



# Academy Parental Leave Policy

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|------------------------------|--|
| <b>Consultation Period:</b>  | 11 <sup>th</sup> April 2016 – 29 <sup>th</sup> June 2016 |
| <b>Date Approved by NET:</b> | 7 <sup>th</sup> October 2016                             |
| <b>Next Review Date:</b>     | Summer 2019  |

## Parental Leave Policy

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## 1. Introduction

- 1.1 As the employer of staff in our Academies, Northern Education Trust (NET) recognises the statutory responsibilities related to employment. Day to day management of staff is delegated to the Principal and line managers in each Academy. Throughout this document reference is made to the responsibilities held by the Governing Body/Principal for operational purposes. Ultimate responsibility rests with the Trust.
- 1.2 Parental leave was introduced by the Maternity & Paternity Leave Regulations 1999 which gave effect to the EU parental leave directive and has been amended by the Parental Leave (EU directive) Regulations 2013.
- 1.3 This policy is intended to inform employees of the basic rights to parental leave. It covers all employees who have a contract of employment with the Trust and work in Trust academies.
- 1.4 Parental leave should not be confused with Shared Parental Leave which is a new entitlement for eligible parents of children born or adopted on or after 5 April 2015. A separate policy is available on Shared Parental Leave.
- 1.5 Please note where reference is made to the Principal, this is either the Principal or the nominated person in the academy.

## 2. Right to Parental Leave

- 2.1 All employees with one year's continuous service have a right to 18 weeks unpaid parental leave for the purpose of caring for a child up to their 18th birthday. To qualify for this leave the employee must have responsibility for a child.
- 2.2 Legislation states that the service must be with the same employer. However, for the purpose of this policy, the Trust recognises continuous service for teachers with any public body listed on the modification order, as long as the service with those employers was subject to the provisions of the Burgundy Book. For support staff, the Trust recognises continuous service with any public body listed on the modification order subject to NJC conditions of service.
- 2.3 Parental responsibility is defined within the regulations as having the same meaning as in the Children Act 1989, but generally means:
  - The mother of the child
  - The father of the child if he was married to the mother at the time of the birth or he is registered as the child's father
  - The father (if not covered by the above) if he has acquired parental responsibility under the Children Act 1989. This is done either by a court order or an agreement between the mother and father which complies with certain legal requirements
  - A guardian appointed under s.5 of the Children Act 1989
  - Adoptive parents
- 2.4 Parental leave should only be taken to care for the welfare of a child, for example an employee may wish to take leave to:
  - Stay with a child who is in hospital
  - Spend more time with a child
  - Make school/childcare arrangements for a child and to help them settle in

### 3. Key Elements of the Parental Leave Scheme

3.1 The key elements of the parental leave scheme are as follows:

#### 3.2 The Leave and when it may be taken

3.2.1 The right is to 18 weeks unpaid leave per employee per child (including multiple births), pro rata for part time employees.

3.2.2. A 'week' equals the length of time an employee normally works over 7 days. For example, If an employee works 3 days a week, one 'week' of parental leave equals 3 days.

3.2.3 The leave will be unpaid and employees may take this entitlement in a single block of 4 weeks or in multiples of a week, subject to the postponement provisions. In exceptional circumstances, and subject to operational needs and the postponement provisions, employees may request to take leave in multiples of a single day.

If an employee takes leave that is shorter than 1 week it shall be calculated as a week's leave.

**NB:** The legislation provides that parents of a disabled child may take leave in blocks or multiples of a single day.

3.2.4 Employees may only take 4 weeks' parental leave for each child during a particular year, beginning on the date on which the employee becomes entitled to the leave. This will either be the date of the child's birth or where it is a new employee, after serving the 1 year qualification period.

### 4. Notice

4.1 In general, an employee is required to give at least 21 days' notice, specifying when the leave is to begin and end.

4.2 If the leave is to be taken by a father immediately after the birth of the child, the notice must specify the expected week of childbirth. He must also specify the amount of parental leave to be taken and the notice must be given at least 21 days before the beginning of the expected week of childbirth.

4.3 In respect of leave taken immediately after a child is adopted, the notice required is as above or as soon as is reasonably practicable.

### 5. Evidence

5.1 The Academy may request to see reasonable evidence of the child's date of birth, of the employee's responsibility or expected responsibility for the child and, if applicable, to the child's entitlement to a Disability Living Allowance.

### 6. Postponement of Leave

6.1 If an employee meets the qualifying conditions and gives the required notice, the employee is entitled to take the leave.

6.2 The period of leave may only be postponed by the Trust if the operation of the Academy would be unduly disrupted i.e. a valid business reason, for example if a number of employees have requested leave at the same time. The leave can only be postponed for up to 6 months but cannot be postponed so that the leave ends after

the child's 18<sup>th</sup> birthday. However, if the leave is to be taken immediately after a child is born or placed for adoption the leave cannot be postponed.

- 6.3 If the Principal wishes to postpone the leave they must notify the employee in writing within 7 calendar days of the request for leave, stating the reason for the postponement. In addition, the Principal must agree to grant the leave within 6 months and specify, in writing, the date upon which the leave may be taken after consulting with the employee. If no agreement can be reached after consultation the Principal must determine the appropriate dates.

## **7.0 Appeal against Postponement of Leave**

- 7.1 An employee has the right of appeal against a decision to postpone the leave. Appeals should be lodged within 5 working days of receipt of the original decision from the Principal and outline the reason for the appeal. Appeals should be in writing and be sent to the Chair of Governors. The Chair (in consultation with the Trust HR function) will arrange for a panel of 3 governors to hear the appeal (in exceptional circumstances 2 governors may hear the appeal).
- 7.2 An employee has the right to be accompanied at the appeal hearing by a work colleague or certified trade union representative, but it is the employee's responsibility to arrange this.
- 7.3 Arrangements for the Appeal will be made on receipt of the appeal request. Wherever possible the Appeal should be heard within 20 working days of the lodging of the appeal and the employee should have at least 5 working days notice of the Appeal Hearing.
- 7.4 The procedure for the Appeal is at Appendix 2.

**The Application for Parental Leave must be completed prior to commencing parental leave and sent to the Principal.**

**Application for Parental Leave (Unpaid)**

**Section A – To be completed by Applicant**

|                               |                              |                             |  |
|-------------------------------|------------------------------|-----------------------------|--|
| Surname:                      |                              | Forename:                   |  |
| Academy Start Date:           |                              | Payroll Number:             |  |
| Home Address:                 |                              |                             |  |
|                               |                              |                             |  |
| Post Title:                   |                              |                             |  |
| Reason for Leave:             | .....<br>.....<br>.....      |                             |  |
| Relationship to Child:        |                              |                             |  |
| Supporting Evidence Supplied: | Yes <input type="checkbox"/> | No <input type="checkbox"/> |  |
| Period of Unpaid Leave        | From:                        | To:                         |  |

Signature of Applicant: ..... Date: .....

**Section B – To be completed by the Principal**

|  |                                   |                                  |
|--|-----------------------------------|----------------------------------|
| Decision on Application:                         | Approved <input type="checkbox"/> | Refused <input type="checkbox"/> |
| If Approved – Number of Weeks/Days Granted:      |                                   |                                  |
| Comments:  | .....<br>.....<br>.....           |                                  |
| Date Applicant Notified of Decision:             |                                   |                                  |
| Date Copy of Form Sent to Payroll (if approved): |                                   |                                  |

Signature of Principal: ..... Date: .....

### Appeals Procedure against the Postponement of Leave

1. The employee or his/her representative to put his/her case and to call such witnesses as he/she wishes.
2. The Management representative\* to have the opportunity to ask questions of the employee or his/her representative and witnesses.
3. Members of the Committee to have the opportunity to ask questions of the employee or his/her representative, or the witnesses.
4. The Management representative\* to present the academy's case and may call witnesses.
5. The employee or his/her representative to have the opportunity to question the Management representative and any witnesses about the facts provided.
6. Members of the Committee to have the opportunity to question the Management representative and any witnesses.
7. The Management representative\* to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
8. The employee or his/her representative to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
9. The Management representative\* and the employee and his/her representative to withdraw.
10. The members of the Appeals Committee to consider the facts presented to them.

The appeal hearing may also be adjourned at the deliberation stage, in order to allow for further investigation if the Committee feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

\* Management representative and a representative of the Trust HR function if necessary

## CONTACTS

For advice on the content of this policy please contact:

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Employees are also encouraged to contact their trade union representative for advice and support where appropriate.