



Service Instruction 0661 Parental Leave

Document Control

Description and Purpose

This document is intended to give guidance to parents who need to make arrangements for the welfare of their child

Active date	Review date	Author	Editor	Publisher
April 2015		Amanda Cross	Nick Mernock	Sue Coker
Permanent	X	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
Old booklet	unknown	To reflect changes in Employment and case law	Amanda Cross
1.1	03.05.13	Update of Review date/ref to form FS38G	Amanda Cross
1.2	Dec 13	Reflect changes in statutory time off	Amanda Cross
1.3	May 14	Refresh of language , recognition of independent payments	Amanda Cross
1.4	Jan 15	Changes to the Children and Families Act	Amanda Cross

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	X	24.03.14	Wendy Kenyon	E&D Portal / EIA forms 2014 / POD

Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

Related Documents

Doc. Type	Ref. No.	Title	Document location
Policy	PODPOL3	Work life balance	Portal/POD/Policies
SI	SI 0659	Paternity	Operational Information System
SI	SI 0658	Maternity	Operational Information System
SI	SI 0661	Adoption	Operational Information System

Contact

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Target audience

All MFS	X	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

Relevant legislation (if any)

Equalities Act 2010
Parental Leave Directive (2010/181/EC) **Children and Families Act 2014**

PARENTAL LEAVE

Introduction

This section sets out the Authority's guidance relating to Parental Leave. Parental Leave is unpaid leave to assist parents to care for their child or to make arrangements for the welfare of a child.

Eligibility

Employees are entitled to 18 weeks' unpaid parental leave up to the child's 18th birthday regardless of length of service if:

- Have a child who was adopted within the past 5 years and is under the age of 18.
- Have a child under the age of five.
- Have a child who is disabled and under the age of 18.
- Have a child who was adopted within the past five years and is under the age of 18.
- Any other nominated carer where the fire and rescue authority is satisfied that that person is taking parental responsibility.

This policy includes:

- a parent named on the child's birth certificate or
- named on the child's adoption certificate or
- have legal parental responsibility for a child
- if you are separated and you do not live with the children, you have the right to parental leave if you keep formal parental responsibility for the children.

Foster parents do not have a right to parental leave.

An employee who is the parent or adoptive parent of a disabled child who is in receipt of Disability Living Allowance or **personal independent payment** is entitled up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.

Parental Leave

Employees can take a maximum of 4 weeks' leave in any year in respect of any individual child. Periods of leave must be taken in blocks of 1 week – unless the child is disabled, in which case it may be taken as individual days.

The right applies to a single child, therefore if an employee has twins they are entitled to 36 weeks parental leave.

The parent does not have to be living with the child to qualify and both parents are entitled to the leave; however leave cannot be transferred between parents.

An employee can take a period of Parental Leave immediately following the end of maternity, paternity or adoption leave.

The entitlement applies to an individual child not to individual employment. Therefore, for example, if an employee has taken 8 weeks Parental Leave with their previous employer, they are only entitled to take their remaining 18 weeks while working for the Authority. They must have also met the qualifying period detailed above to be eligible.

Records will be kept on the individual's personal file on the amount of leave they have taken for each child.

The Authority should request evidence that the employee has parental responsibility (a birth certificate or confirmation of adoption etc). In the case of a disabled child a record of disability living allowance or personal independence payments could be submitted. It will not be necessary for the employee to provide this evidence for subsequent applications for that child.

Definition of a week's leave

1 weeks leave will be the length of time an employee is contracted to work in 1 week, however the Authority will consider shorter lengths of time without the employee losing entitlement to the remainder of the week on a case by case basis.

For Uniformed operational employees on the Wholetime duty system, 1 week will be classed as 4 consecutive duty shifts. For Non Uniformed employees, 1 week will be as determined by your contract of employment.

For uniformed operational employee's working self rostering duty systems 1 week will equate to 48 hours or 4 duty shifts of work.

For uniformed day staff 1 week will be 5 consecutive days free from duty.

For Operational/Control room staff one full tour of duty equates to 1 week of their 18 week parental leave entitlement.

Unless their child is disabled, an employee can choose to take less than 1 week of parental leave, but this will account as 1 full week of their 18 week entitlement. Parents of a disabled child can take their leave in days. For example if an employee chose to take 2 days off this would be one week of their entitlement. However, for pay purposes the employee would only lose 2 days pay and not a week.

Pay during Parental Leave

Parental Leave is unpaid. Employees should ask for advice from the Pay and Pensions Team regarding the impact parental leave will have on their pension contributions if this is of concern to them. Parental Leave can only be used to assist with childcare commitments. Therefore, employees cannot undertake any form of work for another employer (paid or unpaid) whilst they are absent on Parental Leave

Applying for Parental Leave

Employees wishing to apply for Parental Leave should complete the Application for Parental Leave form available on Public Folders via [**Portal / Operational Response / Time & Resource Management / Shared documents / TRM Management forms / FS38G Application for Paternity Leave form**](#)

All employees should send the form to the "Attendance Management" e-mail address.

Notice Periods

Employees are required to provide 21 days notice of the intention to take leave. However the Authority recognises that by its nature employees may wish to take one week's Parental Leave at shorter notice in order to cover for unforeseen circumstances with their childcare arrangements.

Employees wishing to take Parental Leave for 2 weeks or more must provide the Authority with a minimum of 7 days prior notice before the Parental Leave is due to commence.

Postponing Parental Leave

The Authority reserves the right to postpone Parental Leave for up to 6 months if granting the leave would cause significant disruption. Pressing organisational reasons would include, for example, if the requested time off was at the same time as other employees have requested leave or where a replacement cannot be found during the notice period for a post that has to be filled.

Where the Authority postpones Parental Leave it will consult with the employee. The employee will then be advised, in writing, within 7 days of the Authority receiving the employee's application why the leave needs to be postponed offering new dates for consideration, if unsuitable the employee will be requested to submit alternative dates for consideration.

The length of leave will be equivalent to the employee's original request.

If no agreement can be agreed following consultation the Authority reserves the right to determine the appropriate date. It will strive to ensure that this is no later than 3 months after the original start date except for exceptional circumstances. The employee will be allowed to take the postponed Parental Leave even if it is postponed beyond the age limit.

The Authority cannot postpone Parental Leave where an employee has given 21 days notice prior to the beginning of Expected Week of Confinement or the expected week of placement in the cases of adoption.

Returning to Work

Where parental leave lasts for four weeks or less and follows additional maternity leave the employee is entitled to return to the same post as they would have been entitled to return to after additional maternity leave.

Where parental leave is for a longer period than four weeks the employee can return to the same post as they would have been entitled to return to at the end of the additional maternity leave, unless it is not reasonably practicable to keep that post open. If that is the case, the employee is entitled to a similar post that is both suitable and appropriate in the circumstances and are no less favourable than those that would have applied had he or she not been absent.

Dependent Leave

This may be taken to deal with urgent distress concerning a dependent. The purpose of the leave is to deal with the immediate problem and to put any other necessary care arrangements in place.

An employee is entitled to reasonable unpaid time off,

- To deal with an unexpected disruption or breakdown of care arrangements for a dependant
- To deal with an unexpected incident involving your child during school hours
- To deal with the death of a dependant

A dependent is a spouse, partner, child or parent or a person who lives with the employee (but not a lodger) A dependent can also be someone who reasonably relies on the employee for help ,for example if they are a neighbour or friend with a disability.

It is recognised that notice cannot be provided in genuine emergencies; however the employee should contact the T&RM team as soon as possible to advise them of the situation. There may be exceptional circumstances where an employee returns to work before it is possible to contact the authority. In such cases, the authority should still be advised of the reason for absence on return.

These leave rights do not apply to other domestic emergencies such as break-ins, fire and floods. If leave is required to deal with a domestic emergency or for other absences relating to unusual circumstances, the employee may apply for discretionary leave or request the use of PH or annual leave by contacting TRM as soon as is practicably possible. It is not expected that leave to deal with a situation would be taken in excess of one working day, unless in exceptional circumstances.