ORDINARY PARENTAL LEAVE

 POLICY AND PROCEDURE FOR SCHOOLS

ADOPTED BY

LANGLEY FITZURSE CE PRIMARY SCHOOL

ON

XX /XXX /XX

This model policy will apply to both teaching and non-teaching staff working in Wiltshire Schools / Academies and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison, Unite and GMB

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## **Introduction**

1. This compliance guidance sets out the eligibility, rights and responsibilities relating to ordinary parental leave.
2. Ordinary parental leave is a right to take unpaid time off work to look after a child or make arrangements for the child’s welfare. The right to ordinary parental leave was introduced under the Maternity and Parental Leave Regulations etc 1999 and came into force on 15 December 1999.
3. Ordinary parental leave applies to parents of children aged up to 18 years old, including adopted children.
4. The right applies to the mother, father (including where parental responsibility has been acquired under the Children Act 1989), guardian or adoptive parent. The school will also make leave available to foster parents, adoptive parents prior to placement, grandparents with a significant parenting role and step-parents providing they meet the entitlement criteria set out below.
5. Ordinary parental leave aims to provide parents with time off for the purposes of supporting family life and parenting. The costs of ordinary parental leave will be met through corporate cost centres for locally maintained schools.

## **Scope**

**Who is included in these arrangements?**

1. This guidance applies to all teaching and support staff within community /VC Schools and is extended to Foundation and Voluntary Aided Schools.
2. The guidance covers permanent, temporary or fixed-term contracts.

**Who is excluded from these arrangements?**

1. This guidance will not apply to parents and carers of children who do not meet the eligibility criteria set out in this policy.
2. This guidance does not apply to self employed workers including agency workers or contractors.

## **Ordinary parental leave Entitlement**

1. Each employee is entitled to take a total of 18 weeks of unpaid leave for each child that they have or expect to have responsibility for.There is no length of service requirement to qualify for leave as the school has waived this part of the statutory scheme
2. For part-time employees, the amount of leave taken should be calculated in relation to their normal working week at the time leave is taken. This means that it is not necessary to recalculate the overall entitlement as a pro rata proportion of 18 weeks. For example, where an employee works 18 hours per week over 3 days each of 6 hours and they take a day of 6 hours off, they will have used 6/18 = 0.33 of a week’s leave.
3. If an employee changes their working hours, the calculation of any leave taken will change according to their normal contracted weekly hours at the time leave is taken.
4. For employees whose hours of work vary from week to week, an average week should be calculated over the year preceding the leave.
5. Leave can be taken up to the child’s 18th birthday.
6. Ordinary parental leave may be taken:
* as a single block of 18 weeks
* as a number of shorter periods with a minimum of half a day
* in patterns which provide a part-time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks leave as a single block.
1. Where additional unpaid leave of more than 18 weeks is required immediately following the birth or adoption of a child and the circumstances are deemed to be exceptional, the governors staffing panel has the discretion to authorise additional unpaid leave in accordance with the leave of absence policy.
2. As ordinary parental leave is unpaid, it may be possible for employees to claim benefits or tax credits during leave. Employees should contact the Department for Work and Pensions for further information.

## **Notifying of the Intention to Take Ordinary parental leave**

1. Employees should request leave, in writing, to their headteacher, giving as much notice as possible, using the ‘ordinary parental leave application form (PL1)’.
2. If the leave is to be taken by the mother’s partner starting on the day of the child’s birth, the notice must be given at least 7 days before the expected week of childbirth. The notice should also specify the expected week of childbirth and the length of leave which is to be taken.
3. If the leave is to be taken from the date of adoption, the notice must be given at least 7 days before the week in which the adoption placement is to occur, or as soon as reasonably practicable. It must specify the week in which the placement is expected and the duration of leave to be taken.
4. In other cases, at least 7 days’ notice must be given. Again, it must specify the dates on which the leave is to begin and end.
5. If a woman wishes to take ordinary parental leave immediately following her maternity leave, she must ensure that she gives 7 days’ notice.
6. When submitting an application for ordinary parental leave on the PL1 form to the head teacher, the employee will also need to provide evidence (e.g. birth certificates and/or adoption papers) that they have parental responsibility for the child and of the child’s date of birth or adoption. Evidence will only need to be provided on the first occasions the member of staff takes leave. It is the responsibility of the headteacher to ensure that adequate evidence has been provided of the employees entitlement to ordinary parental leave.

## **Postponing Ordinary parental leave**

1. Headteachers may postpone the leave in circumstances where the operational needs of the school would be unduly disrupted if the employee took leave during the period identified in their notice. However, every attempt should be made to avoid postponement. In any event, leave cannot be postponed for more than 3 months except in exceptional circumstances.
2. Where the headteacher feels that postponement is necessary, they should consult with the employee with a view to coming to an agreement over alternatives, which might include:
* A different pattern of leave e.g. part-time rather than full-time
* A shorter or longer period of leave
* Alternative dates within the 3 month period
1. Following consultation, and not more than 7 days after the employee gives notice, the headteacher must give the employee notice in writing of the postponement, stating the reasons for postponement and confirming the new dates of leave. Headteachers should use the ‘postponement of ordinary parental leave letter’. The headteacher should also update the PL1 form to reflect the change in dates when ordinary parental leave will be taken.
2. Postponement cannot be used where employees in the following circumstances have requested ordinary parental leave:
* Following maternity leave\* or maternity support/paternity leave. The unpredictable timing of childbirth means it is unlikely that employees can give notice as specified. In this situation, employees are encouraged to discuss their likely requirements for ordinary parental leave with their head teacher in advance.
* At the time of adoption i.e. at times prior to adoption where the parent is required by the adoption process, or following adoption leave\*.
* is being taken by the father or partner immediately after the birth or adoption of a child.
* It would mean that the employee would no longer qualify for ordinary parental leave – e.g. postponing it until after the child’s 18 th birthday.
1. Where an employee takes a period of ordinary parental leave following maternity or adoption leave, the period of ordinary parental leave does not count towards the required return of 3 months necessary to qualify for payment of half-pay.

## **Terms and Conditions during Ordinary parental leave**

1. The contract of employment continues during the ordinary parental leave period with the exception of pay. Employees are still bound by the terms and conditions of employment and the obligation of good faith and confidentiality during ordinary parental leave.
2. On returning to work from ordinary parental leave, subject to certain exceptions (e.g. redundancy), employees will have the right to return to the job in which they were employed, under the original contract of employment and on terms and conditions not less favourable than those which would have applied to them if they had not been absent.
3. Where an employee falls sick during a period of ordinary parental leave, and they comply with the school’s sickness absence reporting procedures, they will be entitled to pay under the sick pay scheme and this period shall not count towards their ordinary parental leave entitlement.

## **Pension Issues**

Support staff in the Local Government Pension Scheme (LGPS)

1. For up to the first 30 days of any period of unpaid ordinary parental leave, contributions will be automatically deducted from an employees pay on their return to work and the period of leave will therefore count as service for pension purposes.
2. For a period of ordinary parental leave in excess of 30 days, the employee has the option to pay, or not pay, these pension contributions. If the employee chooses not to pay these contributions, this period will not count as service for pension calculation purposes.

Teachers in the Teachers’ Pension Scheme (TPS)

1. No contributions will be paid, either by the school or the teacher, during any period of unpaid ordinary parental leave and this period will not count as pensionable service.
2. For further information or queries please contact the Teacher’s Pension Scheme helpline on 0845 6066166 or visit the website on <http://www.teacherspensions.co.uk/>

## **Annual leave**

Teaching staff

1. Teachers have no specific contractual entitlement to paid annual leave, but will not normally be required to work during periods of school closure and public holidays. However teachers taking statutory time off for purposes such as maternity/adoption/paternity leave and ordinary parental leave will have a right to accrue statutory annual leave under the Working Time Regulations. When a teacher is on ordinary parental leave their entitlement to this statutory annual leave continues to accrue.
2. The current statutory entitlement for teachers is 28 days annual leave. This is not an additional entitlement to annual leave on top of current school holidays/closure. Therefore the entitlement to statutory annual leave can be offset by any periods of school closure, whether they occur before or after the period of ordinary parental leave.
3. In circumstances where entitlement cannot be offset by a period of school closure in the current school year, please see further guidance in the school maternity leave policy.

Support staff

1. Annual leave entitlements will continue to accrue during a period of ordinary parental leave.

## **Record keeping whilst on ordinary parental leave**

1. The headteacher should ensure that the school keeps a record of ordinary parental leave taken by each employee for each child and the outstanding entitlement on the employee’s personal folder held within the school. The ‘record of ordinary parental leave form (PL2)’ should be used for this purpose.
2. Records will be treated as confidential in accordance with the General Data Protection Regulations (GDPR) 2016 and the Data Protection Act 2018. Data collected when an employee informs the school that they plan to take Ordinary Parental Leave is held securely and accessed and disclosed only for the purpose of managing the employees Ordinary Parental Leave and pay. Further details on how data is used and processed is provided in the school’s privacy notice.
3. If an employee leaves the school’s employment, the amount of ordinary parental leave taken should be included on employment references.

## **Ordinary parental leave with a previous employer**

1. Any new employee to the school should make the headteacher aware of any ordinary parental leave entitlements they have remaining and the details of leave already taken with a previous employer. Attempts to claim more than the maximum 18 week entitlement will be dealt with under the school’s disciplinary procedure.

## **Notification to schools HR and payroll administration team**

1. Headteachers should notify the schools HR and payroll administration team, or their alternative payroll provider, of any ordinary parental leave taken so that pay is adjusted accordingly. This should be done by completing the ‘ordinary parental leave application form (PL1) form’.

## **Frequently Asked Questions**

1. **When can ordinary parental leave be used?**

It can be used to enable a parent to spend more time with their child in early years, to accompany a child during a stay in hospital, checking out new schools and settling a child into new childcare arrangements.

1. **Can fathers or partners take ordinary parental leave and paternity leave?**

Yes, these are separate types of leave and fathers or partners may be entitled to apply for both types if they meet the eligibility criteria for these. Paternity leave should be taken closely following the birth or adoption of a child (please see policy for details of timescales). Fathers or partners may also apply to take unpaid ordinary parental leave after the birth or placement for adoption of a child or up until the child’s 18th birthday.

1. **Can a period of leave be postponed if the school feel that agreeing it would cause the school disruption?**

Yes, if the school would be unduly disrupted, they can postpone a period of leave, but they will need to discuss this with the employee and try to agree an alternative date.

1. **What happens if the employee does not want to return to work after ordinary parental leave?**

If the employee does not wish to return, they would need to resign and would be required to give notice as stated in their contract of employment.

1. **What happens if the employee wants to change their hours on their return to work after ordinary parental leave?**

If the employee wishes to change their hours on return to work after ordinary parental leave they will need to make the request to the headteacher. They can apply to do this under the right to request flexible working.

1. **Can ordinary parental leave be taken to attend ante-natal appointments?**

Provision for women to take paid time off for ante-natal appointments is covered in the maternity policy. Eligible partners can elect to take time off for appointments either by taking unpaid time off to accompany a pregnant women to antenatal appointments on up to 2 occasions or maternity support leave as detailed in the paternity policy.

1. **Does the period of ordinary parental leave count as continuous service for the purposes of calculating redundancy payments?**

Yes, statutory employment rights continue to accrue during a period of ordinary parental leave.

1. **Do employees need to provide evidence of their entitlement to take ordinary parental leave?**

Yes. As part of an employee’s application for ordinary parental leave they will need to confirm that they are eligible to take leave and will need to provide evidence (e.g. birth certificate and/or adoption papers) that they have parental responsibility for the child and have evidence of the child’s date of birth or adoption. .

1. **Can both parents of a child take ordinary parental leave in relation to that child?**

Yes. The right is available to both parents and it is also available in respect of each child. This means that where someone has twins for example, each parent will able to take up to 18 weeks' ordinary parental leave in respect of each twin

## **Related Information**

Paternity Leave policy

Maternity Leave policy

Adoption Leave policy

Shared Parental Leave policy

Right to Request Flexible working policy

Leave of Absence Policy