**Unpaid Parental Leave**

*This guide outlines the legal entitlement to ordinary Unpaid Parental Leave only. There are separate guidance documents available on:*

* *Shared Parental Leave*
* *Parental Bereavement Leave*

**Parental Leave - Entitlement**

All employees with one year’s local government continuous service, and parental/guardian responsibilities, will be entitled to eighteen weeks’ unpaid leave, (pro-rata for part-time employees) for the purpose of caring for a child up to the age of 18 years.

The eighteen week’s entitlement relates to each child.

**Application for Parental Leave**

Employees must make a request to their line Manager/Headteacher. Employees are required to give their line manager/head teacher the correct period of notice e.g:

* 21 days’ notice for up to 4 weeks rising to
* 60 days’ notice for 13 weeks

specifying when the leave is to begin and end. Where the employee is the father / non-birthing parent and is taking parental leave around the time of the birth of a child, the expected week of childbirth will also be required. Where a child is being placed for adoption the date this is expected to occur should be included.

**Postponement of Leave**

A Manager may need to postpone a period of parental leave where there will be a significant disruption to service delivery. The Manager must agree an alternative date with the individual for the same period of leave to be taken within 3 months of the postponement. The manager and employee may also wish to agree the following:

* A different pattern of leave – e.g. part-time rather than full-time
* A shorter or longer period of leave
* Alternative dates within the 3-month period

Managers should give the employee notice in writing of the postponement stating:

* The reason for the postponement
* The dates on which the agreed period of leave will begin and end. The employee should be notified no later than seven days after the original request.

Parental leave may not be postponed in the following circumstances:

* **Following paternity leave/maternity support leave** – Employees wishing to take parental leave following the above leave should discuss this prior to the expected week of childbirth. Due to the unpredictability of the timing of childbirth the notice period may have to be changed.
* **Following maternity** – Where parental leave is taken as a full-time block of leave following maternity leave, an employee should not be required to refund their occupational maternity pay unless they do not return to local authority employment for a period of at least 3 months after the end of the parental leave period.
* **At the time of adoption** – at times prior to adoption where the parent is required to be at home by the adoption process, or following adoption leave.

**Supporting evidence**

Supporting evidence will be requested by the line manager/ headteacher in the form of a copy of a MAT B1, a birth certificate or confirmation (a matching certificate) from an adoption agency.

**Other Conditions**

Employees on parental leave have the same right to return to their job as those returning from maternity leave.

Parental leave will be treated as continuous service.

Employees who fall sick during a period of parental leave and who supply a doctor’s certificate for that period will be entitled to pay under the sickness scheme and the period will not count towards their parental leave entitlement.

Parental leave is unpaid therefore there will be implications for National Insurance contributions.

For members of the Local Government Pension Scheme, from 1 April 2014 if you are a new parent and have a period of relevant child related leave the amount of pension you build up will be based on your Assumed Pensionable Pay. Relevant child related leave covers all periods of Ordinary Maternity Leave, Ordinary Adoption Leave and Ordinary Paternity Leave and any paid Additional Maternity Leave, Additional Adoption Leave and Additional Paternity Leave.

That means that if you have a period of reduced contractual pay or no pay during relevant child related leave your pension is worked out using your Assumed Pensionable Pay (before the reduction in pay took place). You will only pay your contributions on any pay that you receive.

You can elect to cover the period of pension ‘lost’ by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. Where a SCAPC contract is taken out to cover the pension ‘lost’ during a period of unpaid additional Maternity, Adoption, Paternity or Parental leave or periods of unpaid authorised leave of absence, the cost is shared 1/3rd to the employee and 2/3rds to the employer, provided that you make an election to buy the ‘lost’ pension within 30 days of returning to work. For further details please see the relevant information on the Berkshire Pension Fund website:

[Buying back Lost periods of pension | Berkshire Pension Fund (berkshirepensions.org.uk)](https://berkshirepensions.org.uk/bpf/employers/breaks-service/buying-back-lost-periods-pension)

For teachers in the Teachers Pensions Scheme any unpaid leave of any kind cannot be treated as pensionable.

**Key Elements of leave provision**

Employees may take up to 18 weeks’ parental leave for each child beginning on the date the employee becomes eligible for the entitlement i.e. either one year qualifying period or the date of a child’s birth/adoption subject to the following:

* The leave must be taken in single blocks of up to a maximum of **4 weeks** in any one year
* As a number of shorter periods of a minimum of a half day if the child receives a disability allowance
* In patterns which provide a part-time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks leave in a single block
* Parental leave is for each child, if twins are born each parent will get 18 weeks leave for each child.

A week’s leave is defined as follows:

* Where an employee’s work pattern does not vary, a week is the period that they normally work
* Where the working pattern normally varies from week to week or over a longer period, or if the employee is normally required to work in some weeks and not in others, a week is the total of all the periods in which they work, divided by 52.