



## **TrustEd CSAT Alliance Parental Leave Scheme**

*This policy has been consulted through the Trust Forum Group, which includes Support Staff and Teacher's representation for all schools within our Trust.*

**FREQUENCY OF REVIEW: Every two years**

**COMMITTEE: Personnel Committee**

**APPROVED: November 2022**

**AUTHOR: Shropshire HR**

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### **Adopted by the Board of TrustEd CSAT Alliance**

Signed \_\_\_\_\_  
Chair of Trust Board

Dated \_\_\_\_\_

Signed \_\_\_\_\_  
Chief Education Officer (CEO)

Dated \_\_\_\_\_

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# TrustEd CSAT Alliance Parental Leave Scheme

## 1. Introduction

This scheme sets out the statutory unpaid Paternity leave scheme for Trust employees who are parents for the purpose of caring for a child. It is separate to Maternity, Paternity, Shared Parental Leave and other Special Leave provisions for which there are separate Trust schemes and policies. The statutory right includes up to 18 weeks' unpaid leave per child, which is restricted to a maximum of 4 weeks per year (see section 8). An employee's right to take Parental Leave will last until the child's 18<sup>th</sup> birthday. In the case of an adopted child, the leave can also be taken until the child's 18<sup>th</sup> birthday.

## 2. Roles and Responsibilities

The employee has responsibility to formally notify the Headteacher of their intentions to request Parental Leave. The Headteacher has responsibility for ensuring that the employee's request is considered, and for notifying the Trust's payroll provider to ensure accurate payment of salary. Throughout this scheme, it implies that the Headteacher will be the Line Manager; however, this is not always the case and can sometimes be another senior member of staff. Reference to 'Headteacher' throughout this scheme can include the Executive Headteacher or Chief Education Officer or other direct Line Manager.

## 3. Eligibility and Scope

The scheme will apply to all school staff employed by the Trust who have completed one year's service, who have or expect to have parental responsibility for a child who is under the age of 18. This can be in a permanent, fixed term or temporary contract. In determining one year's service an employee must have worked within the Trust schools during the first years' qualifying period. All Trust service counts as continuous if there is no break in service. An employee working in the Trust who transferred from a Local Authority (LA) School under TUPE legislation also counts as continuous service. The Trust can determine whether the service of an employee who has resigned from a LA maintained school to take up a post at the Trust will be classed as continuous.

## 4. Legislation

The right to Parental Leave is a statutory right, introduced by the Employment Relations Act 1999, the Maternity and Parental Leave Regulations 1999 and the Maternity and Parental Leave (Amendment) Regulations 2001 and 2008.

## 5. Glossary

EWC – Expected Week of Childbirth  
EWP - Expected Week of Placement for adoption

## 6. Definition of a Parent

A 'parent' includes the following:

- i) the mother,
- ii) the father of the child (as named on the birth certificate),
- i) the father if he has acquired parental responsibility under the Children Act 1989,

- ii) a guardian appointed under the Children Act 1989,
- iii) adoptive parents,
- iv) a partner of any of the above (of either sex) if he/she is living with the child's foster parents.

## 7. Evidence

On the first application with the Trust, an employee wishing to apply for Parental Leave should provide reasonable evidence of the child's date of birth, of their responsibility or expected responsibility for the child and, if applicable, of the child's entitlement to a disability living allowance.

Requests to take Parental Leave should be made by submitting the 'Request for Parental Leave' (Appendix A) and attaching a copy of evidence for the first leave request. The Headteacher should then send the form on to the Trust's payroll provider.

## 8. Taking Parental Leave

8.1. Either parent is entitled to take up to 20 working days (i.e. four weeks) per year up to the child's 18<sup>th</sup> birthday, provided the total time off granted for each employee within that period does not exceed a total of 18 weeks.

8.2. The overall entitlement is for 18 weeks' leave per child. Therefore, if an employee became the parent of twins, their Parental Leave entitlement would be  $(2 \times 18) = 36$  weeks to be taken up to the twins' 18<sup>th</sup> birthday. The maximum of 4 weeks' Parental Leave to be taken in any one year in respect of each child would still apply.

8.3. In relation to this policy, one "year" refers to the 12-month period running from the date that the employee became a parent (i.e. the date of birth of the child, adoption placement date etc).

8.4. Time off for Parental Leave for teachers is not covered in the Burgundy Book, therefore within the overall 18-week entitlement Parental Leave would be unpaid.

8.5. The first 5 days' leave of Parental Leave for support staff will be with pay. Support staff who transferred under TUPE legislation from Shropshire Local Authority were afforded this benefit on transfer as this provision applied to all support staff. This provision is now an entitlement for all Trust support staff. All other time off for Parental Leave for support staff within the overall 18-week entitlement will be unpaid. This policy may not apply to new employees who have resigned from a LA maintained school to take up a post within the Trust.

8.6. If the employee works less than full time, the entitlement to paid and unpaid time off applies on a pro-rata basis applicable to the employee's current contract of employment.

8.7. Payments in lieu of any paid entitlement not taken up, will not be made.

8.8. A declaration from an employee will be required on how much Parental Leave they have been granted by a previous employer(s). Schools can seek confirmation of this with the previous employer(s).

## 9. Notice

9.1. Leave can be taken, subject to the agreement of an employee's Headteacher, in blocks or multiples of weeks e.g. one week or two weeks (pro rata for part-time employees). Parents of disabled children may take parental leave in multiples of weeks or days of one day or more (pro rata for part-time employees) provided that a minimum of 5 full working days' notice is given.

9.2. A minimum of 10 working days' notice should be given where 10 or more days' Parental Leave is requested to be taken at one time. Where an employee requests a period of Parental Leave immediately following their maternity/adoption or other leave, they will be required to give 21 days' notice.

## 10. Postponement of Parental Leave

10.1. Permission to take leave will only be postponed in the following circumstances:

- where the timing of the leave would cause difficulties for the Trust School,
- if work is at a seasonal peak,
- where a significant proportion of employees at one location applies for Parental Leave/annual leave at the same time,
- when the employee's role is such that their absence at a particular time would cause a problem for the Trust School.

10.2. Any postponement will be for the minimum period possible, and in any event no longer than 6 months. The Headteacher will send written confirmation of any postponement to the employee no later than 7 days following the request to take leave. This letter must state the reason for the postponement and set out the new dates for the Parental Leave to be taken. Leave cannot be postponed so that leave ends after the child's 18<sup>th</sup> birthday, when an employee would no longer qualify for Parental Leave.

10.3. However, leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption. In this instance, employees must give 21 days' notice of the expected week of childbirth (EWC) or expected week of placement (EWP) for adoption.

## 11. Return to Work

At the end of a period of Parental Leave, an employee is guaranteed the right to return to the same job as before if the leave was for a period of 4 weeks or less. If it was for a longer period, the employee is entitled to return to the same job, or, if that is not reasonably practicable, a similar job which has the same or better status terms and conditions as the old job; however, the employee must return with their seniority, pension rights and similar rights as they would have been if they had not been absent.

## 12. Multiple Contracts

Where an employee works in more than one job with the Trust Schools, this will not affect the total leave entitlement. If the Headteacher of one of the jobs wishes to postpone leave, this will have the effect of postponing leave for both jobs. It is for the Headteacher, and the employee concerned to agree a convenient time for Parental Leave to be taken, so long as this is within 6 months of the original request.

### **13. Associated Policies**

Adoption & Surrogacy Adoption Scheme  
Managing Attendance Policy -Sickness absence  
Managing Attendance Policy – Special Leave  
Paternity Leave Scheme  
Paternity Bereavement Leave  
Shared Parental Leave Scheme  
Flexible Working Policy

### **14. Monitoring and Review**

Trustees will monitor the outcomes and impact of this policy on an a bi-annual basis in conjunction with school representatives and will discuss revisions with their HR provider.

### **Appendices**

Appendix A: Request for Parental Leave

TRUSTED CSAT ALLIANCE REQUEST FOR PARENTAL LEAVE FORM

Employees name ..... Employee No .....

Trust School .....

I wish to apply for parental leave for:

Child's name .....

Child's date of birth .....

From .....To .....

Relationship to Child ..... (see guidance notes)

Copy of child's birth certificate/adoption forms are attached: YES/NO\*

OR have already been submitted to my Headteacher: YES/NO\*

I confirm that I have already taken ..... days parental leave for the above child with my current/previous employer/s. I can also confirm that my purpose in requesting leave is for caring for my child/children:

Signed ..... Date ..... (To be completed by Headteacher)

PARENTAL LEAVE AUTHORISED BY

..... (Headteacher Signature)

Appropriate documentation seen by Headteacher YES/NO\*

PARENTAL LEAVE POSTPONED BY .....

Written confirmation of postponement will be forwarded to you within 7 days

Please return to the Trust's Payroll Provider

To: Payroll

Please deduct ..... days from the above employee in respect of parental leave.

Payroll Authorisation (Print Name) .....

Signature: .....

Date: .....