



Ordinary Parental Leave Policy

September 2018

Office use

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Associated documents:			
<ul style="list-style-type: none">• DALP Shared Parental Leave Policy• DALP Paternity Leave Policy• DALP Maternity Leave Policy			
Links to:			
<ul style="list-style-type: none">• Employment Rights Act 1996• Work and Families Act 2006			

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1 Introduction

- 1.1 You are entitled to up to 18 weeks of unpaid parental leave per child if you are the birth or adoptive parent of a child who is under 18 years of age. To qualify for ordinary parental leave, you must have completed at least one year's continuous service with the trust.
- 1.2 Ordinary parental leave should not be confused with shared parental leave. Shared parental leave enables mothers to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. The trust provides a separate policy on shared parental leave.
- 1.1 The Diverse Academies Learning Partnership recognises that, from time to time, employees may have questions or concerns relating to their rights regarding parental leave. It is the trust's policy 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 you wish to take adoption leave, you should clarify the relevant procedures with a member of the Human Resources Team to ensure that they are followed correctly.

2 Rights during Ordinary Parental Leave

- 2.1 If you qualify for ordinary parental leave you will be entitled to a maximum of 18 weeks of leave to be taken up until the child's 18th birthday. During ordinary parental leave, you will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force.
- 2.2 During parental leave you will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:
- notice of termination;
 - redundancy compensation; and
 - disciplinary or grievance procedures.
- 2.3 While taking ordinary parental leave you will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:
- notice of termination;
 - disclosure of confidential information;
 - the acceptance of gifts or other benefits; and
 - participation in any other business.
- 2.4 The limit on how much ordinary parental leave each parent can take in a year is 4 weeks for each child.

You must take ordinary parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless your child is disabled. You don't have to take all the leave at once.

3 Conditions of Ordinary Parental Leave

- 3.1 The trust has adopted the default scheme for the taking of ordinary parental leave and the following conditions apply:
- You may not exercise any entitlement to ordinary parental leave unless you have complied with any request made by the trust to produce evidence of parenthood or parental responsibility. This could be in the form of a birth certificate or adoption papers.
 - You must give proper notice of the period of leave that you proposes to take. This notice must be given to the trust at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.
- 3.2 Where you are the father of the child in respect of whom the leave is to be taken and you requests ordinary parental leave to begin when his child is born, your notice must specify the expected week of childbirth and the duration of the period of leave. You must give this notice at least 21 days before the expected week of childbirth.
- 3.3 Where the ordinary parental leave is in respect of an adopted child and is to begin on the date of the placement, your notice must be given to the trust 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 ordinary parental leave requested.
- 3.4 The trust may postpone a period of ordinary parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the trust considers that its business would be unduly disrupted if you were to take leave during the period requested. In such a case, the trust will allow you to take an equivalent period of ordinary parental leave beginning no later than six months after the commencement of the period originally requested. The trust will give notice in writing of the postponement stating the reason for it and specifying suggested dates for you to take parental leave. Such notice will be given no more than seven days after your notice was given to the trust.
- 3.5 You may not take ordinary parental leave in blocks of less than one week (except in relation to a child who is disabled).
- 3.6 You may not 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 you first become entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

4 Return from Ordinary Parental Leave

- 4.1 When you return to work after a period of ordinary parental leave you are entitled to return to the job in which you were employed prior to the absence if it was an isolated period of leave lasting four weeks or less. If the period of parental leave followed on immediately from another period of statutory leave, your right to return depends on the length of leave taken.
- 4.2 You have the right to return to the same job if the ordinary parental leave was the last of two or more consecutive periods of leave that did not include:
- a period of ordinary parental leave lasting more than four weeks; or
 - any period of statutory leave that, when added to any other period of statutory leave (excluding ordinary parental leave) taken in relation to the same child,

means that the total amount of statutory leave taken in relation to that child totals more than 26 weeks.

- 4.3 When you return to work after a period of ordinary parental leave that does not fall into the above description, for example because it follows ordinary and additional maternity leave lasting more than 26 weeks, you are entitled to return to the job in which you were employed prior to the absence, or, if that is not reasonably practicable, to another job that is both suitable and appropriate in the circumstances.

5 Review of this Policy

- 5.1 This policy is reviewed annually by the trust which will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix 1 – Application form



Name of employee		Job title	
Date of commencement of employment			
Amount of ordinary parental leave taken previously in respect of relevant child			
<p>I would like to apply for [] [week(s)/day(s)] unpaid parental leave from [date] to [date]. (applications for ordinary parental leave in periods of a day or multiples thereof may be made only where the child in question is disabled)</p> <p>The leave requested relates to my [baby/son/daughter] [name where applicable] [due on [] / who was born on []].</p> <p>[I attach a copy of [child's name]'s [birth certificate/adoption papers].]</p>			
<p>I recognise that the organisation is entitled to make enquiries of all or any of my previous employers in relation to any previous periods of ordinary parental leave taken.</p> <p>I also recognise that the organisation may postpone the period of leave requested by up to six months where the leave requested does not coincide with the expected week of my child's birth or adoption and the business would otherwise be unduly disrupted by my absence.</p>			
Signed		Date	
<p>Please return this form to the HR Team at least 21 days prior to the date on which your requested period of ordinary parental leave is due to commence.</p> <p>The trust treats personal data collected while managing your ordinary parental leave in accordance with its data protection policy. Information about how your data is used and the basis for processing your data is provided in [the organisation's employee privacy notice].</p>			