Parental Leave Policy and Procedure

1. **Purpose**
   Parental leave offers qualifying parents the right to take unpaid time off work to look after their child or children or make arrangements for their welfare. It can help parents spend more time with their child or children and strike a better balance between work and family commitments.

2. **Policy**
   2.1 This policy (and supporting procedure) sets out the provisions and rights for all School employees who have a child (or children) aged 5 or less or a child (or children) who has/have been awarded disability living allowance and is/are under the age of 18.

   2.2 It should be read in conjunction with the School's Flexible Working Procedure and FAQs for Managers and Staff.

3. **Scope**
   3.1 This policy relates to all School employees who have a child or children and meet the legislative eligibility requirements set out below.

   3.2 Employees with at least one year of continuous service at the School are entitled to take Parental Leave.

4. **Eligibility**
   4.1 Parents of children under the age of 5 can each take a total of up to 18 weeks’ parental leave for each child up to their 5th birthday (this change came into effect on 8 March 2013 – previously it was 13 weeks parental leave).

   4.2 If the child (or children) is/are adopted, each parent can take a total of up to 18 weeks’ parental leave. This can be until the 5th anniversary of their placement with the parents or until their 18th birthday whichever comes first (this change came into effect on 8 March 2013 – previously it was 13 weeks parental leave).

   4.3 If the child (or children) is/are disabled and has/have been awarded disability living allowance, each parent has the right to take up to 18 weeks’ parental leave until the child’s (or children’s) 18th birthday.
4.4 The right to parental leave is applicable to each child. Therefore a parent with 3 children under the age of 5 would be entitled to 18 weeks’ unpaid leave per child (this change came into effect on 8 March 2013 – previously it was 13 weeks parental leave).

4.5 Leave must be taken in blocks of full weeks. A week is based on your usual working pattern. So if you only work Mondays and Tuesdays, a week would be two days or if you work Monday to Friday, a week would be five days. If your child has a disability, you can take time off in blocks of less than a week, so you could use parental leave for regular hospital visits.

Each parent can’t take more than four weeks’ leave for any one child in a year. For these purposes, a year starts when you become eligible for parental leave. This is either when you have worked for your employer continuously for one year or when your child is born, if this date is later.

4.6 To be eligible as a parent for parental leave, School employees must either be the parent:

- named on the child’s (or children’s) birth certificate
- named on the child’s (or children’s) adoption certificate
- with legal parental responsibility for a child aged under 5 (aged under 18 if the child is disabled)

4.7 If the parent is separated from either the mother or the father and doesn’t live with the child (or children), the statutory right to parental leave exists if the estranged parent keeps formal parental responsibility for the child (or children).

4.8 School employees will be required to produce either a full birth certificate/adoption papers for their child (or children), a MATB1 form and, if required, a document certifying that the child has been awarded disability living allowance before they can take Parental Leave.

5. Terms and Conditions of Employment during Parental Leave

5.1 During a period of Parental Leave, no salary payments will be made to the School employee and other employment contractual benefits will be suspended (e.g. sick pay, responsibility allowances, applications for computer loans/travel season tickets etc). Any existing loans owing to the School must continue to be paid on the agreed due dates.

5.2 Employees who may be contemplating taking Parental Leave and are members of either the USS or SAUL pension schemes should contact the Payroll & Pensions’ Manager to discuss options available to them with regard to their pension contributions.
Any employee away on Parental Leave will continue to accrue statutory annual leave (28 days including bank holidays) but not the School’s employment contractual annual leave (30 days plus School closure days including bank holidays). Contractual annual leave will be pro-rated to exclude any weeks where the employee was on unpaid Parental Leave.

Employees who take Parental Leave are still employed by the School during their leave and therefore are required to comply with their contractual obligations towards the School (e.g. notice of resignation, disclosure of confidential information, paid work outside SOAS, Intellectual Property etc).

Relevant School Policies and Procedures will continue to apply to employees on Parental Leave (e.g. Grievance, the relevant disciplinary procedure etc). The School’s Management of Reorganisation and Change Policy will continue to apply and if the employee’s position is affected by any change, the School will endeavour to consult with any employee who may be away on unpaid Parental Leave.

Procedure

6 Notification of intention to take Parental Leave

6.1 Any employee who wishes to take Parental Leave should complete the Parental Leave Application Form and send this to their line manager at least 21 days before the intended start date. They should specify the dates and duration of the leave they wish to take.

6.2 Applications should be discussed with and signed by the employee’s line manager before being sent to the Recruitment and Operations Team – HR-Operations@soas.ac.uk.

6.3 The employee should attach photocopies of documents to their application (see section 4.8 above) proving that they are eligible to take parental leave. The School reserves the right to request to see original documents.

6.4 If an employee wishes to take Parental Leave after the birth of their child (or children) they should give notice at least 21 days before the expected date of birth and state the expected date of birth on their Parental Leave Application Form.

6.5 If an employee wishes to take Parental Leave immediately after the adoption of a child (or children), they should give at least 21 days’ notice of the expected date of the adoption placement or as much notice as is reasonably practical. The employee should state the expected date of the adoption placement on their Parental Leave Application Form.

6.6 If a Head of Department/Manager approves the Parental Leave application, they should sign the form and send it to HR-Operations@soas.ac.uk as soon as possible to ensure that the necessary arrangements are made and the employee is not over paid.
6.7 Heads of Departments/Managers should note that leave immediately after the birth of a child or adoption cannot be postponed and all such applications must be approved.

6.8 The Recruitment and Operations Team will write to the employee confirming details of their Parental Leave and instruct Payroll to ensure that the correct salary deductions are made.

7. **Situations where Parental Leave may be postponed or rejected**

7.1 Heads of Department/Managers are encouraged to accommodate Parental Leave applications where possible. However, in some cases, it is recognised that the proposed period of leave may unduly disrupt School business or operations. In such cases, the Head of Department/Manager should immediately consult with their Pro-Director/Director to see if the leave can be in any way accommodated.

7.2 If the Pro-Director/Director in consultation with the Head of Department/Manager decides that the Parental Leave will unduly disrupt School business, the Parental Leave Application Form should be completed to confirm this and the reasons specified. The Head of Department/Manager should suggest some alternative dates for the parental leave which must be within 6 months of the date the employee proposed taking parental leave. The Parental Leave Application form must be returned to the employee within 7 days of the Head of Department/Manager receiving the form.

7.3 Where Parental Leave applications are rejected, it is recommended that the Manager/Head of Department arranges a meeting with the employee to explain the reasons for the refusal and to agree alternative dates for the Parental Leave. The Parental Leave Form must still be completed as stipulated above to ensure compliance with the School’s legislative obligations.

7.4 If the employee agrees to the alternative proposed dates for the Parental Leave, they should indicate this on the Parental Leave Application Form and send this to HROperations@soas.ac.uk who will process this as stated above.

8. **Return from Parental Leave**

8.1 If the Parental Leave is less than four weeks, the employee is entitled to return to the same job (unless their Parental Leave followed on immediately from a period of additional Maternity or Adoption Leave).

8.2 If the Parental Leave is over 4 weeks or follows immediately after a period of additional Maternity Leave or Adoption Leave, the employee is entitled to return to the same job, or where that is not practicable, to a similar job with the same status, terms and conditions as their previous job.

9. **Policy Review**

This policy and procedure will be reviewed by the HR Directorate on a regular basis.
basis to ensure it remains compliant with any employment legislation revisions and good employment practice. The School recognised trade unions, UCU and UNISON, will be consulted on any proposed changes.

10. Relevant legislation

This policy complies with the relevant legislation including:

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2002
- Maternity and Parental Leave etc Regulations 1999
- Maternity and Parental Leave (Amendment) Regulations 2001

11. Other relevant School Policies/Documents

- Adoption Leave Policy
- Annual Leave Policy
- Discretionary Unpaid Leave Policy and Procedure
- Emergency Dependents' Leave Policy and Procedure
- Flexible Working FAQs for Managers and Staff
- Flexible Working Procedure
- Paternity Leave Policy (being redrafted by HR prior to 1 Oct 2011)

12. Diversity and Inclusion

12.1 SOAS is committed to ensuring that protected characteristics are taken into consideration in the development and implementation of any policy, process or procedure, including decision making;

12.2 This policy has been developed in accordance with the terms of the SOAS Equality, Diversity and Inclusion Strategy and the Equality Impact Assessment procedure. This will help ensure that the School meets its Public Sector Equality to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act (2010);
- Advance equality of opportunity;
- Foster good relations between people who share a protected characteristic and those who don't;

12.3 If you have any queries regarding this policy, or its application, please contact your HR Employee Relations Consultant or the Human Resources Equality Adviser.