



**Workforce**

## **Parental Leave Policy**

# Aim

The Parental Leave Policy aims to:

- outline the eligibility procedure employees must use to request parental leave
- provide details about employees' statutory and contractual rights
- confirm parental leave pay arrangements

# Scope

This policy applies to all employees who meet the eligibility criteria.

This policy complies with current legislation and meets the aims of the [Public Sector Equality Duty](#) of the [Equality Act 2010](#).

# Definitions

**Parent** is an individual who will have or share the main responsibility for the child's upbringing, whether by birth or adoption.

**Scottish Public Pensions Agency (SPPA)** is the government body that manages pensions for NHSScotland employees.

# Roles and responsibilities

There is a range of standard expectations which underpin all policies. [Read more about standard roles and responsibilities](#). In addition, the following specific responsibilities apply to this policy.

# Manager

The manager should:

- respond promptly to a request for parental leave
- apply the policy in a fair and consistent way
- record the agreed leave on the appropriate systems and transfer it to any future employer
- maintain contact with employees while they are on parental leave if the period of leave is more than 4 weeks
- review the evidence provided by the employee and check the balance of parental leave remaining

In addition, managers cannot postpone parental leave if a request is made for it to start immediately on the birth or adoption of a child.

## Employee

The employee should:

- make the request for parental leave to their manager, adhere to timescales, and provide all required information
- consider the duration and time of leave, balancing their own needs with the needs of colleagues and the service
- maintain contact with their manager while they are on parental leave if the period of leave is more than 4 weeks
- keep a record of parental leave taken, including with previous employer

## Procedure

Parental leave is available to assist parents to balance family and work commitments and spend time with their children.

## Parental leave eligibility

To qualify for parental leave, an employee must meet the eligibility criteria. They must:

- have 12 months of continuous service with one or more NHS employers
- have or expect to have responsibility for a child
- be taking leave to spend time or otherwise care for the child

To have responsibility for a child, the employee must be the biological or adoptive parent.

The employee may not live with the child. They may have separated from the other parent. However, they still have the right to parental leave if they keep parental responsibility for the child.

For more information, read the following guides:

- [Guide for managers](#)
- [Guide for employees](#)

## Entitlement

Employees are entitled to 18 weeks of leave for each child under 18. For NHSScotland employees, the first 4 weeks is paid leave. Pay will be as if at work and will reflect contractual hours. The remaining 14 weeks are unpaid.

Employees will be asked for evidence of entitlement when they make their first request for leave for a child. This will be in the form of a birth or adoption certificate.

The paid element must be taken before the child's 14th birthday or 18th birthday for an adopted child or a child with a disability.

Employees usually take parental leave in weekly blocks.

If an individual changes employer, the entitlement balance is not restored to 18 weeks. The individual should notify their new employer of any parental leave and pay already taken.

The employee can request to take parental leave as a separate entitlement or may choose to add to their:

- [maternity leave](#)
- [adoption leave](#)
- [new parent support leave](#)
- [shared maternity and shared adoption leave](#)

## Application process

Employees should request leave at least 3 weeks before the start of the leave using the [Parental leave form](#).

If the employee intends to take more than 4 weeks in a continuous block, they should normally give their manager 2 months' notice. If the manager can support a parental leave request with less than 2 months' notice, it should be accommodated.

## Confirming parental leave

The manager will confirm parental leave dates in writing. In exceptional circumstances, the employer may ask the employee to postpone parental leave due to the needs of the service. If the parental leave is to be postponed, the manager must write to the employee within 7 days of

receipt of the application. This should confirm the reason for the postponement. The manager and employee should discuss and agree on an alternative time to take parental leave. This should normally be within 6 months and confirmed in writing.

If the employee agrees to postpone parental leave, they can take it later, even if it is:

- beyond the child's 14th birthday for paid parental leave
- after the child's 18th birthday for unpaid parental leave, an adopted child, or a child with a disability

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

## **Contractual rights of employees**

During parental leave, the employee retains all contractual rights, except remuneration, during any period of unpaid leave. They should return to the same job after their parental leave.

Employees should check how unpaid leave will impact their pension with the [SPPA](#).

## **Resolution of disagreements**

Managers should not unreasonably withhold an eligible employee's request for parental leave. Should a disagreement arise, the employee has the right to raise matters under the [Grievance Policy](#).

It may be appropriate for either party to seek advice on resolving the matter from HR colleagues or a trade union representative. They should seek early resolution wherever possible.

## **Related policies**

The following policies are related to the Parental Leave Policy:

- [Maternity Policy](#)
- [New Parent Support Policy](#)
- [Shared Maternity and Shared Adoption Policy](#)
- [Adoption, Fostering and Kinship Policy](#)
- [Special Leave Policy](#)
- [Flexible Work Location Policy](#)