

## PARENTAL LEAVE AGREEMENT

### 1. Introduction

- 1.1 The University recognises the benefits from supporting family friendly initiatives and assisting employees to achieve a balance in their work commitments and their life outside of work.
- 1.2 Parental leave is a statutory entitlement that allows parents to take time off work to look after a child or to make arrangements for a child's welfare.
- 1.3 Aston's Parental Leave Scheme incorporates entitlements agreed by the University Council.
- 1.4 The scheme sets out the rights, entitlements and obligations of employees who wish to avail themselves of the parental leave benefits provided by the University.
- 1.5 The University also provides benefits under the [Paternity Leave Agreement](#) and the [Compassionate Leave/Emergency Care of Dependants Leave Agreement](#).
- 1.6 Employees are advised to seek advice from their designated HR Adviser to ensure that they are fully informed about all aspects of the scheme. This contact will be completely confidential.

### 2. Eligibility

- 2.1 An employee is entitled to parental leave under this scheme, provided that the following criteria are met:
  - 2.1.1 You have been continuously employed by the University for a period of twelve months before the date on which you wish to take parental leave;
  - 2.1.2 You are the Mother or Father, whether natural or adoptive of the child;
  - 2.1.3 You are named on the child's birth certificate or have parental responsibility under the law for the child. In these cases you do not have to live with the child in order to qualify for the leave;
  - 2.1.4 Aston's scheme extends to all employees with parental responsibility and includes those employees whose

responsibility is not necessarily legally recognised, for example step parents, same sex partners.

2.1.5 Where both parents are employed by the University, both are eligible for parental leave.

2.1.6 The University reserves the right to seek appropriate evidence of entitlement to parental leave, e.g. copy of birth certificate or adoption papers.

### **3. Leave Entitlement**

3.1 The full entitlement to parental leave is 18 weeks for each eligible child;

3.2 Parents whose child is entitled to disability living allowance are entitled to 18 weeks parental leave;

3.3 This entitlement is pro rata for part time staff;

3.4 You are entitled to take up to a maximum of 4 weeks parental leave in any year;

3.5 Parental leave may be taken in single days or in complete weeks.

3.6 The parental leave year will commence on the date you first commence parental leave.

### **4. When the Leave can be Taken**

4.1 Parents can take the leave up to the child's sixth birthday;

4.2 Adoptive parents can take the leave from the date of placement, up to, the sixth anniversary of the date of placement, or the child's eighteenth birthday whichever is the earlier;

4.3 Parents whose child is entitled to disability living allowance can take the leave up to the child's eighteenth birthday.

Note: The date of placement is the date when a child is placed by an external agency into a family home prior to formal adoption

### **5. Notification**

5.1 You are required to give the University at least 21 days notice of your intention to take parental leave;

5.2 Notification should include the dates on which you intend to commence parental leave and when you intend to finish parental leave;

5.3 Notification should be given to your Executive Dean/Head of Support Service Department on the appropriate authorisation form;

5.4 In certain circumstances the Executive Dean/Support Service Department may use their discretion to allow less than 21 days notice.

- 5.5 If you require the leave for an emergency situation it may be more appropriate for you to use the [Compassionate Leave/Emergency Care of Dependants Leave Agreement](#). Advice regarding this may be obtained from Human Resources.

## **6. Postponement**

- 6.1 If the Executive Dean/Support Service Department considers that your absence would be unduly disruptive to your School/Department and/or the University, then he/she can postpone your parental leave for up to six months after the period that you originally wanted to commence your leave;
- 6.2 The Executive Dean/Support Service Department should consult, prior to any postponement taking effect, with their designated HR Adviser regarding postponement of parental leave;
- 6.3 If the Executive Dean/ Support Service Department wishes to postpone your parental leave, notice will be given as soon as is practicable and not later than 7 days after you submitted notice to take parental leave;
- 6.4 The notice of postponement shall include the reasons for postponement, which should be justifiable, and set out the new dates of parental leave. The length of the leave should be equivalent to the original request;
- 6.5 If, because of postponement instigated by the University, the period of parental leave falls after the child's sixth birthday, then the employee is allowed to take the leave after this date;
- 6.6 Parental leave may not be postponed when an employee gives notice to take the leave immediately after the birth or adoption of a child;
- 6.7 You are required to give 21 days notice before the expected week of confinement (expected week of the birth of the child) or in the case of adoption, 21 days before the expected week of placement;
- 6.8 The entitlement to parental leave will commence on the day on which the child is born, regardless of whether the child is born early or late;
- 6.9 Where a woman wishes to take parental leave immediately following maternity leave, this will be subject to the normal notice and postponement requirements.
- 6.10 You may change the agreed date of parental leave (postpone or bring forward) for justifiable reasons. The leave should however be taken in the specified parental leave year.

## **7. Pay**

Parental Leave will be unpaid other than immediately following the birth of a child when up to five days paid paternity leave will be granted (note the University's [Paternity Leave Agreement](#)).

## **8. Terms and Conditions of Employment**

8.1 Whilst you are on parental leave:

8.1.1 You will retain continuity of employment;

8.1.2 You will continue to accrue annual leave entitlement;

8.1.3 You will not be entitled to sick pay;

8.1.4 If you are sick during parental leave you will not be entitled to extend your parental leave after the agreed end date;

8.1.5 Sickness that continues after the agreed end of your parental leave (see 5.2) will be subject to the arrangements made under the appropriate sick pay scheme.

8.1.6 Membership of your pension scheme will be suspended. For further information contact the Pensions & Employee Benefits Manager.

## **9. Returning to Work Following Parental Leave**

9.1 At the end of your parental leave you will have the right to return to the job that you were employed in and on the same terms and conditions prior to you commencing parental leave;

9.2 You will be entitled to receive any collective pay award and the normal annual increment on your salary scale in accordance with your contract of employment.

9.3 Should a redundancy situation arise whilst you are on parental leave, you will be treated in the same way as any other employee and be subject to the [redundancy agreement](#).

## **10. Further Information**

10.1 Information regarding the University's commitment to work-life balance can be found in the [Work-Life Balance Policy Statement](#).

10.2 Information regarding paternity leave can be found in the [Paternity Leave Agreement](#).

10.3 Information regarding compassionate leave/emergency care of dependants leave can be found in the [Compassionate Leave/Emergency Care of Dependants Leave Agreement](#).

10.4 These documents can be accessed on Aston's Human Resources Web Pages at [www.aston.ac.uk/hr](http://www.aston.ac.uk/hr) or are available from Human Resources.

- 10.5 The DTI guidance notes on parental leave offer some useful advice on what parental leave may be used for and how it may be used.
- 10.6 Parental leave can only be taken for the purpose of caring for a child. This means looking after the welfare of a child and can include making arrangements for the good of a child. Examples of the way leave might be used:
- To spend more time with the child in early years
  - To accompany a child during a stay in hospital
  - Checking out new schools
  - Settling a child into new childcare arrangements
  - To enable a family to spend more time together

The DTI leaflet Parental Leave (URN 99/1193) –

<http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/employment/employment-legislation/employment-guidance/page18480.html>

Statutory Instrument 1999 No. 3312 The Maternity and Parental Leave etc.Regulations1999

<http://www.legislation.gov.uk/ukSI/1999/3312/contents/made>