

## **PARENTAL LEAVE AND FAMILY EMERGENCIES POLICY**

### **Parental leave**

The law entitles employees to be absent from work on parental leave in order to care for a natural or an adopted child or to make arrangements for the child's welfare. This policy implements the relevant legislation. Parental leave is additional to maternity leave, paternity leave, adoption leave and shared parental leave.

#### ***Entitlement to parental leave***

In order to qualify for parental leave, you must have completed one year's continuous employment with the Company by the time you want to take the leave. If you have already taken part of your parental leave entitlement with a previous employer, you will not be able to take any further parental leave until you have completed one year's employment with the Company.

Both mothers and fathers can take parental leave. You are entitled to take up to 18 weeks' parental leave in order to care for a natural or an adopted child (or to make arrangements for the child's welfare) if you meet one of the following eligibility conditions:

- You are the natural parent of, or you have acquired formal parental responsibility for, a child who is under 18 years old, or
- You have adopted a child under the age of 18.

In the case of natural parents, you must be named on the child's birth certificate.

All periods of parental leave are unpaid. There is no contractual or statutory entitlement to be paid for absences relating to parental leave. Any payment of salary during parental leave is made at the absolute discretion of the Company.

#### ***When parental leave may be taken***

Assuming you are eligible, you can choose to take parental leave at any time.

However, you cannot exercise any entitlement to parental leave in respect of a child after the date of the child's 18<sup>th</sup> birthday.

#### ***Taking time off for parental leave***

Parental leave is for each child, so in the case of twins, 18 weeks' leave is provided for each child.

Leave must be taken in blocks, or multiples, of one week. If you take parental leave for a shorter period than one week (for example, two days), that will constitute a week's leave for the purpose of calculating your 18 weeks' parental leave entitlement (although you will continue to be paid as normal for the time you work). The exception to this is that parents of disabled children can take leave in blocks, or multiples, of one day. A disabled child is one for whom Disability Living Allowance or Personal Independence Payment has been awarded.

A maximum of four weeks' parental leave can be taken in respect of any child during any one year, beginning on the date on which you first became entitled to take parental leave in respect of the child in question (or, if your entitlement has been interrupted at the end of a period of continuous employment, the date on which you most recently became so entitled) and each successive period of 12 months beginning on the anniversary of that date. Each parent is entitled to parental leave.

#### ***Procedure for notifying a parental leave request***

You are required to give at least 21 days' written notice to your line manager of your proposed parental leave dates. If leave is to be taken immediately after birth or adoption, 21 days' written notice of the expected week of childbirth or the expected week of placement for adoption should be given. You must specify the dates on which your period of parental leave is to start and finish. If it is

not reasonably practicable for you to comply with the 21 days' notice requirement, you should give notice as soon as reasonably practicable. A parental leave form can be obtained from *(name)*.

If you give notice that you wish your leave to start on the date of birth or adoption and that date is sooner or later than expected, your leave will begin on the actual date of birth or adoption.

At the time of requesting parental leave, you should:

- Provide the name of the child in respect of whom you wish to take leave, stating their date of birth and your relationship to them.
- Produce an appropriate birth or adoption certificate or such other documentation as the Company may reasonably request.
- Specify parental leave as the reason for proposed absence.
- Declare any periods of parental leave you have taken with a previous employer.

### ***Periods of parental leave with previous employers***

The period of 18 weeks' leave is the maximum you can take and periods of leave taken with a previous employer will be taken into account when calculating this period. The Company will expect you to declare periods of leave with a previous employer at the time of making a parental leave request. The Company may also check with your previous employer how much parental leave you have taken at your previous employment.

### ***Postponement of parental leave***

The Company reserves the right to postpone a period of parental leave for up to six months where it considers that the operation of its business would be unduly disrupted if the leave were to be taken at the time requested. For example, leave may be postponed during particularly busy periods, seasonal peaks or where a significant proportion of the Company's staff has already applied to be off from work at the same time.

The Company will confirm any postponement arrangements in writing no later than seven days after receipt of your request to take parental leave. This letter will state the reason for postponement and set out the proposed new dates of parental leave. The Company will attempt to agree with you a suitable alternative date when parental leave can commence.

The Company will not, however, postpone leave where you have given notice to take it immediately after the time the child is born or is placed with you for adoption.

### ***Rights during parental leave***

During parental leave your contract of employment continues. You are entitled to all of your statutory employment benefits, but some contractual benefits can be suspended by the Company. Your seniority, pension rights and rights to any other service-related benefits are unaffected by parental leave.

### ***Right to return to work after parental leave***

At the end of parental leave, you will be entitled to return to the same job on the same terms and conditions as if you had not been absent, provided always that your period of parental leave was for a period of four weeks or less and your total consecutive statutory leave taken in relation to the child (including any time on maternity, paternity, adoption or shared parental leave, but excluding your parental leave) amounts to no more than 26 weeks.

Where you have taken more than 26 weeks' consecutive statutory leave in total (including any time on maternity, paternity, adoption or shared parental leave, but excluding your parental leave) or your parental leave period is more than four weeks, again you will be entitled to return to the same job on the same terms and conditions as if you had not been absent. If, however, there is some reason why it is not reasonably practicable for the Company to take you back in your original job, you will be offered suitable alternative work of equivalent status and responsibility and on terms and conditions that are no less favourable than would have applied if you had not been absent.

### ***Claiming parental leave dishonestly***

The Company will keep records of parental leave taken. If you act dishonestly in claiming an entitlement to parental leave, this is a serious disciplinary offence and will be dealt with under the Company's disciplinary procedure. This includes attempting to claim leave for a child who is too old, claiming leave for purposes other than caring for a child or misleading the Company about parental leave taken with a previous employer. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in your summary dismissal.

### **Time off for family emergencies**

In addition to parental leave, employees have a statutory right to take a reasonable amount of unpaid time off work during working hours in order to deal with family emergencies. There is no contractual or statutory entitlement to be paid for absences relating to family emergencies. Any payment of salary during time off is made at the absolute discretion of the Company.

The right to time off enables you to deal with an unexpected or sudden problem and make any necessary longer-term arrangements:

- If a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically;
- When your partner is having a baby;
- To make longer-term care arrangements for a dependant who is ill or injured;
- To deal with the death of a dependant, for example, to make funeral arrangements or to attend a funeral;
- To deal with an unexpected disruption or breakdown in care arrangements for a dependant, for example, when the child minder or nurse fails to turn up;
- To deal with an incident involving your child during school hours, for example, if the child has been involved in a fight or is being suspended from school.

For these purposes, a 'dependant' is your spouse, partner, child or parent, or someone who lives with you as part of your family. For example, this could be a grandparent who lives in your household. It does not include tenants or boarders living in your family home, or someone who lives in your household as an employee, for example, a live-in housekeeper. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on you for assistance. This may be where you are the primary carer or the only person who can help in an emergency.

In the event of a family emergency occurring while you are at work, you must immediately inform your line manager of the nature of the emergency and seek their express permission to leave work early.

In the event of a family emergency occurring outside your normal working hours which will prevent you from reporting to work at your normal start time, you must contact the Company and speak to your line manager at the earliest possible opportunity and as close to your normal start time as possible. In any event, this must be no later than one hour after your normal start time. You must provide a detailed explanation of the nature of the emergency, the reason for your absence and how long you expect to be away from work. If you are unable to speak to your line manager personally, you should speak to an alternative line manager.

Where the emergency is ongoing, you must report to your line manager on a daily basis, and always before your normal start time. You must update your line manager on the reason for your ongoing absence and how long you expect it to continue. You must inform your line manager as soon as possible of any change in the date of your anticipated return to work.

The Company envisages that the amount of leave that will be taken will, in most cases, be one or two days at most. The leave to which you are entitled should simply be enough to help you cope with the immediate crisis. You must actively seek alternative longer-term care arrangements for the care of a

dependant within one day of the emergency occurring. Should it not be possible to make such arrangements, you must contact your line manager and explain why further absence is required. Authorisation of such continued absence will be at the absolute discretion of your line manager.

In the event of a dispute between you and your line manager about whether a particular incident or occurrence falls under the terms of this policy, *(name)* shall be responsible for determining whether the request for time off made by you relates to a genuine family emergency. Their decision shall be final.

You should note that this right is intended to cover unforeseen family emergencies. If you know in advance that you are going to need time off, you should speak to your line manager about the possibility of taking such time as part of your annual leave entitlement.

The Company reserves the right to ask you to provide supporting evidence of the family emergency on your return to work. You must also complete a family emergencies absence form immediately on your return. These forms are available from *(name)* and on completion should be forwarded to *(name)*. You are reminded that it is a serious disciplinary offence to refuse to provide or to knowingly provide false information on a family emergencies absence form or to dishonestly claim a right to time off to deal with a family emergency and this will be dealt with under the Company's disciplinary procedure. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in your summary dismissal.

Need friendly advice right now or more information? No problem. We'll take care of it. Contact us on 0345 351 0073 or [elxtr@lhs-solicitors.com](mailto:elxtr@lhs-solicitors.com)

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