

# Ordinary Parental Leave Policy



Comhairle Ceantair  
**an Iúir, Mhúrn  
agus an Dúin**

**Newry, Mourne  
and Down**  
District Council

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## **1.0) Title**

Ordinary Parental Leave

## **2.0) Statement**

This policy sets out the arrangements for Ordinary Parental Leave (OPL). OPL is a statutory entitlement to unpaid leave from work to look after a child or make arrangements for a child's welfare.

## **3.0) Aim**

The aim of this policy is to:

- Ensure statutory compliance with the legislation.
- Ensure all employees are aware of their statutory right and obligations under the regulations.

## **4.0) Scope**

The policy applies to all eligible Newry Mourne and Down District Council employees to take unpaid leave up to their child's 18<sup>th</sup> birthday.

## **5.0) Related Policies**

Other Council policies linked to OPL policy are:

- Maternity Leave Provisions
- Shared Parental Leave

## **6.0) Eligibility**

Parental leave can be applied for by an employee who, by the time of the proposed start of the OPL has completed a years' continuous service and:

- is a named parent on the birth certificate of a child,<sup>1</sup> or,
- has formal parental responsibility for a child up to 18 years old, or
- is the step-parent of a child up to 18 years old, or
- has legal responsibility for a child eg a guardian.

In the case of multiple births or the adoption of more than one child as part of the same placement the employee has a statutory right to take unpaid leave in respect of each child.

## **7.0) Reasons for Taking OPL**

The purpose of OPL is to allow employees the opportunity to take time off from work to care for a child for example:

- spend more time with young children;
- be with a child during the initial stages of new childcare arrangements;
- accompany a child during a stay in hospital;
- help settle a child into a new school etc.

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<sup>1</sup> The child must be under 18 years of age during the period of the OPL.

## **8.0) Extent of Entitlement**

The statutory right of employees to OPL is a maximum of 18 weeks' unpaid leave. The entitlement for OPL applies for each child. The minimum amount of parental leave that may be taken is one week with a maximum of 4 weeks, per child, in any one year. Except in cases where a child is registered as disabled in which case leave can be taken in single days.

One weeks' OPL is equal to an employee's contracted working hours, for example a weeks' leave for an employee who works Monday to Friday is equal to 5 days, while for an employee who works Monday to Wednesday only, a weeks' leave is equal to 3 days (pro-rated to contracted hours).

## **9.0) Application for Leave**

Wherever possible 21 calendar days notice must be given to request parental leave; however the Council accepts that this may not always be possible and will not unreasonably withhold a parental leave request made within the 21 day period.

Application should be made to an employee's immediate line manager by completing an application form.

The line manager will normally meet the employee within 10 working days of receipt of the leave request to discuss the period of leave. The outcome of the meeting should be confirmed to the employee in writing. If OPL is approved this should be confirmed to the employee after the meeting and copied to the Human Resources team. If a request is postponed the line manager should confirm the reasons for this when writing to the employee.

## **10.0) Postponement of Leave**

Parental leave may be postponed where the employee's line manager considers the approval of leave would have a disproportionate affect on the running of the service. The line manager may consider the following in deciding to approve or postpone a request:

- levels of sickness absence within the department during the period of the request, or
- vacant posts without cover, or
- other staff absent due to OPL during the period of the request, or
- other planned absence within the department or section.

Similarly an OPL request during periods of peak or seasonal work could be postponed to avoid an adverse effect on the running of the service.

A leave request may be postponed for up to 6 months from the beginning of the period the employee originally requested.

If postponing leave results in the period of OPL extending beyond a child's 18th birthday the employee will be allowed to take the leave.

### **10.1) Postponement Exceptions**

A request for OPL cannot be postponed when an employee gives notice to take OPL:

- immediately after the birth (regardless of whether the child is born early or late), or
- following the adoption of a child, or

- immediately after a period of maternity or adoption leave.

### **10.2) Discussing Alternatives**

Before deciding to postpone a period of OPL a line manager must discuss the request with the employee and discuss/suggest alternative options. Reasons for postponing leave should be clearly set out in writing, and if alternative arrangements have been agreed these too should be included in writing to the employee.

## **11.0) Change of Employer**

An employee's total entitlement to parental leave is limited to 18 weeks per child regardless of whether they have changed their employer. If for example an employee has taken 6 weeks OPL with the previous employer before joining the Council they will have an entitlement of 12 weeks remaining. However the employee will need to have 12 months' service with the Council before becoming eligible to take any of this entitlement.

## **12.0) Evidence of Eligibility**

A line manager, may at their discretion, request documentary evidence from an employee to support a request for OPL, for example

- sight of the child's birth certificate in order to ascertain the child is under 18 years of age,
- sight of a certificate of adoption,
- where an employee is requesting leave in relation to a disabled child, evidence of the child's entitlement to Disability Living Allowance.

The Council may also wish to check whether an employee requesting OPL has previously taken any periods of OPL while working for another employer, and if so, how many weeks were taken.

## **13.0) Application of Terms and Conditions**

The employee will remain employed while on OPL and the employment contract will continue to apply; for example some terms and conditions of employment, such as contractual notice, redundancy terms and disciplinary and grievance procedures will still apply and the employee will be entitled to receive the customary annual increment on their salary with effect from the normal incremental date.

### **13.1) Pension Contributions**

During a period of OPL, pension contributions will not be paid and benefits will not accrue, this could affect an employees' final pension and or lump sum entitlements.

Following a period of OPL employees will have the option to 'make up' pension contributions through an arrangement with the Council's Payroll Section.

In the event of an employee's death or ill-health retirement during a period of OPL full benefits will be paid on the basis of salary and service up to the date contributions were suspended, unless the employee has since left the scheme.

### **13.2) Annual Leave Entitlement**

During a period of OPL statutory leave an employee will accrue their statutory paid holiday entitlement as specified under the Working Time Regulations 1998.

## **14.0) Return to Work**

There is no statutory requirement for employees to give any specific notice of their return from OPL, as the return date will have been agreed at the beginning of the leave period. Therefore the employee should simply turn up for work in the usual way on the appropriate date.

At the end of ordinary parental leave an employee is guaranteed the right to return to the same job as before, provided that the leave was for a period of 4 weeks or less.

If the leave was for a longer period, the employee is entitled to return to the same job, or, if that is not reasonably practicable, a similar job which has the same terms and conditions as the old job. For example if a restructuring exercise has taken place during the period of the leave, the Council will endeavour to offer a suitable and appropriate job on terms and conditions that are no less favourable.

### **14.2) Non-return to work**

If an employee is unable to return to work at the end of their ordinary parental leave because they are medically unfit, they should report their sickness absence and submit medical certification in the usual way. They will transfer from parental leave to sick leave. Subsequently, normal sickness procedures will be followed.

If an employee does not return to work following a period of ordinary parental leave for a reason other than sickness absence (or other authorised leave), their job remains open and they will not automatically lose their right to return. However, their absence will be treated as unauthorised and disciplinary action up to and including dismissal in accordance with the Council's disciplinary procedure could be instigated.

## **15.0) Termination of OPL**

Parental leave is granted to enable working parents to care for their children. If the Council has reasonable grounds for believing that an employee is not using the leave for this purpose, the leave may be terminated following the expiry of 7 calendar days' notice and the employee may be required to return to work. Before any notice of termination is given, the employee will be invited to make representations on the matter within 7 calendar days. Employees who are found to have claimed or taken leave dishonestly may be liable to disciplinary action.

## **16.0) Policy Owner**

Human Resources

## **17.0) Policy Review Date**

The policy will be reviewed in line with the Council's agreed policy review cycle i.e. every 4 years (as per Council's Equality Scheme commitment 4.31), or sooner to ensure it remains reflective of legislative developments."

## **18.0) Authorisations**

SMT: 11 November 2016  
SP&R: 15 December 2016  
Council: 09 January 2017

## **19.0) EQIA**

This Policy has been “screened out” for Equality Impact Assessment. A copy of the equality screening is available from Human Resources.

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