

PARENTAL LEAVE POLICY



This document is a temporary Policy in place at NHS Dumfries and Galloway based on the National PIN (Partnership Information Network) Policy. This document will be used until such time as our local policy is reviewed and approved with management and staff side colleagues.

[Downloaded from Scottish Government Website Supporting the Work-Life Balance PIN Policy July 2015 on 14 September 2016]

1 Policy Statement

NHS Dumfries and Galloway recognises that parents have a joint responsibility for the care and upbringing of their children and that work and parenthood can create conflicting pressures.

Parents need time with their children and time to create a supportive home in which their children can thrive. Parental leave is therefore aimed at encouraging a culture of flexible working practice to assist staff to balance family and work commitments.

Parental leave is expressly for the purpose of allowing parents to spend quality time with their children and assist in balancing this with work commitments, thus improving their participation in the workplace.

2 Values and Principles

Managers and staff must show responsibility for ensuring transparency and equity in the implementation of this policy, balancing their own and service needs with due consideration of the needs of patients, colleagues and team members.

Consideration should be given to the reasonableness of the duration and timing of leave especially during peak periods of annual leave and the impact this will have on the needs of patients, colleagues and team members. Flexibility should be demonstrated in circumstances where the normal notice cannot be given such as during adoption or at times of sudden illness.

3 Parental Leave and Pay

The following provisions for parental leave are as set out within Section 35 of the NHS Terms and Conditions of Service Handbook. However, they apply to all individuals employed by NHS Dumfries and Galloway, including the Executive Level and Senior Management cohort and Doctors and Dentists. The additional provisions for paid paternity leave are as agreed in partnership in NHSScotland.

3.1 Eligibility and amount of leave

Currently all employees will be eligible to take parental leave if:

- i. They have 12 months' continuous service with one or more NHS employers;
- ii. They have a nominated caring responsibility for a child under age 18;
- iii. They notify their employer in writing three weeks in advance of the intended leave (or if this is not possible, as soon as is reasonably practicable thereafter):
 - a. Of their intention to take parental leave;
 - b. Of the date they wish to commence and return from parental leave;
 - c. Provide evidence of entitlement
 - i. A birth certificate (or MATB1 form in the case of applications for leave around the time of the birth of the child);
 - ii. Papers confirming the adoption of a child (or confirming that a child has been matched for adoption in the case of applications for leave around the time of adoption of the child);
 - iii. Papers confirming the award of disability living allowance in the case of a child with a disability.

The amount of parental leave entitlement is 18 weeks for each child under the age of 18.

The 18-week entitlement is per each child, not per employment.

In other words, the balance of the entitlement is not restored to 18 weeks if an individual changes employer. For example, if an employee uses 10 weeks of their entitlement with one employer, and then changes employer, they can only use up to eight weeks with their new employer, assuming that they are eligible.

3.2 Continuous service

In order to calculate whether the employee meets the qualification set out in paragraph 3.1 (i) to have had 12 months of continuous service with one or more NHS employers, reference should be made to the provisions of the NHS Terms and Conditions of Service Handbook sections 15.61 to 15.65.

3.3 Notification

In addition to 3.1 (iii) above, employees should be encouraged to give as much notice as possible to their line manager when requesting parental leave. This allows line managers to ensure that appropriate staffing cover is in place so as to facilitate the authorisation of such leave.

If the requested period of leave exceeds four weeks, at any one period, a minimum of two months' notice is required. However there will be occasions where notice cannot be given. On these occasions parents should give the notice as soon as reasonably practicable.

Evidence of entitlement to parental leave need only be given once in respect of each child.

3.4 Confirming parental leave and pay

The line manager and the employee must discuss the terms on which the employee will exercise their right to parental leave (e.g. is it to be taken as a single block, as annual allowance or under any other individual arrangement). It is good practice for this then to be confirmed in writing by the employee's manager.

In exceptional circumstances, due to the needs of the service, the employee may be asked to postpone their parental leave, until a later date. Postponement would only take place after discussion with the employee and where a valid and objective operational reason has been provided.

The leave will not be postponed for more than six months from the date on which the employee wanted to start parental leave. The manager and the employee should try to agree a suitable time, but if they cannot, the manager becomes responsible for guaranteeing that the employee can take the leave at a time, no more than six months ahead, which best fits the needs of the service and the employee. If this means that the leave is postponed beyond the 18th birthday of the relevant child, the parent still has a right to take it.

The employee may at this stage opt to withdraw the request for parental leave and re-submit a request at a later date.

The manager should confirm the postponement arrangements, in writing, no later than seven days after the employee's notice to take leave is given. The manager should clearly state the reason for the postponement. In addition to this, the new dates when the employee may take parental leave should be given, ensuring that the length and terms of this leave is equivalent to the employee's original request.

3.5 Paid parental leave

3.5.1 Entitlement to four weeks' paid parental leave

Employees who meet the eligibility requirements are entitled to four weeks of paid parental leave in respect of each of their children. The paid leave must be taken before the relevant child's 14th birthday (or 18th birthday in the case of adoptive parents or parents of a child with a disability).

3.5.2 Calculation of pay during paid parental leave

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the qualifications set out within section 15.23 of the NHS Terms and Conditions of Service Handbook.

3.6 Entitlement to unpaid parental leave

Any parental leave which is taken after the 14th birthday (but before the 18th birthday) of the relevant child will be unpaid.

3.7 Commencement and duration of leave

Subject to the notice requirements detailed above, an employee may take parental leave at any point up to the child's 18th birthday.

This parental leave may be taken as either:

- i) a single block of 18 weeks;
- ii) an annual allowance; or,
- iii) under any other individual arrangements agreed between an employee and their line manager in line with service needs (e.g. single working days, blocks of one week, reduced working hours).

Parental leave can be added to periods of maternity support, shared parental leave (from April 2015), adoption or maternity leave.

A full record of parental leave taken will be maintained by the organisation and transferred to any future employer.

3.8 Changing the parental leave start date

Employees may also postpone or cancel leave that has been booked by giving reasonable notice.

3.9 Contractual rights

During parental leave the employee retains all of his/her contractual rights, except remuneration (during any period of unpaid leave) and should return to the same job on expiry of their parental leave.

3.10 Increments

Parental leave shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave. The expectation is that an employee on parental leave would progress through a KSF gateway on the due date, if concerns had not been raised about the ability to meet their KSF outline prior to parental leave.

3.11 Accrual of annual leave and public holidays

Annual leave and public holidays will continue to accrue during parental leave provided for by this agreement.

3.12 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations. It is recommended that staff check with HR and SPPA how their leave will impact upon their own pension contributions; the organisations contributions and their entitlement under the pension scheme.

3.13 Line Management Contact

It is good practice for employers to maintain contact (within agreed protocols) with employees while they are on parental leave in a period of leave for more than two weeks.

4 Right to Return

At the end of parental leave an employee is guaranteed the right to return to the same job as they were doing before they commenced parental leave, provided that the leave was for a period of four weeks or less.

If the leave is greater than four weeks, the employee is entitled to return to the same job, or if that is not reasonably practicable, a similar job which is suitable and appropriate and has the same terms and conditions as the employees previous job.

When parental leave follows maternity leave, the general rule is that the employee is entitled to return to the same job which the employee had been employed in before the leave.

5 Abuse of Parental Leave

Parental leave is to look after a child, which includes making arrangements for the good of the child. If the employee uses the leave for some other purpose (e.g. paid employment within the NHS or elsewhere, or leave unrelated to the care of children), then this may be viewed as misconduct and the organisation will deal with this situation in accordance with the Management of Employee Conduct Policy.

6 Dignity at Work

The organisation is committed to providing all reasonable support to employees who wish to take parental leave.

Colleagues should be sensitive to this issue and should adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are or become parents. It is a requirement of this policy that all employees of the organisation respect this principle.

7 Questions or Concerns

NHS Dumfries and Galloway recognise that, from time to time, employees may have questions or concerns relating to their parental leave rights. It is the policy of NHS Dumfries and Galloway to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

As the parental leave provisions are complex, if an employee is seeking parental leave, they should clarify the relevant procedures with [name] to ensure that they are followed correctly.

8 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

9 Monitoring, Review and Evaluation

This policy will be monitored, reviewed and evaluated every two years by the Area Partnership Forum or equivalent, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.