

Kenwyn Parish Council

Parental Leave Policy

This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Parish Council. An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she meets one of the following conditions:

- He/she is the parent of a child who is under 18 years of age.
- He/she has adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18th birthday, whichever is the sooner).
- He/she has acquired formal parental responsibility for a child who is under 18 years of age. An employee who is the parent or adoptive parent of a child who has been awarded disability living allowance is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.

To qualify for parental leave, employees must have completed at least one year's continuous service with Kenwyn Parish Council.

Parental Leave Rights

Qualifying employees will be entitled to a maximum of 18 weeks' parental leave to be taken up until the child's eighteenth birthday (unless the child is adopted or disabled see above). During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force, as follows. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- notice of termination;
- redundancy compensation; and
- disciplinary or grievance procedures.

Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and

- participation in any other business.

Conditions of Parental Leave

Kenwyn Parish Council has adopted the default scheme for the taking of parental leave and the following conditions apply. An employee may not exercise any entitlement to parental leave unless he/she has complied with any request to produce evidence as to his/her entitlement (e.g. parental responsibility or expected responsibility for the child in question; the child's date of birth or date on which placement for adoption began; where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to disability living allowance).

The employee must give proper notice of the period of leave that he/she proposes to take. This notice must be given at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end. Where the employee is the father of the child in respect of whom the leave is to be taken and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave.

The employee must give this notice at least 21 days before the expected week of childbirth. Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's 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 thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.

Kenwyn Parish Council may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where Council considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, Council will allow the employee to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested.

Kenwyn Parish Council will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice was given. Employees may not take parental leave in blocks of less than one week (except in relation to a child who is disabled). Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

Returning after Parental Leave

At the end of parental leave, the employee will be entitled to return to the same job provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

Adopted:

Minute reference:

Review date: