

**OXFORD CITY COUNCIL**  
**PARENTAL LEAVE PROCEDURE**  
**CONTENTS**

1	Introduction .....	2
2	Eligibility .....	2
3	How Parental Leave can be taken .....	2
4	Notice to take Parental Leave .....	3
5	Return from Parental Leave .....	3
6	Rights during Parental Leave .....	3
7	Review .....	4
	Appendix 1 - Unpaid Parental Leave Request Form .....	5

## **1 Introduction**

- 1.1 There is a statutory provision for employees who meet the eligibility criteria to take parental leave of up to a maximum of 13 weeks (18 weeks for a child with a disability) for the purpose of caring for an eligible child.

## **2 Eligibility**

- 2.1 The scheme applies to all employees with at least one year's continuous service with Oxford City Council and who meets the criteria of having an eligible child.
- 2.2 The employee must:-
- Be the parent of a child who is under 5 years of age,
  - Be the adopter of a child under the age of 18,
  - Have acquired formal parental responsibility for a child who is under 5 years of age (as defined in the Maternity and Parental Leave etc Regulations 1999).

## **3 How Parental Leave can be taken**

- 3.1 Parental leave is unpaid.
- 3.2 Employees can take parental leave of up to a maximum of 13 weeks for each eligible child unless the child has disability (for the purposes of this entitlement 'disability' means in receipt of disability living allowance) in which case the maximum is 18 weeks.
- 3.3 Part time employees will be entitled to parental leave on a pro rata basis in the same way as annual leave.
- 3.4 Parental leave must be taken in blocks of one week or multiple weeks unless the child has a disability in which case it may be taken as single days or periods shorter than a week.
- 3.5 No more than 4 weeks leave can be taken in any one year for each eligible child.
- 3.6 Parental leave must be taken before the child's 5<sup>th</sup> birthday or 18<sup>th</sup> birthday in the case of a child with a disability. In the case of adoption the leave must be taken within 5 years from the date of adoption or until the child's 18<sup>th</sup> birthday, whichever is the sooner.
- 3.7 For parental leave purposes a year is the 12 month period beginning when the employee first becomes entitled to parental leave for the child in question, and each successive 12 month period on the anniversary of that date.
- 3.8 An application form for requesting Parental Leave is attached at Appendix A.

## **4 Notice to take Parental Leave**

- 4.1 You must give 21 days notice in writing to your line manager of your intention to take parental leave. You must specify the period when you will be away from work.
- 4.2 You may be required to provide documentary evidence of the child's date of birth or other confirmation of your entitlement to take parental leave.
- 4.3 Where the employee is the father of the child and he requests parental leave to begin when the child is born, this notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give written notice at least 21 days before the expected week of childbirth.
- 4.4 Where the parental leave is for an adopted child and is to begin on the date of placement, the employee must give written notice at least 21 days before he beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of leave requested.
- 4.5 The Council will try to accommodate all requests for parental leave wherever possible, but we may postpone the period of parental leave (other than where the parental leave has been requested immediately after childbirth or placement for adoption) where it is considered that the service would be unduly disrupted if the employees were to take leave during the period requested. In this case the employee will be entitled to take an equivalent period of leave beginning no later than 6 months after the commencement of the original period requested. In this situation we will give written notice of the postponement, within 7 days of receipt of your written request, giving the reasons for it and suggesting alternative dates when the leave could be taken.

## **5 Return from Parental Leave**

- 5.1 At the end of parental leave, the employee will be entitled to return to the same job provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has the same or better status, terms and conditions as the previous job.

## **6 Rights during Parental Leave**

- 6.1 During parental leave the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force, as follows. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:
  - notice of termination;
  - redundancy compensation; and
  - disciplinary or grievance procedures.

6.2 Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and
- participation in any other business.

## **7 Review**

7.1 This procedure will be reviewed on a regular basis.



This page is intentionally left blank