

PARENTAL LEAVE POLICY

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1. Introduction

- 1.1** NHS 24 recognises that parents have joint responsibility for the care and upbringing of their children and that work and parental responsibilities can create conflicting pressures. Parents and guardians 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 practices to allow all staff to balance family and work commitments. NHS 24 seeks to treat staff with care and compassion, dignity and respect, valuing the contribution they make.

In addition to parental leave, several other policies have also been developed within NHS 24 in support of working parents such as:

- Maternity Leave
- Paternity Leave
- Carer Leave
- Special Leave
- Adoption and Fostering Leave
- Shared Parental Leave

NHS 24 offer a range of types of leave to assist staff in managing their work life balance, and managers should use the guidance contained in this policy to ensure that the correct type of leave is being approved.

2. Scope

- 2.1** Parental leave is expressly for the purpose of allowing parents and guardians to spend quality time with their children and assist in balancing this with work commitments, thus improving their participation in the workplace.
- 2.2** The scheme applies to all staff who have legal responsibility for caring for a child under the age of 18 years. Staff are required to have one year's continuous NHS qualifying service with one or more NHS employers, by the time they wish to take the leave. Non staff members, for example agency workers and contractors, are not eligible to apply for this leave.

3. Principles

- 3.1** The purpose of parental leave is to allow staff some additional time to care for their child. This means looking after their welfare and could include making arrangements for the good of the child. Caring for a child does not necessarily mean being with them 24 hours a day.
- 3.2** Line managers and staff are responsible for ensuring transparency and equity in the implementation of this policy, balancing their own and service needs with due consideration for 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.

4. Eligibility

Currently all staff members 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 line manager in writing 3 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 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 a staff member uses 10 weeks of their entitlement with one employer, and then changes employer, they can only use up to 8 weeks with their new employer, assuming that they are eligible.

5. Entitlement

- 5.1 There may be exceptional circumstances where NHS 24 would consider granting a limited period of leave to someone who is unable to provide the above documentary evidence. Any such leave will require a letter from the staff member, which outlines the reason for the exceptional request, which would need to be attached to the Parental Leave Request Pro Forma (Appendix A).
- 5.2 There are 2 forms of parental leave; paid or unpaid, and individual circumstances dictate which leave a staff member is entitled to.

Paid parental leave is only payable if the staff member's child is under the age of 14, or 18 in the case of adoption or the parents of a child with a disability. As such, staff who have nominated caring responsibility will be entitled to the following:

- Child under 14 years:
 - **4 weeks *paid leave that must be taken before the child's 14th birthday** and 14 weeks unpaid leave that must be taken before the child's 18th birthday.
- Adoption Cases:
 - 4 weeks *paid leave and 14 weeks unpaid leave that must be taken before the child's 18th birthday.
- Child with a disability:
 - 4 weeks *paid leave and 14 weeks unpaid leave that must be taken before the child's 18th birthday.

- Child over 14 years:
 - 18 weeks unpaid leave that must be taken before the child's 18th birthday.

*Paid leave will be paid as if at work.

- 5.3 Staff will retain all of their contractual rights, except remuneration (during any period of unpaid leave).
- 5.4 The right to 18 weeks' parental leave is allocated per child of the staff member and this entitlement is the maximum that can be taken across a staff member's entire NHS employment, i.e. not just within NHS 24. In addition, the right to 4 weeks' paid parental leave per child transfers between NHS employers, therefore a staff member who has taken, for example, 2 weeks' paid parental leave for 1 child with another NHS employer would only be eligible to take a further 2 weeks' paid leave for the same child with NHS 24. Staff members will be asked to provide details of all parental leave taken with previous NHS employers and NHS 24 will contact previous NHS employers to confirm details provided. Any abuse of this policy will be regarded as a fraudulent act and may result in disciplinary action. NHS 24 will also provide a record of parental leave to any subsequent NHS employer.
- 5.5 The line manager and staff member must discuss the terms on which the staff member will exercise their right to parental leave (for example, is it to be taken as a single block, as annual allowance or under any other individual arrangement). This will be confirmed to the staff member by signed authorisation of the Parental Leave Request Pro Forma (Appendix A). Staff should avoid requesting a combination of parental leave and annual leave which exceeds 4 weeks, as it may prove difficult to approve a request of this length.

Parental leave can be taken as either:

- i) a single block of 18 weeks;
- ii) an annual allowance; or
- iii) under any other individual arrangements agreed between a staff member 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, adoption or maternity leave.

Staff must balance their own needs with service needs, and consideration should be given to the duration and timing of leave requests and any subsequent cancellation or postponement if required.

Once authorised, the line manager will provide the staff with a signed copy of the Parental Leave Request Pro Forma (Appendix A).

- 5.6 If the line manager is unable to accommodate the full request for parental leave they should liaise with the staff member to determine whether any alternative dates would be of benefit.

6. Situations in Which Parental Leave May be Utilised

- 6.1 Parental leave is available to allow staff to devote additional time to care for their child, including looking after their welfare or making arrangements for the good of the child. Parental leave is therefore specific in its purpose and should not be used, for example:

- where a dependant becomes unwell (in such cases Carer Leave can be used); or
- where a close relative has passed away (in such cases Compassionate/Bereavement Leave can be used).

- 6.2 As ever, there may be exceptions to the above, and line managers should consider the individual request when determining which type of leave should be used.
- 6.3 In addition, parental leave should not be used in place of other types of leave. For example, where an staff member has requested annual leave in the first instance, it would not be appropriate to amend this to parental leave at a later date, i.e. if annual leave is originally deemed appropriate, it is unlikely that the criteria for parental leave would be met.

7. Notification Of Intention To Take Parental Leave

- 7.1 Staff 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. In most circumstances, staff will receive a response to their request within 7 days.
Line managers may apply discretion in their acceptance of applications made for parental leave, for example, where the child has been given an appointment at short notice, or in the case of a child placed for adoption.
- 7.2 Staff requesting more than 4 weeks', or more, parental leave at one time are required to give as much notice as possible, with a minimum of 2 months' notice, of their intention to take parental leave. These requests will require to be authorised by Director, ADON or General Manager. This notice period allows their line manager to ensure the appropriate staffing cover is in place so as to facilitate the authorisation of such leave. There will be rare cases, however, where such notice cannot be given and in these cases, staff should give the notice as soon as is reasonably practicable. No request for leave under this policy will be unreasonably withheld.
- 7.3 The staff member must provide appropriate documentation, e.g. a copy of the full birth certificate of the child (abbreviated birth certificates must not be accepted); Parental Rights Agreement; copies of the adoption papers; or papers confirming the award of disability allowance for a child, if applicable.
- 7.4 In addition, if a partner is applying for parental leave around the time of the birth of a child, they will be required to produce a copy of the MAT B1 certificate. (A GP or midwife issues a MAT B1 certificate to the mother, confirming the expected date of childbirth.)

8. Notification of Postponement of Parental Leave

- 8.1 Staff and line managers should be aware that parental leave would not normally be granted in December or January each year for operational reasons.
- 8.2 In exceptional circumstances, due to the needs of the service, the line manager may be unable to approve a request for particular dates but may be able to suggest alternative dates in the future. Examples of where requests for parental leave may be postponed by the line manager may include where staffing levels are anticipated to be low or where service demands are particularly high such as during public holiday periods or flu/emergency response.

In such circumstances, the leave will not be postponed for more than 6 months from the date on which the staff member wanted to start parental leave, unless by mutual agreement. If this means that leave is postponed beyond the child's 18th birthday, or beyond their 14th birthday in relation to paid leave, the parent retains the right to take the leave.

- 8.3 Details relating to the postponed arrangements will be recorded on Appendix A including the reasons for the postponement.

9. Line Manager's Responsibilities

- 9.1 Line managers, or in their absence, Clinical Service Manager's will consider and approve, decline or postpone any requests for parental leave from contact centre staff. All other staff should submit their parental leave Request Pro Forma (Appendix A) to their line manager. The line manager must check prior to authorising leave as either paid or unpaid that the requested is correct and in line with the entitlements detailed on section 5.3 of this policy. Staff will only require to produce the birth certificate, or relevant documentation, on the first occasion of requesting leave for that child.
- 9.3 Line managers must, where possible prior to the period of leave being taken, also ensure that any appropriate documentation is valid, for example that the staff member is named on the birth certificate, or a Parental Rights Agreement (in line with the Children Scotland Act (1995)), or any other court order is produced. In addition, line managers must ensure any matching certificates (for adoption only) are valid. Copies of all documentation should be forwarded to the HR Business Support Team for validation.

10 HR Business Support's Responsibilities

- 10.1 HR Business Support are responsible for ensuring all documentation has been fully and clearly completed by both the staff member and the line manager.
- 10.2 HR Business Support will record all leave, allocated to each child, on the electronic HR system. HR Business Support will not retain copies of birth certificates on the staff member's file and will confidentially destroy any copies forwarded to them. In addition, HR Business Support will retain electronically a record of the child's name, date of birth, and, if applicable, entitlement to Disability Living Allowance to ensure the parental leave is allocated accurately for each child.
- 10.3 HR Business Support are responsible for ensuring all periods of parental leave are processed for payroll.

11. Right to Return

- 11.1 If the staff members leave is greater than 4 weeks, the staff member 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 staff members previous job.
- 11.2 It is good practice for the manager to ensure that the staff member is kept updated on any developments, actual or proposed, which occur during the period of parental leave.

12. Abuse of Parental Leave

- 12.1 Parental leave is available to allow staff to care for their child, including making arrangements for the benefit of the child. If the staff member uses the leave for some other purpose, for example, other employment or leave unrelated to the care of the child/children specified, then this may be viewed as misconduct and the organisation will manage this in accordance with the Management of Staff Conduct Policy.

13. Continuity of Service

- 13.1 Absence on parental leave will not break continuity of service.
- 13.2 All contractual rights are retained during the period of leave, except those relating to remuneration.

14. Sick Leave

- 14.1 If a staff member becomes ill during a period of parental leave and has followed normal reporting process and produces medical evidence to this effect, the period of leave will be regarded as sick leave and the period of parental leave can be requested at another date. The electronic HR system must be updated regarding the dates of sickness and a return to work carried out.
- 14.2 If a staff member fails to return to work on the notified date and submits the appropriate medical certificate, the provisions of the Occupational and Statutory Sick Pay schemes will apply.

15. Increments

- 15.1 Absence on parental leave will count towards the normal annual increments on a staff member's scale, in accordance with Agenda for Change Terms and Conditions of Service. Normal incremental dates will not be deferred.

16. Annual Leave

- 16.1 Annual leave will continue to accrue throughout any period of parental leave.

17. Superannuation

- 17.1 Staff who are contributing to the superannuation scheme will have to pay the contributions owed for any weeks of parental leave whether paid or unpaid. During the unpaid period of parental leave, contributions will normally be deducted from the first available salary following the unpaid period.

- 17.2 Staff must liaise, in advance, with the Payqueries Team regarding superannuation contributions if the normal process arrangements would be difficult to implement for the staff member.

18. Questions or Concerns

NHS 24 recognises that, from time to time, staff may have questions or concerns relating to their parental leave rights. It is the policy of NHS 24 to encourage open discussion with staff to ensure that questions and problems can be resolved as quickly as possible. As the parental leave provisions are complex, if a staff member is seeking parental leave, they should clarify the relevant procedures with the relevant HR Business Partner for their site, to ensure that they are followed correctly.

19. Resolution of Disagreements

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

20. Review

- 20.1 This policy will be monitored for effectiveness and reviewed after 2 years in Partnership.

APPENDIX A**PARENTAL LEAVE REQUEST PRO FORMA****SECTION A: PERSONAL INFORMATION - to be completed by staff member****Part 1 – complete on all occasions**

Name		Staff Pay Number	
Location		Job Title	
Line Manager		NHS 24 Start Date	
Child's Full Name		Child's Date of Birth	
Child's age at time of leave.			

Part 2 – to be completed on the **first occasion of using the new policy (effective from Nov 2014) for each child that parental leave is requested**

What is your relationship to this child?		
Do you receive Disability Living Allowance in respect of this child?		YES / NO
Have you received Parental Leave for this child with any other NHS employer? If Yes, please detail below.		YES / NO
Date	Contracted hours at that date	Hours

For validation purposes indicate the type of documentation attached	
Full birth certificate (abbreviation cannot be accepted).	YES / NO
Adoption matching certificate	YES / NO
Parental Rights Agreement	YES / NO
Letter detailing receipt of Disability Living Allowance	YES / NO

Part 3 – to be completed on **subsequent requests for parental leave**

Details of all previous requests for parental leave			
Dates	Hours	For child known as	Outcome of request
			Approved / Postponed / Declined
			Approved / Postponed / Declined
			Approved / Postponed / Declined
			Approved / Postponed / Declined
			Approved / Postponed / Declined

SECTION B: PARENTAL LEAVE REQUEST - to be completed by staff member

I wish to apply for parental leave for the following reason, please provide full details _____ _____			
Date from	Date to	Number of hours	Status
			PAID / UNPAID
			PAID / UNPAID
I confirm that I have nominated caring responsibility for the child named over and I am requesting this leave to care for, or to make arrangements for them. I acknowledge that by not disclosing parental leave taken with previous NHS employers or exceeding the paid or unpaid entitlements detailed in section 4.3 will be regarded as fraud and may result in disciplinary action.			
Signed _____ Dated _____			

SECTION C: OUTCOME – to be completed on all occasions by Line manager or CSM

Having considered the above request for parental leave I have circled the outcome below and confirm this was discussed with the staff member. *I have checked that any paid element is correct and in line with the entitlement detailed in section 5.3 of this policy.			
Approve – Paid*	Approve- Unpaid	Postponed (see below)	Declined
POSTPONED - I have postponed this request for parental leave because of the reason detailed below and have suggested the following dates as an alternative:			
Date from	Date to	Number of hours	Status
			PAID / UNPAID
			PAID / UNPAID

SECTION D: AUTHORISATIONS

<u>Line Manager</u> Signed _____ Dated _____ Print Name _____ Job Title _____	
<u>Staff Member -</u> I confirm that these alternative dates and hours detailed above are acceptable to me. Signed _____ Dated _____	
In cases where 4, or more, consecutive weeks are requested then Director/ADON/General Manager must approve this. Signed _____ Dated _____ Print Name _____ Job Title _____	

PLEASE ENSURE THE DOCUMENTATION DETAILED IN PART 2 IS ATTACHED