

PARENTAL LEAVE POLICY

Statement of Policy and Purpose of Policy

1. The HOLT Isle of Wight C.I.C. (the **Employer**) recognises and respects that sometimes working parents will need time away from work to spend time with their children. The right for parents to take leave, in certain circumstances, is also provided by law. No one will be subjected to a detriment for exercising their right to take parental leave in accordance with this Policy or for seeking to do so.
2. The purpose of this Policy is to ensure that staff and managers are clear about entitlements to parental leave, the process that should be followed for arranging leave and the terms that apply during and after parental leave.
3. This Policy is intended to summarise your statutory rights. If there is a contradiction between this Policy and the statutory parental leave entitlements which apply at any time, this Policy shall be deemed to be amended, as necessary, to comply with legislative requirements.
4. This is a statement of policy only and does not form part of your contract of employment. We may amend this Policy at any time, in our absolute discretion.

What is Parental Leave?

5. Parental leave is the right for qualifying employees to take up to 18 weeks of unpaid leave to care for a child under 18 years of age, for whom they have parental responsibility.

Who is Eligible to Take Parental Leave?

6. To be eligible for parental leave you must:
 - a. be an employee (not a contractor or consultant) with at least one year of continuous service when the leave is due to start;
 - b. have or expect to have parental responsibility for the child. This means that you must be the biological or adoptive parent or have legal parental responsibility including under a surrogacy arrangement (e.g. you are the child's guardian);
 - c. be taking the leave to care for the child.

When Can Parental Leave Be Taken?

7. Eligible employees may take parental leave during the period up to the 18th birthday of their biological child, adopted child or child for which they otherwise have parental responsibility for.
8. If you meet the qualifying criteria summarised above then you may take up to four weeks' parental leave in any year (calculated from the date when you became eligible for leave). Leave must be taken in blocks of one week, unless the child is disabled. The total entitlement to parental leave is for each child (or multiple birth) not for each employer, so if you have used some of your parental leave with a previous employer then you will only be entitled to take the unused balance with us.

Giving Notice to Take Parental Leave

9. If you wish to take parental leave you must give the Director 21 days' advance notice and tell us the dates that you wish the leave to start and end. Special rules about notice apply if you wish to take parental leave commencing:
 - a. immediately on the birth of a child. In this case, you must give us notice at least 21 days before the start of the expected week of childbirth. The notice must specify the EWC and how much leave you wish to take;
 - b. immediately on the adoption of a child. In this case, you should give notice at least 21 days before the start of the expected week of placement. If this is not possible, you must give as much notice as you can. The notice must specify the EWP and how much leave you wish to take;
 - c. immediately after a period of ordinary paternity leave. In this case, we request that you give us notice at least 21 days before the start of the EWC or EWP (as applicable), if that is possible. If not, you should give as much notice as you can. Please note that we may not be able to agree to your request unless you give us notice at least seven days before your ordinary paternity leave starts, although we will consider each request on a case-by-case basis.
10. In all cases, we would encourage you to give as much notice as possible of your wish to take parental leave, as this will help us plan ahead for your absence and will improve the chances that we can agree to your request. We would also ask that you make your request in writing, although it will still be valid if you don't.
11. Before your parental leave starts, you must give us evidence of your current or anticipated parental responsibility for the child, their date of birth or placement with you for adoption and, if relevant, their entitlement to disability living allowance. If you are not sure what evidence you need to give then ask the Director.

Postponing Parental Leave

12. Sometimes, we might need to postpone the parental leave that you wish to take because it would unduly disrupt our business. In this case, we will consult with you about when you could take the leave instead and will confirm our decision within seven days of receiving your notice to take leave, including the reason for delaying your leave and the new start and end dates, which will be no more than six months after the dates you requested.
13. We will not postpone parental leave which is requested for the birth of a baby or when a child is placed for adoption, if postponing your leave means that your entitlement has not been used up before the last date when the leave must be taken (i.e. the child's 18th birthday, then you will not lose your entitlement to that leave.

During Parental Leave

14. Parental leave is unpaid and your contractual provisions relating to pay and benefits are suspended during parental leave.
15. While you are on parental leave, your employment contract remains in effect except for terms relating to pay, which are suspended. This means that, among other things, you must continue to comply with any terms about notice, confidentiality and outside work.

Returning to Work After Parental Leave

16. For parental leave of four weeks or less that is not combined with another type of family leave then you will return to the same role. However, if you take more than four weeks of parental leave or take parental leave immediately before or after additional maternity, paternity or adoption leave then you may not be able to return to the same role. In this case, we will offer you another suitable role on terms that are no less favourable than those that would have applied without the parental leave being taken.
17. If you give false or misleading information to obtain parental leave then we may treat this as a disciplinary matter.

Data Protection

18. The Employer processes personal data collected when managing employees' parental leave in accordance with its Data Protection Policy.
19. In particular, data collected as part of the parental leave procedure, and from the point at which an employee informs the Employer that they plan to take parental leave, is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to parental leave requests and managing parental leave.
20. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Employer's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Employer's disciplinary procedure.

Attribution

21. This Parental Leave Policy was created using a document from [Rocket Lawyer](https://www.rocketlawyer.com/gb/en) (https://www.rocketlawyer.com/gb/en).