Unpaid Parental Leave

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| Person(s) responsible for updating the policy: | Becky Hembry |
| Dates consulted on with recognised unions: | From: To: |
| Date approved by Trustees: |  |
| Date of next review: |  |
| Status: |  |

## Mission, Vision and Values

Shape, circle

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**WeST Core Values**

WeST holds four core values which underpin the engagement, motivation and retention of employees, no matter what their role in the organisation.

* **Collaboration**

Creating a shared vision and working effectively across boundaries in an equitable and inclusive way to skillfully influence and engage others. Building and securing value from relationships, developing self and others to achieve positive outcomes.

* **Aspiration**

Having high expectations, modelling the delivery of high quality outcomes. Showing passion, persistence and resilience in seeking creative solutions to strive for continuous improvement and excellence.

* **Integrity**

Acting always with the interests of children and young people at our heart, and with a consistent and uncompromising adherence to strong moral and ethical principles.  Communicating with transparency and respect, creating a working environment based on trust and honesty.

* **Compassion**

Recognising need in others and acting with positive intention to promote well-being and improve outcomes.

**Providing Accessible Formats**

If you are unable to use this document and require it in a different format please contact Human Resources.

**WeST Policy Suite**

All Trust HR Policies are accessible via the WeST Staff Portal. Please contact your local administrative office or Human Resources for log-in details.

HR Helpline: 01752 891754 ext. 1765

HR Email: [HR@westst.org.uk](mailto:HR@westst.org.uk)

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## Delegation of Authority

PROCEDURE FLOW CHART

The Trust is committed to ensuring a consistent, fair, and equitable approach in all staffing matters, and will not discriminate either directly or indirectly on the grounds of an employee’s gender, age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

In order to achieve this aim, there needs to be a clear delegation of authority throughout the structure of the Trust and for this purpose the term “Responsible Officer” shall apply as per the levels below:

|  |  |
| --- | --- |
| **Delegation Key** | |
| Line Manager | Person with formal line management responsibility as defined within the job description. |
| Level One | * If the employee is based within a school, the person with authority to act will be a Trust Headteacher, or an appropriate senior member of staff from the Trust Executive Leadership Team * If the employee is based within the Core Services Team, the person with authority to act will be a member of the Executive Leadership Team * If the employee is a Headteacher the person with authority to act will be a Director of Education * If the employee is a member of Executive Leadership Team, the person with authority to act will be the CEO, unless they have acted as the Line Manager, in which case the person with authority to act will be the Chair of the Trust * If the Employee is the Chief Executive Officer, the person with authority to act will be the Chair of the Trust |
| Level Two | * Where Level One was the Headteacher the person with authority to act will be the Director of Education * Where Level One was a member of the Executive Leadership Team the person with authority to act will be the Chief Executive Officer * Where Level One was the Chief Executive Officer or the Chair of the Trust, the matter will be referred to a Trustee Appeal Panel |

The Trust reserves the right in exceptional circumstances to vary the composition of the delegated authority / panel in order to ensure that

## Introduction and Purpose

This policy applies to all employees within the Trust, regardless of terms and conditions of employment (e.g. both Teacher and Support Staff). It does not apply to agency workers, contractors or volunteers.

The Trust is committed to equality in its Unpaid Parental Leave Policy and Procedure. The conditions for qualification for leave and pay under this policy will not disadvantage any employee on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity or sexual orientation.

The intention is that this policy does not erode contractual terms protected under TUPE.

Unpaid parental leave allows eligible employees to take time away from work to care for and spend time with their child or children.

Reasons an employee may wish to take Unpaid Parental Leave include:

* Looking after a child/children during school holidays
* Attending school open days and events
* Looking at new schools
* Settling a child into childcare arrangement
* Spending time with family such as grandparents

This policy details the entitlements, conditions and other considerations for employees wishing to take unpaid parental leave.

### Other Policies

The unpaid parental leave policy is designed to support parents with their work life balance by offering planned, unpaid days off.

If a parent needs to look after a child in an emergency they should refer to the applicable Staff Leave and Absence Policy for their relevant work area.

The Unpaid Parental Leave policy should not be confused with the Shared Parental Leave policy, which enables eligible parents to share the primary birth parent’s remaining maternity leave and pay, or an adoptive parent’s adoption leave and pay, or other family friendly rights such as the Paternity Policy. However, they may be considered alongside these entitlements.

## Eligibility

For employees to qualify for unpaid parental leave, the following must apply:

* The employee must have at least one year of continuous service with Westcountry Schools Trust
* The employee must have, or expect to have, parental responsibility for a child. Responsibility for a child is a legal term, and means the employee is named on:
  + the child’s birth certificate
  + the child’s adoption certificate
  + a parental responsibility order or agreement
  + a legal guardianship
* the child in question must be under 18
* the time off is to look after or spend time with the child.

Anyone with parental responsibility will be referred to as a ‘parent’ for the purposes of this policy. WeST reserves the right to request evidence of parental responsibility, such as a birth certificate, adoption or matching certificate, parental responsibility agreement, or court order.

## Entitlement

* Each parent can take up to 18 weeks (pro rata) for each child.
  + Parental leave applies to each child and not to an individual’s job. If an employee has used 8 weeks of parental leave with one organisation, they will have 10 weeks left to use with subsequent organisations.
  + If an employee has multiple children, they are entitled to 18 weeks per child.
* The leave should usually be taken in blocks of a week, or multiples of a week, however:
  + If the child has a disability and receives Disability Living Allowance (DLA) or Personal Independence Payment (PIP), parents are allowed to take this leave as individual days.
  + Managers can give consideration to allowing this flexibility to all employees who request time off under this policy.

A maximum of 4 weeks of leave can be used each year for each child.

### Definitions of a year and a week

* A year for this purpose begins on the date when the employee became entitled to take unpaid parental leave in relation to the child in question, e.g. the child’s date of birth or adoption date.
* A ‘week’ equals the length of time an employee normally works over seven days; if an employee works three days a week, one ‘week’ of parental leave equals three days.
* If an employee works irregular weeks, the number of days in a ‘week’ is the total number of days they work a year divided by 52.

## Procedure

### Notice

Employees should give their line manager 21 days’ notice of their request to take unpaid parental leave, using the Unpaid Parental Leave request form.

Should an employee wish to change the start or end date of their parental leave, they should provide at least 21 days’ written notice of their intention to change, giving the reason why.

Line managers may be able to accommodate a shorter notice period at their discretion, considering the business need and exceptional circumstances.

The line manager shall respond in writing to confirm the unpaid parental leave details.

The line manager will be responsible for informing the relevant school administrator / business manager, who will record the details in all relevant systems (payroll and SIMs) and place on the personnel file a record of the unpaid parental leave.

### Unpaid Parental Leave in conjunction with Maternity, Paternity (Maternity Support) and Adoption Leave

If an employee is an eligible partner of someone having a baby or adopting a child, they could take unpaid parental leave immediately after the baby is born or the adoption placement starts, before they take paternity (maternity support) or adoption support leave.

An eligible partner would be:

* the father
* the husband/wife/partner of the mother (or adopter) OR
* the child’s adoptive parent who is not taking the main caring responsibility

If an employee wishes to do this, they must give at least 21 days’ notice before the start of the expected week of childbirth (EWC) or expected week of placement (EWP). If this is not possible in the case of an adoption placement, or because the baby is born early, they should give as much notice as they can. In both cases the employee should specify the duration of the period of leave required.

Employers cannot postpone unpaid parental leave which has been requested straight after birth or adoption.

If a mother or adoptive parent takes a block of unpaid parental leave immediately after maternity or adoption leave or shared parental leave, the three month period of employment required to fulfil eligibility for Occupational Maternity Pay or Occupational Adoption Pay will not commence until their return to work.

### Postponing Unpaid Parental Leave

WeST expects line managers to be accommodating and flexible when considering requests for Unpaid Parental Leave, but sometimes organisational need will require the Trust to postpone it. There must be a ‘significant reason’ for an employer to postpone Unpaid Parental Leave, meaning it would have a serious disruption to the business.

On the rare occasion this is required:

* The manager must write to the employee within seven days explaining why, and suggesting other suitable dates. The alternative date(s):
  + must be within six months of the originally requested date.
  + must take place before the child’s 18th birthday
* The amount of leave cannot be changed
* The request cannot be completely refused
* The request dates cannot be postponed if they are immediately after the child’s birth or adoption.

Upon receipt of the proposed alternative, the staff member should give due consideration and confirm in writing their acceptance or any further mutual adjustment to the arrangements to meet the needs of all parties.

Additional guidance from WeST HR should be sought if a line manager is considering postponement of unpaid parental leave.

## Terms and Conditions during Unpaid Parental Leave

All terms and conditions of employment will be maintained throughout unpaid parental leave, with the exception of pay. You must not undertake any paid work with the Trust during unpaid parental leave.

Employees continue to accrue annual leave during periods of unpaid parental leave.

Time taken as unpaid parental leave shall be treated as continuous service under the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999.

Employees have the right not to be dismissed or subjected to any detriment as a result of taking this leave.

## Pay Progression

Employees will not be denied pay progression as a result of absence due to unpaid parental leave. On their return to work from unpaid parental leave, the employee will be given any pay increase that they would have received had they not been on unpaid parental leave

## Returning to work

Employees who take less than four weeks’ unpaid parental leave in one block have the legal right to return to their old job. Those who take more than four weeks in a block (perhaps in relation to multiple children), are only entitled to return to the job they did before if it is reasonably practicable. If it isn’t, they are entitled to return to a comparable and appropriate job.

Line Managers should liaise with the staff member to agree any support or updates upon return to work. This may include familiarisation with changes to systems, policies, or staffing.

## Pensions

Any period of unpaid parental leave does not count as pensionable service and WeST will not make any employer pension contributions; however, any pension accrued will be preserved and employees remain covered for death in service benefits.

In accordance with the Pension Discretions Policy, teaching staff do not have the option of making any contributions during a period of unpaid parental leave, but could choose to purchase additional pension in multiples of £250, up to a maximum set by Teachers’ Pensions.

In accordance with the Pension Discretions Policy, Support Staff are able to buy ‘lost’ pension by paying for Additional Pension Contributions (APCs). If they opt to purchase ‘lost’ pension within 30 days of returning to work, WeST will pay 2/3 of the total cost; this is known as a Shared Cost APC (SCAPC). If the employee elects to pay for an APC for any ‘lost’ pension after the 30 days, they will be required to pay the full cost of the APC.

Employees are also encouraged to contact their pension provider for advice, prior to making any decision.

## Timescales

The timescales detailed in the policy are in accordance with the statutory requirements and best practice. They must therefore must be adhered to unless both parties have agreed to an amendment of notification.

Where an amendment to the time limits is agreed, a written record of this decision should be made.

## HR Advice and Support

The HR Team will provide advice and support to the Responsible Officer and any other manager/ Trustee involved in the application of this policy at any stage.

## Confidentiality

Any parties affected by or involved in the application of this policy will be expected to maintain an appropriate level of confidentiality. Breaches of confidentiality will be taken seriously, especially if they hinder the application of the policy. Failure to maintain confidentiality may result in action being taken under the disciplinary policy arrangements.

Disclosure of information may also be a breach under the Data Protection Act (2018) and may lead to action being taken under the provisions of that Act, in addition to action being taken under the disciplinary policy.

## Recording of Information

A written record must be made of all unpaid parental leave requests and meetings held during the application of this policy. Those involved will be provided with a copy of any records made.

The Responsible Officer or their delegate will ensure there is a full and comprehensive file of the process which should include the written unpaid parental leave request, ‘Notice of Intention to Take Unpaid Parental Leave Form’ statements, records and evidence referred to in the rationalising of the decision outcome. At the end of the process the file should be stored confidentially in the employee’s personnel file, in accordance with the Data Protection Act (2018).

## Support for Employees

Procedural guidance relating to this policy is available from the Human Resources Department, please email your query to [hr@westst.org.uk](mailto:hr@westst.org.uk) and a member of the HR Team will be able to help you.

## Appeal

If an employee wishes to appeal a decision made under this policy they should do so by raising a formal complaint under the WeST Grievance Policy.

## APPENDIX 1 – Flowchart



**Appendix 2 – Unpaid Parental Leave Request Form**

**Appendix 3 – Letter confirming Unpaid Parental Leave Request**

## POLICY HISTORY

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| --- | --- | --- | --- | --- |
| **Policy Date** | **Summary of change** | **Contact / Responsibility for Policy** | **Version/ Implementation Date** | **Review Date** |
|  |  |  |  |  |