



Human Resources

## PARENTAL LEAVE

***JANUARY 2004***

*Approved by the Executive Board 27-Jan-04*

*Updated and effective from January 2016*

## **1 Introduction**

- 1.1 The University recognises that many of its employees have obligations relating to children which require a balancing of work and family caring responsibilities. The University confirms its commitment to supporting its employees in these circumstances and to encouraging an appropriate environment of support and understanding.
- 1.2 The purpose of this document is to establish a clear procedure for the consideration of a request from staff with children to undertake a period of **unpaid** absence to enable him/her to spend time with his/her family.
- 1.3 This policy relates to all categories of staff i.e. full-time, part-time, permanent and temporary, who have at least one year's continuous employment with the University at the time of the application **and** have a child under 18 years of age<sup>1</sup>.
- 1.4 It should be noted that there are no changes to ordinary unpaid parental leave as a result of the introduction of shared parental leave in December 2014.
- 1.5 The University has other related policies that may be of interest to its employees or their partners who have, or are expecting children.
- Flexible Working
  - Adoption Leave
  - Shared Parental Leave
  - Paternity Leave
- 1.6 This policy and procedure does not form part of any employee's contract of employment. It may be amended from time to time with appropriate consultation with recognised trade union representatives.

## **2 Definition and Eligibility**

- 2.1 Parental Leave is leave which is taken in order to care for a child, to make arrangements for the child or to enable the parent to spend more time with the child. It might include:
- spending more time with the child in the early years
  - accompanying a child during a stay in hospital

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<sup>1</sup> On 5<sup>th</sup> April 2015 Parental Leave was extended to parents of children up to the age of 18, when it was up to the age of 5 previously.

- checking out new schools
  - settling a child into new childcare arrangements
  - enabling the family to spend more time together; e.g. taking the child to stay with grandparents
- 2.2 In order to be eligible to claim Parental Leave, an employee must have completed at least one year's continuous service.
- 2.3 Parental Leave may be requested in relation to any child, either born, or adopted. The child does not have to be physically living with the parent in question.
- 2.4 The right to Parental Leave applies to mothers and fathers, or to any individual who has obtained formal parental responsibility for a child under the Children's Act or its Scottish equivalent.
- 2.5 For the purposes of Parental Leave, a disabled child is one for whom Disability Living Allowance is awarded.

### **3 Entitlement**

- 3.1 The maximum Parental Leave entitlement per child is 18<sup>2</sup> weeks or pro rata for part-time employees. Parental Leave is a right per parent and the 18 week maximum period applies to all employees regardless of where they worked when they first received it. The University will therefore seek confirmation of Parental Leave already granted to new employees by their previous employers. It will also advise future employers, upon request, of the amount of Parental Leave taken during an individual's employment with the University.
- 3.2 Parental Leave may be taken at any time up until the child's 18<sup>th</sup> birthday. If the child has been adopted, Parental Leave may be taken from the date of placement up to the child's 18<sup>th</sup> birthday., It may only be taken after this time if it has been subject to postponement by the University.
- 3.3 Parental Leave may be taken in blocks or multiples of one week, subject to a maximum of four weeks' leave in a year. In this respect, for full-time employees, any part of a week will count as a whole week. Therefore, if a full-time employee takes only 3 days' Parental Leave in a particular week, and works the rest of the week, this will count as a full week of Parental Leave entitlement.

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<sup>2</sup> This entitlement increased on 8<sup>th</sup> March 2013 from 13 weeks to 18 weeks.

- 3.4 In the case of a disabled child, Parental Leave may be taken a day at a time, subject to a maximum of four weeks' leave in a year.
- 3.5 A "year" is defined as a 12 month period, which starts from the date, or its anniversary of when the employee becomes entitled to take Parental Leave in respect of an individual child.
- 3.6 Parental Leave will be unpaid leave.
- 3.7 Parental Leave is an individual entitlement and cannot be transferred between parents.

#### **4 Notice Provisions**

- 4.1 Applications for Parental Leave should be made at least 21 days before the leave is required. However, if more than two weeks' leave is being requested then the length of notice must be at least twice the length of the Leave required.
- 4.2 In the case of a prospective father wanting to take leave when his child is born (in lieu of or in addition to Paternity Leave), an application for Parental leave must be submitted at least 21 days before the expected week of childbirth or as soon as is reasonably practical.
- 4.3 Similarly, in the case of a prospective adopter wishing to take leave when the adoption takes place (in lieu of or in addition to Adoption Leave), an application for Parental Leave must be submitted at least 21 days before the week in which placement for adoption is expected to occur, or as soon as is reasonably practicable.

#### **5 Postponement**

- 5.1 The University reserves the right to postpone Parental Leave approval for up to 6 months where this is necessary due to the business needs of the area in which the applicant works. In these circumstances, the employee will be advised in writing, within 7 days, of the reason for the postponement and will be consulted about alternative dates for the postponed leave to take place.
- 5.2 There is, however, no right to postpone Parental Leave that is requested to take place immediately after a child is born, or at the time when the child is placed with a family for adoption.
- 5.3 If postponement takes the period of leave beyond the child's 185<sup>th</sup> birthday, the employee retains the right to take leave after this date.

## **6 Procedure for Requesting Parental Leave**

- 6.1 An employee who wishes to apply for Parental Leave should complete the form in the appendix of this document and submit it to their HR Representative through their line manager. In the case of a disabled child, evidence of the award of the Disability Living Allowance will also be required.
- 6.2 The Line Manager will formally confirm approval or otherwise the Parental Leave request both to the individual employee and to the appropriate HR representative.
- 6.3 An application can be made by the mother, father, adopter or guardian of such a child provided they have, or expect to have responsibility for the upbringing of the child.

## **7 Terms and Conditions of Employment During Parental Leave**

- 7.1 An individual who is on formally approved Parental Leave remains fully employed on his/her employment contract with the University, unless this contract is terminated by either the University or the employee. This means that the employee continues to benefit from his/her statutory employment rights.
- 7.2 Whilst on Parental Leave, employees remain bound by their contractual terms, especially those relating to notice periods and confidentiality.
- 7.3 A period of absence on Parental Leave does not affect entitlement to paid annual leave.

## **8 Pension Arrangements**

**Note:** the following paragraphs are correct at the time of publication of this Scheme. The information may, however, be changed at any time by either of the respective occupational pension schemes and should always be checked with the University Head of Pensions .

- 8.1 University of Surrey Pension Plan; any period of unpaid Parental Leave is treated as unpaid leave of absence. The employee may elect to increase their contributions on their return to work to make up for any loss of payments while they were not contributing. Where this election is made the employer will also pay their standard contributions for the same period.
- 8.2 Surrey County Council Pension Scheme; any period of unpaid Parental Leave is treated as unpaid leave of absence. This leave of absence will not count for pension purposes unless the member makes an election to pay additional pension contributions to buy the

lost pension. Where the election to buy the lost pension is made within 30 days of returning to work the cost is shared between the member and the employer. If the election is made after 30 days of returning to work the full cost to buy the lost pension is made by the member.

8.3 Universities Superannuation Scheme (USS) Ltd; any period of unpaid Parental Leave will be treated as a period of temporary absence. Membership of USS will be suspended for this period. The employee may elect to pay contributions following their return to work. This will mean they will be credited with pension scheme membership in full.

8.4 PensionPlus Salary Exchange Scheme  
If by taking unpaid leave your salary reduces below the National Minimum Wage or the NIC Lower Earnings Limit, employees will automatically be suspended from the PensionPlus Scheme. Employees will be automatically reinstated once their earnings meet or exceed these levels.

Questions should be directed to the University's Pensions department by email at [pensions@surrey.ac.uk](mailto:pensions@surrey.ac.uk)

## **9 *Returning to Work after Parental Leave***

9.1 An employee is guaranteed the right to return to the same job as before if the Parental Leave:

- is for a period of 4 weeks or less; or
- is for a period of 4 weeks or less and follows other statutory leave but not **additional adoption or maternity leave**

9.2 An employee is guaranteed the right to return either to the same job or, if this is not practicable, to a similar job which has the same or better status, terms and conditions as the original job where Parental Leave:

- is for a period exceeding 4 weeks; or
- is for a period exceeding 4 weeks and precedes a period of **additional adoption or maternity leave**

## **10 *Protection from Detriment and Dismissal***

10.1 Employees taking Parental Leave will not be subject to any detriment on the grounds that they have taken such leave, or have sought to take such leave. Neither will they be dismissed upon these grounds.

## **11 Other Information**

- 11.1 It is possible that employees may be able to claim social security benefits whilst on Parental Leave.
- 11.2 Employees on Parental Leave who are on low incomes may become eligible for *Housing and Council Tax Benefit*, or an increase in the benefits which they are already receiving. Further advice may be obtained from the local authority.
- 11.3 *Working Families Tax Credit* or *Disabled Persons Tax Credit* are unaffected by periods of Parental Leave.

## APPENDIX A : PARENTAL LEAVE APPLICATION

### ***Your dates for unpaid parental leave***

I wish to take unpaid parental leave  
because

.....

I want to be away from work from

.....

Until

.....

Total number of days

.....

### ***Your declaration***

Surname

.....

First name

.....

Employee Number:

.....

I confirm I am eligible for this leave

Signature

.....

Date

.....

For parents of disabled children making their first  
application for Parental Leave:

I enclose evidence of the award of Disability Living  
Allowance <tick box>