



**Workforce**

**Parental Leave Policy: guide for managers**

This guide will help managers to understand the Parental Leave Policy to support employees who wish to access time off under this policy.

The following guide forms part of the standard for workforce policies. These policies apply to all eligible staff within NHSScotland, regardless of the board they are employed by.

NHSScotland wants to create an inclusive workplace where employees can thrive and feel confident about their ability to balance their personal and professional responsibilities.

It is recognised that policies to support this are particularly important in NHSScotland given the predominantly female workforce who largely take on primary caring roles within the family. The guide covers:

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# What is the purpose of the Parental Leave Policy?

Parental leave is aimed at encouraging a culture of flexible working practices to assist NHSScotland employees in balancing their family and work commitments.

Employees have a statutory right to unpaid parental leave. This is further enhanced under the NHSScotland Parental Leave Policy to provide an element of paid leave. The policy provides the framework to access paid and unpaid parental leave.

## Who is covered by this policy?

To qualify for parental leave, the employee must have 12 months continuous service with one or more NHS employers. The employee must have or expect to have responsibility for the child, and they should be taking the leave to spend time with or care for the child.

Employees currently under UK immigration control should contact the human resources department to discuss how their parental leave may impact their visa conditions.

## Managers' responsibilities

As a manager, you should respond promptly to a request for parental leave. You should apply this policy fairly and consistently.

## Entitlement

Employees are entitled to 18 weeks' leave for each of their children under the age of 18. For NHSScotland employees, the first 4 weeks is paid leave, and the remaining 14 weeks are unpaid. The 4 weeks paid element must be taken before the child's 14th birthday or 18th birthday for adopted or disabled children.

Parental leave entitlement is fixed at 18 weeks per child. If the employee moves to a different board, their parental leave entitlement does not re-set. The employee should advise you of how much leave they have previously taken.

For the 4 weeks paid entitlement, employees will be paid as though they were at work. This is based on their weekly contracted hours.

## **Example 1**

An employee working 22.5 hours a week is entitled to 4 weeks at 22.5 hours. They have used one week of paid parental leave. If the employee then increases their hours to 37.5 hours, they will have 3 weeks of paid parental leave at 37.5 hours remaining. In addition, the employee would have 14 weeks of unpaid parental leave.

## **Example 2**

An employee with 2 children under the age of 14 working 37.5 hours transfers into your team from a different NHS employer. They have already taken 2 weeks of paid parental leave for one of their children. The employee would be entitled to the remaining 2 weeks of paid leave and 14 weeks of unpaid for this child. The full entitlement remains for the second child.

Parental leave would usually be taken in weekly blocks. As a manager, you can agree on alternative arrangements with the employee. For example, using parental leave to reduce their contracted hours for an agreed time or to attend appointments with their child.

It is the employee's responsibility to plan parental leave where possible. It would not normally be considered as part of their notice period if they choose to leave the NHS.

## **Multiple births**

Parental leave applies to each child. In the case of multiple births, such as twins, the parent would be entitled to request 4 weeks of paid leave and 14 weeks of unpaid leave for each child.

## **Evidence**

You may ask the employee to provide evidence that they are entitled to parental leave. This only needs to be provided on the first request made for a child. Evidence of entitlement may include:

- birth certificate
- papers confirming the adoption of a child
- parental order

If the employee advises you that their child is disabled, you should extend their access to paid parental leave up until the child's 18th birthday.

Employees who have caring responsibilities, and are not named on the above documentation, may be able to access short-term leave through the [Special Leave Policy](#).

## **Application process**

Employees should request parental leave at least 3 weeks in advance using the [Parental leave form](#). You should try to take a flexible approach to short-notice requests for parental leave under this policy.

When you receive the form, you should respond as quickly as possible. If you can approve the request, you should confirm in writing and detail the employee's remaining entitlement. You should also record the leave on the appropriate local system.

If you are unable to approve leave on the dates requested due to exceptional circumstances, discuss your decision with the employee. Try to agree on mutually suitable alternative dates.

If parental leave is requested to start immediately after the birth of the baby or the adoption of the child, you cannot postpone or decline it.

## **Postponement of parental leave requests**

Employees may be asked to postpone their parental leave to meet the needs of the service in exceptional circumstances. You should write to the employee within 7 days of receipt of the request to advise that the request has been turned down.

You should provide the reasons for this in your response using the [Parental leave form](#).

In this case, alternative dates should be agreed upon within 6 months of the original request. The postponement may go beyond the child's 14th birthday or 18th birthday for adopted or disabled children.

Parental leave can only be extended past the 14th or 18th birthday if delays are linked to service pressures. Where planned parental leave cannot be taken due to employee illness, leave would not normally be extended past the child's 14th or 18th birthday.

The employee can postpone or cancel parental leave by giving reasonable notice.

## **Staying in contact**

If an employee takes longer blocks of parental leave, covering 4 weeks or more, you should agree on how best to keep in touch with them. A person-centred approach should be taken.

## **Sickness absence during parental leave**

When an employee becomes unwell during parental leave, their period of illness can be treated as sickness absence or parental leave.

If they wish the period of illness to be treated as sickness absence, they are required to report it to you in line with the Attendance Policy. The remaining period of parental leave can be given later.

## **Managing leave requests**

As a manager, the level of parental leave that you can approve depends on service needs and other leave requests across the team.

## **Annual leave and public holidays during parental leave**

Annual leave and public holidays will accrue as normal during parental leave.

## **Pension implications during unpaid parental leave**

You should advise your employee to speak to Scottish Public Pensions Agency (SPPA) or their pension provider to discuss pension implications whilst on unpaid parental leave.