



Colchester
City Council

Parental Leave Policy

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Contents	Page
1. Introduction	1
2. Entitlement.....	1
3. Definition of a Parent.....	1
4. Taking Parental Leave.....	1
5. Obligations of the Employee	2
6. Postponement.....	2
7. Public Holidays.....	2
8. Pensions	2
9. Multiple Contracts	2
10 Misuse of the Parental Leave Scheme.....	2
11. How to Apply	3
12. Monitoring of Leave	3
Appendix and Document Information	3

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Parental Leave

1. Introduction

- 1.1 Parental leave is unpaid leave that can be taken for 'caring for a child' by a person who has responsibility for a child. It is a statutory right, introduced by the Employment Relations Act 1999 and the Maternity and Parental leave regulations 1999. This legislation was amended in November 2012 and implemented in UK law in March 2013, with a further amendment on 5 April 2015.

2. Entitlement

- 2.1 Employees are entitled to 18 weeks' unpaid parental leave, which must be taken before the child's eighteenth birthday or the eighteenth anniversary of their placement for adoption.
- 2.2 In order to qualify for parental leave an employee must have at least one year's continuous service.
- 2.3 An employee cannot take Parental Leave with one employer and then start again with a new employer. The entitlement is per child only, not per contract of employment.

3. Definition of a Parent

- 3.1 A parent includes the following:
- The mother
 - The father
 - The father of the child if he was married to the mother at the time of the birth or he is registered as the child's father
 - The father (if not covered by the above) if he has acquired parental responsibility under the Children Act 1989
 - A guardian appointed under the Children Act 1989
 - Adoptive parents
 - A spouse or partner of any of the above (of either sex) if he or she is living with the child
 - Foster parents.
- 3.2 On applying for parental leave, the employee must produce a copy of the child's birth certificate, or other evidence eg adoption papers.

4. Taking Parental Leave

- 4.1 Parental leave can only be taken in one week blocks and up to a maximum of four weeks per child in one year. If an employee wishes to take a number of days less than a week, then this will still be recorded as a whole week. (A week is an employee's normal working week).

Parental Leave

5. Obligations of the Employee

- 5.1 The employee must give their line manager at least 21 days' notice of taking parental leave. It must state when they wish to start and finish the period of parental leave.
- 5.2 If the leave is to be taken immediately after the birth/adoption of a child then the employee should give 21 days' notice of the expected date.

6. Postponement

- 6.1 Parental leave may be postponed by the line manager where disruption may occur to the service area, eg shortage of staff, or where the particular skills are needed at a particular time and the work cannot be easily covered.
- 6.2 If a line manager wishes to postpone the leave, they must give their reasons in writing within seven working days of the receipt of the employee's application.
- 6.3 If an employee has leave postponed it should be for no longer than is necessary and the employee must be allowed to take it within six months of the original date.

7. Public Holidays

- 7.1 Where a public holiday falls during parental leave, normal pay for that day will be provided where the employee has stated that they do not wish to take that day as parental leave.

8. Pensions

- 8.1 Employees on parental leave will be treated the same as other employees on unpaid absence. When the employee returns to work, Payroll will advise them of the amount of unpaid leave that will not count for pension benefits. The employee will then have the option to pay additional pension contributions to have this count as pensionable service.

9. Multiple Contracts

- 9.1 Where an employee has more than one contract with the Council, the entitlement to parental leave is still only 18 weeks.
- 9.2 If the manager of one post postpones parental leave, this will postpone the leave in the other post.

10 Misuse of the Parental Leave Scheme

- 10.1 Any misuse of the scheme will be dealt with under the Council's disciplinary rules and procedures.

This may include taking leave for purposes other than caring for a child, eg where someone else is taking prime responsibility for the child, or making a false statement as to the entitlement of parental leave.

Parental Leave

11. How to Apply

- 11.1 Employees should complete the Parental Leave application form and send it to their line manager with all relevant documentation.
- 11.2 Line managers should authorise or postpone the leave, and return the form to the Human Resources Service Centre within seven working days of the receipt of the employee's application.

12. Monitoring of Leave

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- 12.1 Managers should discuss the entitlement to Parental Leave with the HR Service Centre, who will monitor the amount taken over the five-year period.
- 12.2 A year starts from the date the first block of Parental Leave is taken, and becomes a rolling year from that date.
- 12.3 New employees applying for Parental Leave should be asked if they have taken any Parental Leave with a previous employer, as this will form part of their entitlement.

Appendix and Document Information

The following policies and forms should also be read alongside this document:

Policies	Forms
Disciplinary Policy - Rules and Procedures	PER143 - Parental Leave
Annual Leave Policy	

The policies and forms are shown on COLIN:

- [A-Z](#) – this link will take you to the "all in one place" page which has a short summary of the HR subject, what you need to do first, useful documents and links, and related items.
- [Staff Handbook](#).

Title :	Parental Leave Policy
Room :	December 2023
EQIA :	See HR EQIAs on the Council's website
Review Frequency :	Every three years or if change occurs

For more information or advice about this policy please contact the HR Service Centre on 01206 282112 or email hrservicecentre@colchester.gov.uk.

This policy applies to you if you are working under the Terms and Conditions of Colchester City Council.