

# Parental Leave Policy and Procedure



## 1. Scope

- 1.1 This policy applies to all employees of the Information Commissioner's Office.

## 2. Purpose

- 2.1 The purpose of this policy is to inform employees who are parents of children of their statutory rights and entitlements and in relation to parental leave. The policy incorporates the procedure to be followed for each occasion of parental leave.

## 3. Introduction

- 3.1 Parental leave is the right for employees to take time off work without pay to look after a child or make arrangements for the child's welfare.
- 3.2 Parents can use it to spend more time with children and strike a better balance between their work and family commitments.
- 3.3 This policy should be read in conjunction with the ICO's policy on Special Leave and, where appropriate, Maternity Leave, Paternity Leave, Adoption Leave and Shared Parental Leave.
- 3.4 There are different entitlements for parents of a disabled child. For the sake of this policy a disabled child is defined as being a child who is entitled to receive a disability living allowance.
- 3.5 The content of this policy has been considered with due regard for the equality and diversity requirements of the Equality Act.

## 4. General Principles

- 4.1 You will not be treated less favourably because you are on or wish to take parental leave.
- 4.2 You will not be discriminated against on grounds of parental leave in the areas of training, selection, promotion, job security or in any other terms and conditions of employment.
- 4.3 You will not be excluded from communication and consultation because of absence due to parental leave. Line managers are responsible for ensuring that if you are kept informed of developments, training opportunities and consulted with, where appropriate, as if you were still at work. Human Resources will ensure that you are informed of vacancies which may arise whilst you are on parental leave.
- 4.4 You will not be dismissed for a reason connected with the appropriate use of parental leave.
- 4.5 These provisions apply equally to full time and part time workers, regardless of hours worked.

- 4.6 The ICO will ensure that the parental leave provisions available to staff are publicised through their inclusion on ICON.

## 5. Eligibility

- 5.1 You have the right to take unpaid parental leave provided that you have at least one year of continuous service and:
- a) you are named on the birth certificate as a parent of a child (or have acquired legal parental responsibility for a child under the Children Act 1989 or its Scottish equivalent); or
  - b) you have adopted a child.
- 5.2 Your right to take parental leave lasts until the child's 18<sup>th</sup> birthday.

## 6. Length of Leave

- 6.1 The pattern in which leave can be taken differs depending on whether or not your child is disabled.
- 6.2 **Children who are not disabled.**
- i) You are entitled to 18 weeks unpaid leave for each individual child (this includes multiple births such as twins etc.). Any leave taken with past employers will count towards the 18 week limit.
  - ii) A maximum of four weeks parental leave can be taken in any one year.
  - iii) Leave must be taken in blocks of a week. Parental leave taken for part of a week counts as one full week of parental leave.
- 6.3 **Children who are disabled**
- i) You are entitled to 18 weeks unpaid leave for each individual child (this includes multiple births such as twins etc.) Any leave taken with past employers will count towards the 18 week limit.
  - ii) There is no maximum number of weeks allowed in any one year for leave taken for the care of a disabled child (apart from the overall 18 week limit mentioned above).
  - iii) Parental leave for a disabled child can be taken as single days or multiples of single days.

## 7. Rates of pay

- 7.1 All parental leave is unpaid. The appropriate deduction will be made from your salary during the month in which you have taken parental leave or as soon as possible after the leave has been taken if the leave was arranged at short notice. **The amount is calculated on the basis of your annual salary (FTE for part-time) divided by 365 days multiplied by the number of days of absence.**

## **8. Procedure**

### **8.1 Notification**

To apply for parental leave you must confirm the following details in writing:

- i) the date you wish to start leave;
- ii) the name, date of birth and, if appropriate, date of adoption of the child for whom leave is being taken;
- iii) the date that you wish to return from leave;
- iv) if appropriate, that the child is disabled; and
- v) how much parental leave you have already taken in respect of the child.

There is no special form to complete.

- 8.2 You must also attach a copy of the child's birth certificate, maternity certificate or the adoption papers. If your child is disabled you should also enclose proof of entitlement to disability living allowance. (This step is only required for your first application for parental leave in respect of a particular child)

- 8.3 Your written request must be submitted to your immediate line manager with a copy sent to Human Resources at least 21 days before you wish the period of parental leave to start.

### **8.4 Postponement**

Your application for parental leave can be postponed by the ICO for a period of up to six months.

This may happen if the operation of the organisation would be unduly disrupted if you took leave at the time you requested. The only exception to this is where leave is requested for the period immediately after the birth or adoption of a child.

- 8.5 Any decision to postpone parental leave will be confirmed by Human Resources in writing within 7 days of the original request being received. The written confirmation will state the reasons for the postponement.

- 8.6 A meeting will then be arranged between you and your manager to agree alternative dates for your parental leave.

### **8.7 Confirmation of leave**

The Human Resources team will write to you following agreement of your dates of parental leave to confirm your dates of leave and arrangements for deductions to be taken from your salary for the unpaid leave.

## 9. Return to work

9.1 You are entitled to return to the same job except where:

- i) parental leave is taken for a continuous period of more than 4 weeks; or
- ii) the period of leave is taken immediately following additional maternity leave.

9.2 In either of the above cases you will be entitled to return to the same job unless it is not reasonably practicable for you to do so at the end of the period of parental leave.

9.3 If, in such cases, it is not reasonably practicable for you to return to the same job, you will be entitled to return to another job which is suitable and appropriate for you in the circumstances.

## 10. Pension contributions during parental leave

10.1 Periods of unpaid leave do not count as reckonable service for the purposes of the civil service pension scheme, therefore periods of parental leave will not count towards your pensionable service.

## 11. Abuse of the parental leave policy

11.1 If you dishonestly claim parental leave, for example using parental leave to go on a holiday without your child or fraudulently claiming to be eligible to take parental leave, you may be disciplined under the ICO's disciplinary procedure. Disciplinary penalties imposed may include dismissal.

## 12. Frequently asked questions

12.1 **I have two year old twins and have never used any parental leave. How much leave am I entitled to?**

You are entitled to parental leave for each child. So you are entitled to two lots of 18 weeks for each child.

12.2 **I have a one year old and a three year old. How much parental leave am I entitled to?**

As described above, you are entitled to parental leave for each child. You are therefore entitled to two lots of 18 weeks for each child.

12.3 **I have just started working with the ICO. In my last job I used six weeks of parental leave. What are my entitlements now?**

You will need to complete a year of service before you can take any parental leave with the ICO. When obtaining references Human Resources will have asked your previous employer how much parental leave you used in your last job and this will be deducted from your remaining entitlement.

Once you have the required amount of service you will have twelve weeks of parental leave remaining.

- 12.4 **Do I continue to accrue annual leave whilst I am off on parental leave?**  
Yes. Your terms and conditions continue as usual with the exception of pay.
- 12.6 **Do I have to be living with my child in order to take parental leave?**  
No. You do not have to live in the same household as your child to take parental leave, but you must have parental responsibility for him/her.
- 12.7 **How is the amount of parental leave I have taken recorded?**  
The Human Resources department will record the occasions on which you have taken parental leave. As entitlement to parental leave relates to each individual child it is important to state the name of the child in your written request for parental leave.
- 12.8 **I want to take three days of parental leave from Tuesday to Thursday to accompany my daughter during her first week of nursery. As parental leave has to be taken in blocks of a week do I have to take a full week off?**  
You do not have to take the full week off. If you submit your application for three days parental leave and the request is accepted you will be given three days unpaid leave.

However, one full week will be deducted from your remaining parental leave entitlement (unless your child is disabled, in which case you can take parental leave in multiples of a single day).

