

PARENTAL LEAVE AND TIME OFF FOR DEPENDANTS

Parental Leave – Key Points

- Employees who have, or expect to have, responsibility for a child and who have completed one year's service are entitled to 18 weeks' unpaid parental leave for each child under the age of 18. This right applies to both parents individually and it cannot be transferred between parents. Parents of an adopted child are entitled to 18 weeks' unpaid parental leave until the child's 18th birthday.
- The leave must be used to care for a child.
- Employees can take a maximum of 4 weeks' leave in any year in respect of any individual child unless you agree otherwise. Periods of leave are to be taken in blocks of a week's leave or a multiple of a week's leave 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.
- An employee must give the employer at least 21 days' notice before a period of parental leave begins, of both the start and end dates of the leave period they intend to take. The employee does not have to give this notice in writing; however it is good practice to use a pro-forma to have a written record of the request (see Appendix 12A).
- If there are good business reasons (i.e. if it would cause significant disruption to your business), the employer can postpone the leave for up to 6 months after the beginning of the leave period the employee originally requested. Examples of reasons include if leave was requested over a period of peak seasonal production; at the same time as other employees have requested leave; or when the employee's absence would unduly harm your business. See Appendix 12B for example of a standard letter for notifying the employee that their parental leave has been postponed. Leave cannot be postponed so that it ends after a child's 18th birthday. Leave cannot be postponed where the employee wants to take it immediately after their child is born or placed with them for adoption.
- The employment contract continues during any period of parental leave, unless it is terminated by the employer or employee. The employee is entitled to return to the same job after an isolated period of four weeks of parental leave or parental leave for four weeks or less which was the last of two or more consecutive periods of statutory leave and which did not include any period of additional maternity leave or additional adoption leave.
- Where an employee takes parental leave of more than four weeks, or parental leave of four weeks or less that was immediately preceded by a period of statutory leave which included additional maternity leave or additional adoption leave, they have the right to return to the same job OR, if not reasonably practicable for the employer, another job which is both suitable and appropriate for the employee in the circumstances.
- An employee continues to benefit from most of their terms and conditions of employment (except pay) during parental leave.
- Although similarly titled, Parental Leave is not the same as **Shared Parental Leave**. See Section 11 for details of an employee's entitlements under Shared Parental Leave.
- Employees have the right to request time off for dependants (Section 12) and flexible working (Section 7).

See the NI Business Info website for further details:
www.nibusinessinfo.co.uk

SECTION 12

Time off for Dependants - Key Points

- All employees have the right to a reasonable amount of unpaid time off to deal with an emergency involving a dependant. A dependant is defined as a spouse, civil partner, child or parent, or a person who lives with the employee but not as a lodger. A dependant could also be someone else who reasonably relies on the employee for care, e.g. an elderly neighbour.
- Employees can take leave when a dependant:
 - falls ill, or is injured or assaulted including mental illness or injury; or
 - goes into labour.
- Employees can also take time off to:
 - make longer-term care arrangements for a dependant who is ill or injured;
 - arrange or attend a dependant's funeral;
 - deal with unexpected problems in care arrangements e.g. if a childminder is unexpectedly unavailable;
 - deal with an incident involving the employee's child during school hours e.g. suspension from school.
- The amount of time is not fixed. It should simply allow the employee to deal with the immediate problem and put any other necessary care arrangements in place.
- The employee must tell their employer as soon as reasonably practicable, the reason for their absence and how long they expect to be away from work.
- Employees do not have to complete a qualifying period in order to be able to take time off in an emergency. They are entitled to this right from day one of starting their job.
- You must not subject an employee to detrimental treatment for taking emergency time off.
- You must not dismiss an employee or select them for redundancy because they took, or sought to take, emergency leave.
- Regardless of their length of service, if an employee believes that you have treated them unfairly or dismissed them in these circumstances, they may take a claim of detrimental treatment or unfair dismissal to a tribunal.
- See the NI Business Info website for further information about all rights for working parents and carers; www.nibusinessinfo.co.uk

APPENDIX 12A

APPLICATION FORM FOR PARENTAL LEAVE

An application for Parental Leave should be made to [redacted] at least 21 days in advance of the start of the leave.

Please complete this form and pass to [redacted]

Full Name: _____ Title: _____

I wish to apply for a period of unpaid Parental Leave from:

(Dates) _____ to _____, a total of _____ weeks.

I confirm that this period of Parental Leave will be used to look after or make arrangements for the welfare of a child to whom, as set out under the Parental Leave Regulations and at the time the leave will be taken, one of the following applies (please tick as applicable):

- I am named as a parent on his/her birth certificate, and s/he is under the age of 18, or
- I have adopted him/her and s/he is under the age of 18, or
- I have acquired formal parental responsibility for him/her, and s/he is under the age of 18.

I attach a copy of evidence* that I am entitled to take Parental Leave for this child.

(*For example, a copy of his/her birth certificate, papers confirming his/her adoption or date of placement, or proof of the expected week of childbirth.)

I am aware that this period of Parental Leave will be unpaid and that appropriate adjustments will be made to my salary to reflect this.

Yes/No

Please sign below to confirm the details above.

Signature: _____

Date: _____

For completion by the applicant's manager

I have discussed the above application with this employee and approve this period of unpaid Parental Leave. (Please add any comments overleaf).

Signature: _____

Date: _____

PLEASE RETURN THIS FORM TO [redacted]

APPENDIX 12B

LETTER FOR EMPLOYER TO NOTIFY POSTPONEMENT OF PARENTAL LEAVE

Dear [insert name]

I am writing in response to your notification that you would like to take parental leave for [insert length of leave applied for] beginning on [insert date employee wished to begin parental leave].

I am unable to grant your application to take parental leave from that date because [insert reason for postponement].

We have discussed alternative dates for you to take your parental leave. I confirm your parental leave will begin on [insert new start date] and end on [insert new end date].

Yours sincerely,

(Name) _____

(Position) _____

(Date) _____