Parental Leave and Guidance Application Form

Scope

The following sets out the statutory minimum required by regulation to date in respect of parental leave rights which are applicable to all employees. The rights are in respect of each parent and each child for whom they are responsible. Note that the statutory rights which took effect on 8th March 2013 and 5th April 2015 exceed the Green Book model scheme for non-teaching staff and where this has been adopted as a contractual entitlement this needs to reflect the new statutory position.

If the employee is eligible and gives the required notice, they are entitled to take the leave; it cannot be refused but may, in certain circumstances, be deferred by the school or academy (see below).

The Right to Parental Leave: A Summary

Parental leave is a form of statutory unpaid leave available to some working parents in addition to statutory maternity, paternity and adoption leave and shared parental leave. On 8th March 2013, the total amount of unpaid leave that can be taken per child increased from 13 to 18 weeks. On 5th April 2015, the age limit for children in respect of whom parental leave can be taken increased from a child’s 5th birthday so that leave can be taken up until a child’s 18th birthday. Parental leave can be flexible in terms of the time at which it is taken and the way in which the total leave entitlement may be split up into a number of shorter periods.

Despite the similar terminology, the concepts of parental leave and shared parental leave are unrelated.

Eligibility

The employee must:

* have at least one year’s continuous service; and
* have responsibility for the child in question; and
* be taking the leave to spend time with or otherwise care for the child
* give a minimum of 21 days’ notice, (unless this is not reasonably practicable) specifying when the leave is to begin and end. Expectant parents who wish to take leave immediately after the birth or placement of a child for adoption must specify the expected week of childbirth or placement as appropriate.

The employee has responsibility for the child for the purposes of this paragraph if the employee:

* is the child’s biological parent (whether or not living with the child);
* is the child’s adoptive parent; or
* has, or expects to have, parental responsibility for a child or legal parental responsibility or parents who appear on the child’s birth certificate regardless of marital status.

**November 2015**

The child must:

* have been born on or after 15 December 1999; and
* be under the age of eighteen

The Entitlement and How it Can be Taken

The entitlement is up to eighteen weeks unpaid leave for each child for the purpose of caring for that child.

It must be taken in blocks or multiples of one week, however if the child has a disability and is entitled to disability living allowance, it can be taken in week blocks or multiples of a single day.

A maximum of four weeks may be taken in any one year. The year begins on the date that the employee becomes entitled to the leave. This is either the date of the child’s birth, the date of the child’s placement or, in the case of a new employee, after completion of the one year qualification period.

For part time employees who have a child with a disability (who is entitled to disability living allowance) and who can use their entitlement a day at a time, their parental leave must be in proportion to the hours and weeks that they work. The calculation to determine how many hours make up the four week a year limit is as follows:

*Hours worked by full time employee in a day (full time hours per week divided by 5 days) x 20 (number of leave days in four weeks) = full time annual parental leave hours each year**e.g. (37/5 = 7.4) x 20 = 148 hours*

*Part time hours worked each week x full time annual parental leave hours each year*

*Full time hours in a week = annual part time entitlement*

*e.g., 16 / 37 x 148* = 64 hours

Please note the above calculation is for employees who work 52 weeks per annum.

For employees who work less than 52 weeks, the amended calculation needs to also pro rata to the employee’s paid weeks (i.e., working weeks plus paid annual leave entitlement).

(part time hours/full time hours)  x  (paid weeks / full time weeks per year ) x full time annual parental leave hours each year **=**  X hours

*e.g.,* 16/37 x 43.14/52 x 148 = 53.1 hours

Deferral by the School/Academy

The employer can postpone the period of leave only “if the operation of the business would be unduly disrupted”.

However, if the leave is to be taken immediately after a child is born or placed for adoption the employer may not postpone the leave.

A school or academy may determine that, since there are already significant closure periods, pupils’ education will be unduly disrupted by allowing parental leave in term time. Your EPM HR Adviser can advise on individual cases; however, it is important that schools and academies adopt a fair and consistent approach.

If the school or academy wishes to postpone a period of leave it should consult with the employee over the date to which the leave should be postponed and must notify the employee, in writing, within seven days of the request for leave, stating the reason for the postponement and the new beginning and end dates of the period of leave which the employer will permit the employee to take. The length of the period should be the same as the employee’s original request. However, they must then grant the leave within six months of the original request (subject to ensuring that any postponed leave will end prior to the child’s 18th birthday) and specify in writing the date upon which the leave may be taken, after consulting with the employee. If no agreement is reached after consultation, the school or academy must determine the appropriate dates. The employer cannot reduce the length of the employee’s leave or split up a period of leave into two or more shorter periods. Any postponed leave must be the same length as the employee’s original request. Nor can the employer postpone a period of leave that has already been postponed once.

Employees have the right to present a complaint to an employment tribunal if the employer prevents or attempts to prevent them from taking parental leave.

Record Keeping and Proof

The right is a personal one; it cannot be transferred from one parent to another. The entitlement is to take 18 weeks’ leave in total in relation to each child and not 18 weeks with each separate employer. Employers are not required to keep statutory records of parental leave taken, but schools and academies are strongly advised to do so. When an employee changes jobs, prospective employers may ask a current employer if any parental leave has been taken.

The employer 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 the child has a disability, to the child’s entitlement to a disability living allowance.

Pension and Employment Rights During Leave

The employee should contact their pension scheme directly, to ascertain their pension rights during parental leave and to make any necessary arrangements. The provisions in respect of the Local Government Pension Scheme and the Teacher’s Pension Scheme differ.

An employee who takes parental leave has the right not to be dismissed or subjected to any other detriment by reason of taking parental leave. Continuous service will continue to accrue during parental leave for both teaching and non-teaching employees.

The employee’s contractual provisions relating to pay and benefits are suspended during parental leave. The employee is entitled to benefit from any contractual terms has in relation to being given notice, redundancy compensation and disciplinary and grievance procedures. Employees continue to benefit from statutory rights during the period of absence such as accrual of statutory holiday entitlement and continuity of service. During parental leave the employee remains bound by his/her obligations of good faith, as well as any contractual terms relating to the giving of notice, disclosure of confidential information, acceptance of gifts and benefits and freedom to participate in another business/work elsewhere.

Informing EPM Payroll of Unpaid Parental Leave

To inform EPM Payroll that an employee will be taking unpaid parental leave, the person responsible for entering the monthly absences through EPM’s Payroll Portal will need to record the dates on which pay is to be deducted in respect of any unpaid parental leave.

The absence category to select is UPL (Unpaid Parental Leave). Your EPM Payroll Administrator will then deduct the specified daily rate from the employee’s salary, in respect of any post(s) that would normally be worked on the day/s that the leave was taken.

The dates entered must correspond with rules for taking parental leave, as set out in ‘The entitlement and how it can be taken’ on page 2 of this guidance.

The unpaid leave will then be shown on the absence reports listed under the ‘download reports’ section of the portal for record keeping purposes.

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| Parental Leave Application and Consent FormPlease note that you should complete a separate form for each child |
| **Section A: Personal Details** (to be completed by the employee) |
| Employee Name |  |
| Address for Correspondence |  |
| Payroll Reference |  |
| National Insurance No. |  |
| Name of School/Academy Employer |  |
| Post Title/s |  |
| **Section B: Details of Previous Employment** |
| Previous Employer’s Name and Address |  |
| Start Date with Previous Employer |  |
| Date Employment Ceased |  |
| (If you have taken parental leave with more than one previous employer please provide their details on a separate sheet and attach. Thank you) |
| I confirm that I have taken .............. weeks or where the child has a disability .............. days parental leave with previous employers in respect of this child. |
| **Section C: Details of Eligibility**I confirm that I am an employee; and I have at least 1 year’s continuous employment; and Have, or expect to have, responsibility for a child |
| Details of Child leave is being requested for |
| Name of Child |  |
| DOB of Child |  |
| Child Receives Disability Living Allowance (please tick) | Yes [ ]  | No [ ]  |
| If you are not named on the birth certificate, please confirm which of the categories set out below you fall into: |
| Category | Please tick as appropriate |
| A spouse who was married to the birthing parent at the time of birth | [ ]  |
| A parent who has acquired parental responsibility under the Children Act 1989 | [ ]  |
| A parent who has not acquired parental responsibility but whose name appears on the birth certificate (Adoption and Children Act 2002) | [ ]  |
| A guardian appointed under section 5 of the Children Act | [ ]  |
| An adoptive parent | [ ]  |
| I attach copies of the following | Please tick as appropriate |
| child’s birth certificate | [ ]  |
| adoption papers | [ ]  |
| guardianship papers | [ ]  |
| court order | [ ]  |
| disability living allowance award (Benefits Agency Letter/Bank Statement) | [ ]  |
| child benefit allowance award (Benefits Agency Letter/Bank Statement) as evidence that child resides with me | [ ]  |
| **Section D: Declaration** |
| My parental leave year starts on date.(Please see ‘The entitlement and how it can be taken’) |  |
| I confirm that all of the details I have provided are accurate. I understand that any false information that I give on this form may result in disciplinary proceedings being taken against me. |
| Print name |  |
| Signed |  |
| Date |  |
| Please return this form to the Headteacher/Principal |
| **Section E: Confirmation of eligibility by Headteacher/Principal** |
| Details in Section A verified as correct: | Yes [ ]  | No [ ]  |
| Child’s birth certificate and other appropriate papers seen and verified | Yes [ ]  | No [ ]  |
| Signed |  |
| Date |  |
| This form should be retained on the employee's personnel file. |

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| **Section F:**  **Leave Request and Authorisation Record** |
| Dates of leave requested: from/to | Number of weeks(days/hours if child has a disability) | Date requested | Approved byHeadteacher/Principal(Please sign) |
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