Torbay and South Devon NHS Foundation Trust

ORDINARY PARENTAL LEAVE (H13)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Equality and Diversity team on 01803 656680.

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Links or overlaps with other policies:			
Need to list all policies that are referred to, or have links to this policy.			
Maternity, Paternity & Adoption leave			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
			Entry in this section every time a change is made, using appropriate version control	
1.2	Reviewed	December 2016	Review - include new TSD logo and legislative changes relating to eligibility 5.2	
1.3	Approved	July 2021	Updated wording around People Hub Team & People Directorate / contact details / logo / Version / date	People Hub

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1 Policy Statement

1.1 This information has been designed to give you guidance on the parental leave entitlements within Torbay and South Devon NHS Foundation Trust, hereinafter referred to as the Trust. This guidance on parental leave is part of a package of rights and benefits designed to give support to working parents.

2 Introduction

2.1 "Ordinary parental leave" should not be confused with shared parental leave. Shared parental leave enables mothers to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. The Trust provides a separate policy on shared parental leave.

3 Scope

3.1 This policy applies to all staff employed by the Trust where they meet the eligibility criteria as described below.

4 Equality and Diversity Statement

4.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.

4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis. For more information about equality analysis and Equality Impact Assessments please refer to the Equality Analysis Procedure.

5 Eligibility for Ordinary Parental Leave

5.1 To be eligible for ordinary parental leave, employees must have completed at least one year's continuous service with the organisation.

5.2 An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she:

- Is the parent of a child who is under 18 years of age;
- Has adopted a child under the age of 18
- Has acquired formal parental responsibility for a child who is under 18 years of age.

5.3 An employee who is the parent or adoptive parent of a child who has been awarded disability living allowance or personal independence payment is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.

5.4 Employees are entitled to 18 weeks' unpaid parental leave in respect of any 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 unpaid parental leave in respect of each child.

6 Entitlements during Ordinary Parental Leave

6.1 Qualifying employees will be entitled to a maximum of 18 weeks' unpaid parental leave to be taken up until the child's 18th birthday. During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended.

7 Provisions of Ordinary Parental Leave

7.1 An employee may not exercise any entitlement to unpaid parental leave unless he/she has complied with any request made by the Trust 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; or, where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to disability living allowance or personal independence payment).

7.2 All requests for parental leave should be made in writing directly to your line manager, using the form attached.

7.3 The employee must give proper notice of the period of leave that he/she proposes to take. This notice must be given to the Trust 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.

7.4 Where the employee requests parental leave to begin when the child is born, the 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.

7.5 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 to the Trust 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.

7.6 The Trust 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 the Trust considers that its service would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the Trust 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. The Trust 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 to the Trust.

7.7 Employees may not take parental leave in blocks of less than one week (except in relation to a child who is disabled). Where there are exceptional circumstances, an agreement can be made with your line manager to take the full entitlement of parental leave from work in days, weeks, one long block or as reduced working hours or a mixture of these, depending on the circumstances and needs of the service.

7.8 Employees are entitled to take a maximum of four weeks' leave in any one year in respect of any individual child. 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.

7.9 Parental leave may be added to any period of maternity, paternity or adoption leave, provided the requisite notice is given.

8 Return from Ordinary Parental Leave

8.1 At the end of ordinary 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, paternity or adoption leave).

8.2 If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity, paternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not reasonably practicable, to a similar job of no less favourable terms and conditions.

8.3 The continuity of an employee's period of employment is not broken by absences from work on parental leave for statutory purposes.

8.4 Employees are not entitled to occupational sick pay during any period of parental leave.

8.5 Statutory annual leave is accrued during parental leave.

8.6 Absence on parental leave shall count towards the normal annual increment on the employee's banding scale, and will not defer the normal incremental date.

8.7 Prior to commencing prolonged periods of parental leave, the employee is advised to discuss and agree with their manager any voluntary arrangements for maintaining contact during their absence. This will include awareness of developments within the role and work place and measures to help facilitate their return to work.

9 Training and Awareness

9.1 Advice and support will be provided by the People Hub team to support staff and managers in adhering to this policy and their understanding of dealing with Ordinary Parental Leave.

9.2 The People Hub team will raise awareness of this policy through the publication of information on the ICON Network and to advise staff of changes to the policy through the staff bulletin and ratification processes.

10 References

- Employment Rights Act 1996
- Maternity and Parental Leave etc Regulations 1999 (SI 1999/3312) as amended by the Parental Leave (EU Directive) Regulations 2013

11 Contact Details

11.1 Any queries regarding this policy should be directed to the People Hub Team within the People Directorate.

- People Hub Advice Line – 01803 655754 (ext. 55754) or
- Email - tsdft.humanresources@nhs.net

12 Monitoring, Audit and Review Procedures

12.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the People Directorate unless legislative changes determine otherwise.

Appendix 1 – ORDINARY PARENTAL LEAVE REQUEST FORM

Name: _____

Address: _____

_____ Postcode: _____ Telephone: _____

Service: _____Position:_____ Base: _____

Hours: _____ Manager: _____

I wish to apply for Ordinary Parental leave from …….. to ……

Date of expected child birth or adoption leave (if applicable) ……

I confirm that if asked I can produce evidence to my entitlement and as such I meet the eligibility criteria.
(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; or, where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to disability living allowance or personal independence payment).

Signed: _____ **Date:** _____

Print Name: _____ **Position:** _____

Authorised by: _____ **Date:** _____
(Line Manager)

Print Name: _____ **Position:**