

Human Resources

Parental Leave Policy

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1. Principle of Provision

1.1 Department Parental Leave is unpaid time off up to a maximum of 18 weeks for each parent and for each child. This time off is to enable parents to strike a better balance between their work and family commitments or to make arrangements for the good of each child. There are also statutory provisions for Parental Leave (see the HR Intranet pages)

1.2 This policy applies to all employees, including those on a Fixed Term Appointment (FTA) in the following Defra network organisations:

- Core Defra
- APHA
- Veterinary Medicines Directorate (VMD).

1.2. This policy applies to all members of the Senior Civil Service (SCS) whether they work in core Defra or any of its Agencies.

2. Statutory and Departmental Parental Leave

2.1 Rights under the Departmental Parental Leave provisions are either the same as or more favourable than Statutory Rights. If a member of staff has an entitlement to the Departmental provisions as well as a statutory right they can only exercise one, not both. Staff may take advantage of whichever right is in any particular respect more favourable. Staff entitled to Departmental Parental Leave will have their statutory leave/rights run concurrently. They cannot be taken separately.

3. Departmental Parental Leave Policy

3.1 Departmental Parental Leave is unpaid time off which applies to each parent for up to a maximum of 18 weeks.

3.2 Departmental Parental Leave is available for parents of all children up to the age of 18 years.

4. Eligibility for Departmental Parental Leave

4.1 Both mothers and fathers, whether they are the natural or adoptive parents, can qualify for parental leave. They must either:

- Be named on the child's birth certificate or,
- Have, or expect to have parental responsibility under the law for the child

- Be someone other than a natural or adoptive parent, such as a guardian, who has acquired under the law, parental responsibility for the child

The parents of a child do not have to be living with the child in order to qualify for parental leave.

4.2 To qualify for Departmental Parental Leave you must have completed one year's continuous service with the Department by the time you want to take the leave.

5. Supporting evidence

5.1 Evidence will not normally be required to support an application for Departmental Parental Leave. However, if there is reason to doubt the validity of the claim the Line Manager can ask to see supporting evidence. The evidence may take the form of information contained in the child's birth certificate, papers confirming a child's adoption or the date of placement in adoption cases.

6. Parental Leave taken with a previous employer

6.1 If you have changed jobs, the Department has the right to make enquiries of your previous employer, or to seek a declaration from you, to establish how much parental leave you have already taken. Where the full entitlement has not been taken the member of staff may apply to take any remaining balance.

7. Taking Departmental Parental leave

7.1 Parental leave may be taken in blocks or multiples of one week, up to a maximum of four weeks in any one year for each child. If you have a disabled child, you will have the flexibility to take leave a day at a time or longer if you wish.

7.2 Departmental Parental Leave is an individual right and cannot be transferred between parents.

8. Notifying intention to take Departmental Parental Leave

8.1 You are required to give 21 days' notice of your intention to take leave (though, in the case of a new adoption only, you can give less notice if 21 days is not reasonably practicable). To apply for Parental Leave you should:

- log into SOP > go to "Leave of Absence" and then "Create Absence".
- select Absence Type "Special Leave without Pay" and then Absence Reason "Parental Leave".
- Enter the dates for the period of absence, then select "Calculate Duration" and finally add any comments before submitting your request.

- Once submit your request will be routed to your line manager for approval.

8.2 All staff are encouraged to discuss with their Line Manager at the earliest opportunity any plans they may have for taking Parental Leave to enable any absence to be planned for.

9. Postponing Departmental Parental Leave

9.1 If a Line Manager considers that the member of staff's absence would unduly disrupt the business, they can postpone the Departmental Parental Leave. It may not be postponed for more than six months from the date that the individual originally proposed to start the period of Parental Leave.

9.2 The Line Manager should discuss the postponement with the member of staff and give notice of the postponement in writing no later than seven days after the notice to take the leave was given. The letter should state the reasons for the postponement and set out the proposed new dates of Departmental Parental Leave. The length of leave should be equivalent to that in the member of staff's original request. If the postponement means delaying Departmental Parental Leave beyond the age at which the right to take Departmental Parental Leave ceases, an extension will be allowed.

10. Exceptions to the postponement provision

10.1 Where a member of staff applies to take Departmental Parental Leave immediately after the birth or adoption of a child the Department cannot postpone Parental Leave. Providing, that, wherever possible, the member of staff has given the required notice, they may start their Departmental Parental Leave on the day on which the child is born, regardless of whether the child is born early or late, or placed for adoption.

10.2 When a member of staff applies to take Departmental Parental Leave immediately after taking Maternity, Adoption or Paternity Leave the Department will not be able to postpone the leave, providing that, wherever possible, the notice period has been complied with.

11. Sickness during Departmental Parental Leave

11.1 There is no entitlement to Departmental Sick Pay once a period of Departmental Parental Leave has begun, until the member of staff ends the period of Parental Leave.

11.2 If a member of staff falls ill while on Departmental Parental Leave they must send in medical evidence in the normal way so that Statutory Sick Pay can be considered. See the Attendance Management Policy for further information.

12. Sickness at the end of a period of Departmental Parental Leave

12.1 Staff whose intention was to resume work at the end of a period of Departmental Parental Leave but are unable to do so due to illness must submit medical evidence of sickness before the end of the Departmental Parental Leave. The absence will then be converted to sick absence from the end of the Departmental Parental Leave and the normal sick absence provisions will apply. See the Attendance Management Policy for further information.

13. Protection from detriment and dismissal

13.1 Staff are protected from suffering detrimental treatment or unfair dismissal for reasons related to taking or seeking to take Departmental Parental Leave. Staff who believe that they have been treated unfairly can make a complaint through the Departmental Grievance Procedures.

14. Keeping in touch arrangements

14.1 Managers need to ensure that keeping-in touch arrangements are established and maintained during the period of Departmental Parental Leave. Arrangements need to be put in place so that staff receive information about promotion exercises, recruitment exercises and vacancy information. In addition house journals and other publications that may be of interest to them and other changes which may affect the member of staff, should be notified.

15. Returning to Work

15.1 You will remain an employee of the Crown while on parental leave. If the period of parental leave is for four weeks or less you are entitled to return to the same job as before. If the period of leave is longer, or follows directly after maternity, adoption, paternity or some other unpaid absence such as career break, you have the right to return to the same job unless it is not reasonably practicable for the Department to allow this, in which case you have the right to return to another suitable and appropriate job on terms and conditions which are as favourable as those which applied if you had not been absent.

16. Change to contractual hours following Departmental Parental Leave

16.1 Staff may wish to change their hours or working pattern on their return to work following Departmental Parental Leave. Staff are advised to discuss the number of hours and days of attendance with their Line Manager in advance of returning to work, and

before sorting out their domestic arrangements/or childcare, as the Department cannot guarantee that the request can be met.

16.2 When considering applications for part time working, Line Managers should make every effort to try to accommodate the request. However, there can be no guarantee that all requests will be met, as the Line Manager will need to consider the operational needs of the business. For detailed information on changing work patterns, including a change to part time working and the process that must be followed by Line Managers and staff, including the statutory obligations, please refer to the policy on Part Time Work.

17. Failure to return to work following Departmental Parental Leave

17.1 If a member of staff fails without reason to resume duty at the end of their Departmental Parental Leave, their absence may be treated as unauthorised. Contact SSCL for further advice.

18. Effects of taking Departmental Parental Leave

18.1 Staff who take Departmental Parental Leave will not return to work on terms and conditions less favourable than those which would have applied had they not been absent.

18.2 For those staff that are members of the Principal Civil Service Pension Scheme (PCSPS) the absence will be treated as non-reckonable service. However, any rights accrued prior to the commencement of Departmental Parental Leave will be preserved.