

9.3 During parental leave you will remain bound by the obligation of good faith towards the Trust/School. You will also remain bound by any contractual terms relating to the giving of notice, the disclosure of confidential information, the acceptance of gifts and benefits.

10 PENSIONS

For details of the implication of Parental Leave on an employee's pension please contact the Trust/School's Business Manager who will provide further advice.

11 RETURNING TO WORK

11.1 You are normally entitled to return to work in the same position you held before commencing a period of parental leave. Your terms of employment will be the same as they would have been had you not been absent.

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11.2 However, where your period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave, it might not be possible in some cases for you to return to the same job. If this is the case, the Governing Body will offer you a suitable and appropriate alternative position on no less favourable terms.

11.3 The Principal will deal with any requests by employees to change their working patterns (such as working part-time) after parental leave on a case by case basis and in accordance with the Heath Family Multi Academy Trust's Flexible Working Policy. The Principal will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the School. It is helpful if flexible working requests are made as early as possible.

12 ABUSE OF THIS POLICY

12.1 Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue. Employees are referred to the Heath Family Multi Academy Trust's Disciplinary Policy.