

# Parental Leave Policy

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## 1 Purpose and scope

- 1.1 Employees who have, or expect to have, parental responsibilities are able to take unpaid parental leave for the purposes of caring for a child.
- 1.2 This policy applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.3 This policy does not form part of any employee's contract of employment and the university may amend it at any time.

## 2 Eligibility

- 2.1 An employee is entitled to take parental leave if they are the parent (or have formal parental responsibility) of a child who is under 18 years of age.
- 2.2 Requests for parental leave from an employee who is a foster parent, grand-parent, step-parent, civil partner, or a long-term<sup>1</sup> live in partner (including same sex or transgender partner) of a person who has formal parental responsibility for a child will also be considered if they have significant parental responsibility for the child.
- 2.3 To qualify for parental leave, employees must have completed at least one year's continuous service with De Montfort University. However, this qualifying period is waived for employees requesting parental leave for a continuous block of one week or less.

## 3 Entitlement

- 3.1 An employee may take up to 18 weeks' unpaid parental leave per child. (Any parental leave taken with another or a previous employer in respect of the same child will count towards an employee's entitlement).
- 3.2 Employees may not normally take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.
- 3.3 Where employees request parental leave for a period in excess of four weeks in the 12 month period the application will be considered on the same basis as a request for extended unpaid leave under the university's Special Leave Policy. Any extended unpaid leave granted under the Special Leave Policy for the purposes of caring for a child will count towards the employee's entitlement to the 18 weeks' parental leave under 3.1.
- 3.4 Parental leave may be taken in blocks of no less than one day.
- 3.5 The university reserves the right to make enquiries of all or any of an employee's current or previous employers in relation to any previous periods of parental leave taken.

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<sup>1</sup> The university will consider a relationship of 12 months or longer to be long-term.

## 4 Applying for parental leave

4.1 An employee who wishes to take parental leave must provide:

- For first time applications in respect of a child, evidence of their eligibility to take parental leave under this policy<sup>2</sup>
- 21 days' notice of the period of leave that they wish to take. This notice must specify the dates on which the period of leave is to begin and end. (The requirement for 21 days' notice may be waived where the period requested is for less than one week).

4.2 Where the employee expects to become eligible for parental leave in respect of a child who is not yet born, the notice must specify the expected week of childbirth and the duration of the period of leave to be taken. The employee must give this notice at least 21 days' before the expected week of childbirth.

4.3 Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to the university at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.

4.4 Employees will need to complete an Application for Parental Leave form available on the intranet. All sections of the form must be completed and submitted to the employee's line manager, who will decide within seven days, whether to approve or postpone the request. Where authorised parental leave is taken at short notice, the form must be completed retrospectively.

Please see the Application for Parental Leave form available on the intranet.

## 5 Terms and conditions during parental leave

5.1 During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended. Annual leave entitlement will continue to accrue (see also 3.3 above).

5.2 During parental leave employees remain bound by their obligation of good faith towards the university as employer, any contractual terms relating to the giving of notice, and any contractual restrictions on the disclosure of confidential information, or participation in another business (or any other contractual restrictions as applicable). Employees on unpaid parental leave remain bound by the university's disciplinary procedures and may be subject to disciplinary action, up to and including dismissal, should they commit an act of misconduct or gross misconduct during their absence on parental leave.

5.3 Employees will need to seek advice from the university's pensions team (or scheme administrators) on the impact of any period of unpaid parental leave on their pension benefits as the rules will be dependent on the particular scheme the employee is a member of.

5.4 Employees taking parental leave directly after maternity or adoption leave will not forfeit their

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<sup>2</sup> Evidence might include the child's birth certificate or adoption or matching certificate, parental responsibility agreement or court order. Grandparents, step-parents or long-term live in partners will be required to provide evidence which indicates that they have significant parental responsibility for the child. This may be proof of address showing joint names of the partners eg rent book or mortgage document or reference from the child's school if applicable.

entitlement to enhanced maternity/adoption pay on condition that they return to work for at least 13 weeks following parental leave.

- 5.5 Where the leave to be taken is for a consecutive period of one week or more, the resulting loss of pay can be 'staggered' by reducing the employee's full pay over a longer period to include the unpaid period.

## 6 Postponement

- 6.1 The university will try to accommodate an employee's request for parental leave; however, it might be necessary to postpone a requested period of parental leave for up to six months where the requested leave would be unduly disruptive, for example, where:
- a) parental leave is requested during a peak period;
  - b) a number of employees wish to take leave at the same time;
  - c) the employee's work at that time is of importance to a time-critical project; or
  - d) cover arrangements cannot be found before the date on which the requested period of parental leave is due to start.
- 6.2 In such a case, the university will allow the employee to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. The university will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice was given to the university.
- 6.3 Parental leave will not; however, be postponed in the following circumstances:
- a) if it has been requested to start immediately on the birth or adoption of a child; or
  - b) if the postponement would result in the leave being taken after the child's 18<sup>th</sup> birthday.
- 6.4 An employee who believes their application has been unreasonably postponed should seek advice from their Human Resources adviser in the first instance. The Human Resources adviser will seek to resolve the matter by meeting with the line manager and the employee in order to consider other possible options. If the matter is not resolved to the employee's satisfaction, they may choose to pursue the matter under the relevant Grievance Procedure.

## 7 Return from parental leave

- 7.1 Employees are normally entitled to return to work following parental leave to the same position they held before commencing leave. Their terms of employment will be the same as they would have been had they not been absent.
- 7.2 However, where a period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity or adoption leave, it might not be possible in some cases for the employee to return to the same job. In such circumstances, the university will offer a suitable and appropriate alternative position on no less favourable terms.

## 8 Flexible working requests

- 8.1 Employees who wish to change their hours or other working arrangements on return from parental leave should make a request under the university's **Flexible Working Policy**. It is helpful if such requests are made as early as possible.

8.2 The university will deal with any requests by employees to change their working arrangements on a case-by-case basis in accordance with the **Flexible Working Policy**. There is no absolute right to insist on flexible working, but employees have a statutory right to request flexible working and the university will try to accommodate an employee's wishes unless there is a business reason for refusal.

## 9 **Abuse of the policy**

Any abuse of the policy will be dealt with under the relevant disciplinary procedure. Examples of misuse include:

- Taking leave for purposes other than for caring for a child. This will generally be in circumstances where someone other than the employee is taking primary responsibility for the child.
- Making a false statement as to the entitlement to parental leave, for example the age of the child, the relationship with the child or the amount of parental leave taken with a previous employer.