



**ORKNEY**  
ISLANDS COUNCIL

# **Parental Leave**

**March 2015**

Next scheduled for review March 2018

All our written information can be made available, on request, in a range of different formats and languages. If you would like this document in any other language or format please contact HR Support on 01856873535 extension 2250 or email [hrsupport@orkney.gov.uk](mailto:hrsupport@orkney.gov.uk)

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# 1. Policy Statement

1.1. This policy is to inform all employees of their rights and responsibilities when requesting leave of absence and to establish consistent treatment of all employees to whom this policy applies.

1.2. We are committed to being a good employer and to developing people and supportive employment policies. This approach not only allows employees to balance their personal and working lives but also helps us to maintain employee productivity, loyalty and motivation. In keeping with this, we recognise that from time to time, employees' lives outside of work may necessitate some form of support from the council. Consideration will therefore be given to allow employees access, where appropriate, to parental leave.

## 2. Scope of Policy

2.1. The scope of this policy applies to all employees of Orkney Islands Council on Scottish Joint Council (SJC), Scottish Negotiating Council for Teachers (SNCT) Orkney College Academic, and Chief Officials Conditions of Service and on permanent and temporary contracts.

2.2. This document is also available in large print and other formats and languages, upon request. Please contact Human Resources.

## 3. Introduction to parental leave

3.1. An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she:-

- is the parent of a child, or commissioning parent in a surrogacy arrangement, who is under 18 years of age;
- has adopted a child under the age of 18 (the right to parental leave lasts for a period of 18 years from the date of adoption or until the child's 18th birthday, whichever is the sooner); or
- has acquired formal parental responsibility for a child who is under 18 years of age.

3.2. An employee who is the parent or commissioning parent in a surrogacy arrangement or adoptive parent of a child who has been awarded disability living allowance or personal independence payment is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.

3.3. To qualify for parental leave, employees must have completed at least one year's continuous service with the Council.

## 4. Rights during parental leave

4.1. Qualifying employees will be entitled to a maximum of 18 weeks' parental leave to be taken up until the child's eighteenth birthday, with the exception of adopted or disabled children, please see above for entitlement. During parental leave the employee will remain employed but they will not receive pay. The right to accrue statutory holiday entitlement will, however, remain in place. During parental leave employees 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.

4.2. Employees taking parental leave 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.

## **5. Conditions of leave**

5.1. The Council has adopted the default scheme for the taking of parental leave and the following conditions apply.

5.2. An employee may not exercise any entitlement to parental leave unless he/she has complied with any request made by the Council to produce evidence as to:-

- his/her entitlement (e.g. parental responsibility or expected responsibility for the child in question);
- the child's date of birth or date on which placement for adoption began; or
- where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to disability living allowance or personal independence payment).

5.3. The employee must give proper notice of the period of leave that he/she proposes to take. This notice must be given to the Council 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. A form to accompany the request is appended to the policy.

5.4. Where the employee is the father of the child in respect of whom the leave is to be taken and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth.

5.5. 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 Council 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.

5.6. The Council may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the Council considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the Council 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 Council 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 Council.

5.7. Employees may not take parental leave in blocks of less than one week (except in relation to a child who is disabled).

5.8. Employees 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 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.

## **6. Return from leave**

6.1. At the end of parental leave, the employee will be entitled to return to the same job, provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.