

Unpaid Parental Leave Policy and Procedure

1. Scope

1.1 In accordance with legislation, employees with **one year's continuous service** with Lancaster City Council are entitled to take **18 weeks parental leave without pay** to look after the welfare of **each child and each adopted child**.

1.2 To qualify, employees must fulfil the following criteria:

(i) Have **one year's continuous service** with Lancaster City Council;

And

(ii) Be **named on the child's birth or adoption certificate** or have or expect to have **parental responsibility***;

And

(iii) The child must be **under 18**.

1.3 The 18 weeks Unpaid Parental Leave **applies to each child** and not to an individual's job.

1.4 Employees can take the Unpaid Parental Leave anytime **up to the child's 18th birthday**.

2. Parental responsibility

2.1 ***Parental responsibility** refers to the legal rights and responsibilities a parent has. A mother automatically has parental responsibility for her child from birth. A father usually has parental responsibility if he is married to the child's mother or listed on the birth certificate.

2.2 **For parents who are married** when the child is born, or when a child is jointly adopted by them, both parents have parental responsibility.

2.3 **For unmarried parents**, an unmarried father usually has parental responsibility for his child if he has jointly registered the birth of the child with the mother, **or** has a parental responsibility agreement with the mother, **or** he has obtained a parental responsibility order from a court.

2.6 **For two female same-sex parents who are civil partners**, both parents will have parental responsibility if they were civil partners at the time the baby is conceived by sperm donation.

2.7 **For same-sex parents who are not civil partners**, the second parent may have obtained parental responsibility by either applying for parental responsibility if a parental agreement

was made or becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth of the child.

- 2.8** The law surrounding same-sex parents and which parents are considered to have parental responsibility is complex and therefore, managers should contact HR for advice if they are unsure whether the employee has parental responsibility.

3. Potential reasons for the request:

- 3.1** Parental leave **should only be taken to look after the welfare of a child**, for example an employee may wish to take leave to:

- Stay with a child who is in hospital;
- Spend more time with a child;
- Assist with school or childcare arrangements.

4. Timing of parental leave

- 4.1** Each parent can take **no more than 4 weeks of parental leave each year for each child**.

- 4.2** Parental leave must be taken as whole weeks, rather than individual days, unless the child is **disabled**.*

***Disabled** in this context means a child who is in receipt of Disability Living Allowance and for these children, the Unpaid Parental Leave can be taken as individual days.

- 4.3** A week's leave is equal to the length of time the employee is normally required to work over 7 days. For example, if an employee works three days a week, one 'week' of Unpaid Parental Leave would equal the same working pattern of 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.

- 4.4** Unpaid Parental Leave may be taken straight after the birth or adoption of a child or following a period of maternity leave.

5. Requesting Unpaid Parental Leave

- 5.1** Employees must provide at least **21 days' notice written notice** to their line manager before the intended start date of the Unpaid Parental Leave.

- 5.2** However, it would be helpful if employees are able to provide **as much notice as possible**. Employees must confirm the start and end dates of the Unpaid Parental Leave in the written notice.

- 5.3** In exceptional circumstances, the line manager may be prepared to accept applications where less than 21 days' written notice has been provided.

6. Delaying the timing of Unpaid Parental Leave

- 6.1** Upon receiving a request for parental leave, the line manager can postpone the timing of the leave for up to six months for a **'significant reason'**, for example, if taking the leave at the time requested by the employee would cause the business to be particularly disrupted. If the line manager considers that the request for Unpaid Parental Leave cannot be

accommodated at the time requested by the employee, then it is good practice for the manager to discuss this with the employee. HR should also be advised.

6.2 If the line manager decides to postpone the commencement of Unpaid Parental Leave, the line manager will write to the employee within seven days of the original request being received. A template letter is available from HR. This correspondence will contain reasons for the postponement of the Unpaid Parental Leave and a suggestion of a new start date for the Unpaid Parental Leave, which will be within six months of the date requested by the employee. A copy of the letter should be sent to HR.

6.3 The Council will not postpone Unpaid Parental Leave when the employee provides the requisite notice to take it immediately after the birth or adoption of the child.

6.4 The Council will also not postpone Unpaid Parental Leave where postponing the leave would mean that an employee would no longer qualify, for example postponing it until after the child's 18th birthday.

7. Approval

7.1 If the request for Unpaid Parental Leave is approved, the manager may request proof from the employee. For example, a birth certificate, or in the case of a disabled child, the award of Disability Living Allowance for the child.

7.2 It is the responsibility of the line manager to write to the employee as confirmation of the approval. A template letter is available from HR, and a copy of the letter sent to the employee must be provided to HR for the employee's record.

8. Recording Unpaid Parental Leave

8.1 If approved, the line manager must ensure that any absence agreed under the Unpaid Parental Leave Policy is correctly recorded onto the MyView system to ensure that an appropriate deduction is made from pay.

9. Pension contributions

9.1 During periods of Unpaid Parental Leave the employee may elect to pay pension contributions. Employees wishing to explore this option should contact payroll@lancaster.gov.uk at the earliest opportunity, as certain time limits apply. Further advice on pension contributions during periods of unpaid leave can be sought from Your Pension Service.

10. Rights during Unpaid Parental Leave

10.1 An employee absent on Unpaid Parental Leave remains employed, although pay and most contractual benefits will be suspended. The employee will be entitled to return to their existing post provided that they return to work on or before the agreed date.

10.2 Failure to return on the agreed date after a period of Unpaid Parental Leave may be treated as an unauthorised absence and will be dealt with through the Disciplinary Policy and Procedure.

11. Annual and Statutory Leave

11.1 During periods of Unpaid Parental Leave, employees have a right to accrual of statutory annual leave only, and no right to accrual of contractual leave. HR will make the necessary amendment to the employee's annual leave balance on MyView.

12. Review

12.1 This Unpaid Parental Leave Policy will be reviewed 2 years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	May 2008	Unpaid Parental Leave provisions included within the Family Leave Scheme.	
2.0	02.02.2016	Revised policy to be agreed by JCC and Personnel Committee	

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