

Parental leave – Based on Government recommendations.


## 1. Overview

Eligible employees can take unpaid parental leave to look after their child's welfare, eg to:

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family - eg visiting grandparents
- Their employment rights (like the right to pay, holidays and returning to a job) are protected during parental leave.

## 2. Entitlement

Parental leave is unpaid. The child must be under 5 (or 18 in special circumstances).

Child	Entitlement
For each child	18 weeks up to their 5th birthday
For each adopted child	18 weeks up to their 18th birthday or 5th anniversary of their adoption, whichever comes first
For each child who qualifies for Disability Living Allowance	18 weeks up to their 18th birthday

The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise).

You must take parental leave as whole weeks (eg 1 week or 2 weeks) rather than individual days, unless your employer agrees otherwise or if your child is disabled. You don't have to take all the leave at once.

A 'week' equals the length of time an employee normally works over 7 days.

### Example

If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52.

Carrying leave over from a previous job

Parental leave applies to each child not to an individual's job.

Example

An employee is entitled to 18 weeks. They've used 10 with a previous employer. They can use up to 8 weeks with their new employer if they're eligible.

### 3. Eligibility

Employees qualify if all of these apply:

- they've been in the company for more than a year
- they're named on the child's birth or adoption certificate
- they have or expect to have parental responsibility
- they're not self-employed or a 'worker' - eg an agency worker or contractor
- they're not a foster parent (unless they've secured parental responsibility through the courts)
- the child is under 5 (or 18 in special circumstances)
- Employers can ask for proof (like a birth certificate) as long as it's reasonable to do so - eg they can't ask for proof each time an employee requests leave.

Employers can extend parental leave to those groups who aren't eligible. Employees can check this in their staff handbook.

### 4. Notice period

Employees must give 21 days' notice before their intended start date. If they or their partner are having a baby or adopting, it's 21 days before the week the baby or child is expected.

Employees must confirm the start and end dates in their notice. Unless an employer requests it, this doesn't have to be in writing.

### 5. Delaying leave

Leave can't be postponed (delayed) if:

- the employer doesn't have a 'significant reason' - eg it would cause serious disruption to the business
- it's being taken by the father or partner immediately after the birth or adoption of a child
- it means an employee would no longer qualify for parental leave - eg postponing it until after the child's 5th birthday

If it's postponed, the employer:

- must write explaining why within 7 days of the original request
- suggest a new start date - this must be within 6 months of the requested start date
- can't change the amount of leave being requested.

Last updated: 27 June 2014