

Parental Leave in the UK



CRODA

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Introduction

The right to parental leave was introduced in December 1999 and since then has been subsequently amended. The purpose of Parental Leave is to allow parents to care for, and spend time with, their children. It is **not** meant to cover emergencies that require leave to be taken at short notice. Parental leave is unpaid leave.

This booklet gives general guidance only and should not be regarded as a comprehensive or authoritative statement of the law.

The information given is correct as at April 2013 and applies to UK employees only.

Company policy on parental leave

It is company policy that eligible employees should receive all rights due under the legislation relating to parental leave. The company will provide information to employees so that rights can be understood and accessed. It will also ensure that managers are aware of their responsibilities in this respect. The company supports working families and will not tolerate any form of discrimination against them.

The company does not provide any rights or contractual benefits or arrangements over and above those given under the legislation.

What is parental leave?

Parental leave is the right to take unpaid time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments.

Caring for a child

The purpose of parental leave is to care for a child. This means looking after the welfare of a child and can include making arrangements for the good of the child. Caring for a child does not necessarily mean being with the child 24 hours a day. The leave may be taken simply to enable the parents to spend more time with young children.

Examples of the way leave might be used include:

- To spend more time with the child in early years
- To accompany a child during a stay in hospital
- Checking out new schools
- Settling a child into new childcare arrangements
- To enable a family to spend more time together, for example, taking the child to stay with grandparents

Who can take parental leave?

Both mothers and fathers, whether they are the natural or adoptive parents, can qualify for parental leave. They must be named on the child's birth certificate or they must have, or expect to have, parental responsibility for the child.

The right is an individual one and both parents may take parental leave for the same child.

Age of child

In general, parental leave can be taken for:

- children up to 5 years of age
- or
- until the 5th anniversary of adoption of a child who is still under 18
- or
- up to the 18th birthday of a disabled child.

Disabled children

A disabled child is a child who is entitled to disability living allowance.

Qualifying service

Parents must have one year's continuous service with the Company to qualify for parental leave.

Duration of leave

As of 8 March 2013, each parent can take a total of 18 weeks' parental leave for each child under 5 years old. This was previously 13 weeks unpaid leave per child unless that child was in receipt of a disability living allowance. Parents of disabled children can take a total of 18 weeks parental leave for each disabled child under 18 years old (born or adopted).

One week's parental leave is equal to the length of time that an employee normally works each week. This means that for an employee who usually works 5 days Monday to Friday a week's parental leave is 5 days; for a part time employee working 2 days a week then a week's parental leave is 2 days.

Parental leave can be taken in blocks of one week or more. If a part week is taken it will count as a full week towards the total. The maximum leave that can be taken in any year is four weeks. The year is a period of 12 months starting on the date the employee first qualifies to take parental leave in respect of the child in question, and each subsequent 12 months from the anniversary date.

Parents of disabled children can take parental leave in single days or periods shorter than a week.

Notification

An employee needs to give at least 21 day's notice in writing giving the dates when the leave is to start and finish. If requested, the employee must provide evidence of entitlement to take parental leave e.g. MAT B1, adoption papers.

If the leave is to coincide with childbirth or adoption then 21 day's notice is required of the expected week of childbirth/adoption. Parental leave will then begin on the day on which the child is born/adopted, regardless of whether the actual date is earlier or later than expected.

Postponement of leave by company

The company can postpone the planned leave requested if the operation of the business would be unduly disrupted by the employee taking leave at the time requested. Postponement may be for up to six months.

Leave requested at the birth or adoption of a child cannot be postponed.

The company will discuss the situation with the employee and give notice of postponement in writing giving the reasons and the earliest date that leave may begin.

Pay during parental leave

There is no entitlement to any payment during any periods of parental leave. All parental leave is unpaid.

Employees who are in financial need during parental leave may be able to get Income Support. Information is available from the local Jobcentre Plus or Social Security Office.

Terms and conditions during parental leave

The employment contract continues throughout parental leave so all of its terms other than those requiring the employee to attend at work and receive pay continue to apply. Therefore, holiday entitlement, pay reviews, company car use, pension scheme, share option scheme etc, all continue during parental leave. Any enhanced benefits that are introduced in their absence, must be given to the employee. Continuity of employment is preserved.

During parental leave the employee remains bound by the duty of good faith to the company and the duty not to disclose confidential information relating to the company.

Return to work

Employees have the same protection as employees on maternity leave i.e. they will be entitled to return to the same job after parental leave.

Parental leave following maternity or adoption leave

An employee may request to take up to 4 weeks parental leave at the end of either ordinary or additional maternity or adoption leave. In these circumstances the protection on return to work will be the same as that following such leave.

Protection against detrimental treatment or dismissal

The right not to suffer detrimental treatment at work starts as soon as an employee has told the company that they are considering taking parental leave. The protection applies regardless of the employee's length of service.

Detriment can cover a wide range of forms of unfair treatment, such as denial of promotion, facilities or training opportunities which the company would otherwise have offered or made available.

The company must not subject an employee to unfair treatment at work because he or she:

- took parental leave

or

- sought to take parental leave

Furthermore it is unlawful for the company to dismiss an employee or select him or her for redundancy in preference to other comparable employees for the same reasons.

Employees who believe they have been treated unfairly can complain to an employment tribunal.

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