

# **SUPPORTING THE WORK-LIFE BALANCE**

## **(L) Parental Leave Policy**

### **1. Introduction**

Greater Glasgow Health Board (NHS Greater Glasgow & Clyde) recognises that parents have a joint responsibility for the care and upbringing of their children and that work and parenthood can create conflicting pressures. Parents need time with their children and time to create a supportive home in which their children can thrive. Parental leave is therefore aimed at encouraging a culture of flexible working practice to assist staff to balance family and work commitments. Parental leave is expressly for the purpose of allowing parents of spending quality time with their children and assist in balancing this with work commitments, thus improving their participation in the workplace.

### **2. Values and Principles**

Managers and employees must show responsibility for ensuring transparency and equity in the implementation of this policy, balancing their own needs with due consideration of the needs of patients, colleagues and team members. Consideration should be given to the reasonableness of the duration and timing of leave especially during peak periods of annual leave and the impact this will have on the needs of patients, colleagues and team members. Flexibility should be demonstrated in circumstances where the normal notice can not be given such as during adoption or at times of sudden illness.

### **3. Eligibility**

The policy applies to all employees whether they are full time or part time, and have completed one year's qualifying service, who have a child or children under the age of 14 years.

To be entitled to parental leave employees have to:

- be a parent (named on the birth certificate) of a child who is under the age of 14 years; or

- have formal parental responsibility<sup>3</sup> for a child who is under the age of 14 years; or
- in adoption cases, have formal parental responsibility for 14 years after the child is first placed with the family for adoption (or until the child's 18th birthday if that comes sooner); or
- in the case of a child with a disability, have formal parental responsibility up until the child's 18th birthday (for the purpose of parental leave, a disabled child is one for whom disability living allowance is paid).

#### 4. Entitlement

Employees who meet the above requirements will be entitled to a total of 13 weeks' parental leave, for each child. Employees can choose to take parental leave at any time from a child's birth until their 14th birthday, or 18th birthday for a child with a disability.

During the first four weeks of this leave, the employee will receive pay, at their normal rate of pay (as if they had been at work - i.e. calculated as the average weekly earnings in the 13 weeks prior to submission of the request for parental leave, as per Agenda for Change handbook). The remaining weeks will be unpaid.

This parental leave may be taken as either:

- a single block of 13 weeks; or
- as an annual allowance; or
- under any other individual arrangements agreed between an employee and their line manager in line with service needs (e.g. single working days, blocks of one week, reduce working hours).

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<sup>3</sup> "Parental Responsibilities" are defined within the **Children (Scotland) Act 1995** as follows:

- a) to safeguard and promote the child's health, development and welfare;
- b) to provide, in a manner appropriate to the stage of development of the child - i) direction ii) guidance to the child
- c) if the child is not living with the parent, to maintain personal relations and direct contact with the child on a regular basis, and
- d) to act as the child's legal representative

## 5. Notification of Intention to take Parental Leave

An employee who intends to exercise their right to Parental Leave must apply to their line manager, in writing via an application form (available from Human Resources). Employees must include in this form the date on which they intend to commence and return from parental leave. In order to assist with service provision employees are required to give 3 weeks' notice.

If the requested period of leave exceeds 4 weeks, at any one period, a minimum of two months' notice is required. However there will be occasions where notice cannot be given. On these occasions parents should give the notice as soon as reasonably practicable.

The line manager and the employee must discuss the terms on which the employee will exercise their right to parental leave (e.g. is it to be taken as a single block, as annual allowance or under any other individual arrangement). It is good practice for this then to be confirmed in writing by the employee's manager.

If a partner is applying for parental leave around the time of the birth of their child, they may be required to produce a copy of the MATB1 certificate.

In exceptional circumstances, due to the needs of the service the employee may be asked to postpone their parental leave, until a later date. Postponement would only take place after discussion with the employee where a valid/objective operational reason will be provided.

The leave will not be postponed for more than six months from the date on which the employee wanted to start parental leave. The manager and the employee should try to agree a suitable time, but if they cannot, the manager becomes responsible for guaranteeing that the employee can take the leave at a time, no more than six months ahead, which best fits the needs of the service and the employee. If this means that the leave is postponed beyond the 14<sup>th</sup> birthday limit the parent still has a right to take it.

The employee may at this stage opt to withdraw the request for parental leave and resubmit a request at a later date.

The manager should confirm the postponement arrangements, in writing, no later than one week after the employee's notice to take

leave is given. The manager should clearly state the reason for the postponement. In addition to this, the new dates when the employee may take parental leave should be given, ensuring that the length of this leave is equivalent to the employee's original request.

## **6. Provision of Evidence**

The employee must provide appropriate documentation to confirm that they are the parent or the person legally responsible for a child. This evidence can include:

- child's birth certificate;
- papers confirming a child's adoption or papers confirming a placement; or
- papers confirming the award of disability allowance for a child.

The employee only has to provide this information on the first occasion of applying for parental leave.

A full record of parental leave will be maintained by the Board and transferred to any future employer.

## **7. Right To Return**

At the end of parental leave an employee is guaranteed the right to return to the same job as they were doing before they commenced parental leave, provided that the leave was for a period of four weeks or less.

If the leave is greater than four weeks, the employee is entitled to return to the same job, or if that is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the employees previous job.

Absence on parental leave will not break continuity of service. An employee's contract of employment will continue during the whole period of parental leave, unless either party expressly terminates it by dismissal, or resignation.

The employee will not be bound by any contractual terms, whilst on unpaid leave except terms relating to good faith and confidentiality, which will also bind the employer.

When parental leave follows maternity leave, the general rule is that the employee is entitled to return to the same job which the employee had been employed in before the leave. If, at the end of additional maternity leave, this would not have been reasonably practicable, and it is still not practicable at the end of parental leave, the employee is entitled to return to a similar job which has the same or better status, terms and conditions as the employee's previous job

## **8. Abuse of Parental Leave**

Parental leave is to look after a child, which includes making arrangements for the good of the child. If the employee uses the leave for some other purpose, e.g. paid employment within the NHS, leave unrelated to the care of children, then this may be viewed as misconduct and the Board will deal with this situation in accordance with the Board's Disciplinary Policy and Procedure.

## **9. Annual Leave**

Annual Leave will accrue as normal during this period in accordance with the employee's current terms and conditions of service as at the time of commencing Parental Leave.

## **10. Monitoring and Review**

The application of this Policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees.

The Board is required by Law and under the European Union Employment regulations, to gather monitoring information relating to ethnicity, religion and faith, sexual orientation, age, disability and gender for all aspects of employee relations.

You may be asked for information relating to the above in connection with this policy.

You do not have to give the monitoring information if you do not wish to. However, for some of the above diversity strands it is a legal requirement that we ask you for it, and good practice to ask for monitoring information for all diversity strands.

**Any equalities monitoring information will be held separately and not used to inform any proceedings that occur in relation to this Policy.**

The operation of this Policy will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation, and formally no later than 30<sup>th</sup> June 2009.

## **11. Resolution of Disagreements**

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable, before progressing to formal procedure, for the manager to seek advice on resolving the matter from Human Resources and a senior trade union/professional organisation representative. This approach will not preclude the employee's right to raise a formal grievance in the event that they consider that the matter has not been satisfactorily resolved.