

APPENDIX 20

PARENTAL LEAVE FOR PARENTS OF DISABLED CHILDREN

The Employment Act 2006, which came into force on 30th September 2007, provides for unpaid Parental Leave for employees with parental responsibility for a disabled child and the procedure for applying for such leave is set out below.

1. PURPOSE OF PARENTAL LEAVE

1.1 The purpose of parental leave is to care for a disabled child, for example:

- to accompany the child during a stay in hospital
- to take the child to see a specialist
- to inspect a new school
- to settle the child into new childcare arrangements
- to enable a family to spend more time together, e.g. taking the child to stay with grandparents

1.2 Parental Leave is not intended to be used as short-term emergency leave. Compassionate Leave (see [Article 46](#)) or annual leave may be appropriate in such circumstances.

1.3 Any misuse of the Parental Leave scheme may be dealt with under the disciplinary procedure. The following, is an example of what could constitute misuse:

- Taking leave for purposes other than caring for a child. This will generally be in circumstances where someone other than the employee is taking primary responsibility for the child.
- Making a false statement as to entitlement to parental leave, for example with regard to the age of the child, the relationship with the child, or the amount of parental leave taken with a previous employer.

This list is not exhaustive.

2. DEFINITION OF A DISABLED CHILD

2.1. For the purposes of parental leave, a disabled child is a child under the age of 18 in respect of whom Disability Living Allowance (DLA) is payable (a benefit payable by the DSC).

3. WHO IS ELIGIBLE FOR PARENTAL LEAVE?

3.1 To qualify for parental leave an employee must have been continuously employed for at least 12 months.

3.2 An employee must have, or expect to have, responsibility for a disabled child under the age of 18 and must either:

- have 'parental responsibility' for the child, or
- be registered as the child's father in the register of births

The following persons have 'parental responsibility' for a child:

- the mother
- the father, if he is, or was married to the mother, or, has parental responsibility given to him by way of a court order, or by way of a formal agreement with the mother
- a guardian appointed by the court, or by a deceased parent
- a person in favour of whom a residence order is made

3.3 If the child is adopted the adoptive parents have parental responsibility (not the natural parents).

3.4 The disabled child does not need to be living with the employee for the employee to be entitled to parental leave.

3.5 When first requesting parental leave, the employee will be asked to declare how much parental leave (if any) they have already taken with previous employers. Confirmation of this will be sought from the previous employer by the employing authority. Employees will also be required to provide confirmation from Social Security that disability living allowance (DLA) is payable in respect of the child.

3.6 If the employee is new to the employing authority, he or she will be asked to declare how much Parental Leave has been taken with previous employers, and may carry forward any unused entitlement to leave from their previous employment. However, they must work for the employing authority for at least 12 months before any further leave can be taken.

4. PARENTAL LEAVE

4.1 A qualifying employee may take up to 18 weeks' parental leave in total, in respect of a disabled child. However, all leave must be taken before the child's 18th birthday.

4.2 If an employee has responsibility for more than one disabled child, he or she can take up to 18 weeks' leave in respect of each child.

4.3 The maximum amount of leave that can be taken in any one year (the 12 month period beginning with when the employee first became entitled to take parental leave) is 4 weeks for each disabled child. The leave can be taken as individual days but relevant notice requirements must be met.

5. NOTICE PERIODS

5.1 Parental leave is not intended to be used as short-term emergency leave and at least 21 days' notice should be given to the line manager if possible (otherwise as soon as is reasonably practicable), giving start and end dates, before leave can be taken.

6. REQUESTING PARENTAL LEAVE

6.1 When an employee makes a request to their line manager for parental leave in accordance with the relevant notice requirements, the line manager, having ascertained the employee's eligibility and any previous leave taken, will record the leave and notify Pay Section and the Public Sector Pensions Authority accordingly (a template application/ acknowledgement form is available at [Annex 1](#)).

7. TIMING OF PARENTAL LEAVE

- 7.1 Parental leave can be taken immediately before or after a period of maternity leave, paternity leave or adoption leave, provided that notice requirements are met.

8. POSTPONEMENT OF PARENTAL LEAVE

- 8.1 The employing authority will endeavour to meet any request for parental leave. However, if it is deemed that the employee's absence would unduly disrupt the department, the line manager will discuss the issue with the employee and can postpone the leave for up to 6 months after the requested start date. Any postponement will be confirmed in writing by the line manager, not later than 7 days after the employee's notice to take leave was given, stating the reason for the postponement and setting out the new dates for parental leave (being the same length as requested, not more than 6 months' after the requested start date and finishing before the child's 18th birthday).

9. PAYMENT RELATING TO PARENTAL LEAVE

- 9.1 All parental leave taken will be unpaid leave.

10. ANNUAL LEAVE & PUBLIC HOLIDAYS DURING PARENTAL LEAVE

- 10.1 Contractual annual leave allowance will not accrue during periods of unpaid parental leave. Public and privilege holidays falling during unpaid leave will be unpaid.

11. SUPERANNUATION

- 11.1 Unpaid Parental Leave does not reckon for the calculation of pension benefits; but does count as qualifying service.

APPLICATION FOR PARENTAL LEAVE

ANNEX 1

TO THE MANAGER

From: (Name in block capitals) _____

Department/Division: _____

Grade/Post: _____

I hereby request Parental Leave in accordance with my legal and contractual right, giving the required 21 days' notice.

Start of Leave: _____

End of Leave: _____

Total Days/Weeks: _____

I have, on this occasion/previously*, provided confirmation from DSC that Disability Living Allowance (DLA) is payable in respect of my child (*only required on first request*)

I have, on this occasion/previously*, advised my line manager of the amount of Parental Leave taken in previous employment.

**delete as appropriate*

I confirm this leave entitlement is requested for reasons directly associated with my parental responsibility for my disabled child.

Signed: _____ **Date:** _____

NOTE: The department will endeavor to meet any request for Parental Leave; however the leave date may be postponed in accordance with Appendix 20, Clause 8.1 if deemed necessary.

To be completed by Line Manager - This request for Parental Leave is:

- Being granted for the dates shown above
- Being postponed until _____
- Other (give details) _____

Amount of Parental Leave taken prior to this request _____ days / _____ weeks

Signed: _____ **Date:** _____

Print Name: _____

THIS COMPLETED FORM IS NOW TO BE COPIED TO: Employee named above
Pay Section
Office of Human Resources (if appropriate)

Public Sector Pensions Authority (if appropriate)

(1 September 2015)