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WP14g PARENTAL LEAVE PROCEDURE

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N.B. Staff should be discouraged from printing this document. This is to avoid the risk of out of date printed versions of the document. The Intranet should be referred to for the current version of the document.

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1. STATEMENT

Betsi Cadwaladr University health Board (the Health Board) is committed to achieving the highest standards of health care services for its people. This can be achieved through a highly trained, skilled and motivated workforce.

The Health Board recognises the need for employees to be able to take time away from the workplace and is committed to promoting fair and equal treatment. It is recognised that the provision of all forms of leave is key to the Health Board being able to demonstrate this commitment.

2. AIM

The Health Board recognises that employees who are parents have particular rights and needs. The purpose of this document is to provide the basis for a clear understanding of the circumstances in which employees may be entitled to take unpaid Parental Leave.

To ensure a fair, consistent and equitable process is followed taking all circumstances into consideration.

3. SCOPE

Parental leave is a form of statutory leave and is a separate provision from maternity/paternity/adoption and Shared Parental Leave.

Parental Leave is applicable to any employee in the NHS who has nominated caring responsibility for a child under age 18 years.

4. OBJECTIVES

- To ensure a fair, consistent and equitable process is followed taking all circumstances into consideration.
- To provide guidance and support to staff and managers

5. Principles

- Managers will have the discretion to respond appropriately to individual circumstances taking into account the rights of employees to unpaid Parental Leave.
- Managers must seek the advice of the appropriate Director/Head of Service when considering an extension to the normal conditions of parental leave to assist in securing an appropriate level of consistency and fairness whilst treating each case on its individual merits.
- Staff and Managers have a mutual responsibility to apply the provisions appropriately.
- Individuals should always seek the appropriate authorisation prior to taking any type of leave.

- Under normal circumstances, any appeals arising from the application of these procedures will be for resolution through the WP5 Respect and Resolution policy. In the case of an emergency, the People Services Team may be approached by either the manager or the member of staff to facilitate a speedier resolution of the issue.

6 TYPES OF PARENTAL RESPONSIBILITY

Parental leave was introduced to give parents and primary caregivers (as described below) the right to take unpaid time off work to look after a child. The health board recognises that there are different types of parental responsibility below:

6.1 Biological or Adoptive Parental Responsibility

Biological parents and adoptive parents are entitled to request parental leave.

6.2 Kinship Carer

Kinship Carers are individuals who look after someone else's child on a full time basis. Reasons for this can be because the employee is married to or living with an individual who has parental responsibility of a child or because the biological parents are not able to look after them. These arrangements can be informal or formal.

Informal kinship carers are not be entitled to Parental Leave as they do not formally have any parental responsibility for the child. In this instance employees are advised to request special leave or flexible working.

6.3 Child Arrangements Order or Residence Order

The Health Board recognises that some employees may have some parental responsibility due to being granted a child arrangement or residency order. These orders are to regulate with whom a child is to live, spend time or otherwise have contact. Where this is the case as they do not formally have any parental responsibility for the child, employees are advised to request special leave or request flexible working.

6.4 Special Guardianship

The health board recognises that some employees may have parental responsibility due to being granted a special guardianship order. These orders are made by the Family Court that places a child or young person to live with someone other than their parent(s) on a permanent basis until they are 18 years of age. This gives the special guardian the authority to make all major decisions about the child's upbringing and care. Special Guardians are eligible for parental leave.

6.5 Fostering

There is no legal right to either paid or unpaid leave for fostering. Fostering can be for varying lengths of time, from very short term to long term fostering and the Health Board will adopt a flexible approach.

Staff must therefore discuss their intention to foster with their line manager as soon as possible to ascertain any support required. For very short term fostering requests for time off will be considered through the Special Leave Policy. For long term fostering the Work Break Scheme can be considered. Advice and guidance should be sort from your local People Services Team.

7 PARENTAL LEAVE

Parental leave is a form of statutory family leave, like maternity leave or shared parental leave – but it can be taken any time before your child turns 18. The leave is unpaid.

Parents and primary caregivers can use it for the following reasons; to spend more time with their children, look at new schools, settle children into new childcare arrangements or strike a better balance between their work and family commitments.

During parental leave the employee retains all of their contractual rights, except remuneration.

7.1 Eligibility

To be eligible for parental leave an individual must:

- Be an employee.
- Have or expect to have parental responsibility for a child under the age of 18.
- Have worked for the Health Board for at least 12 months.
- Be named on the child's birth or adoption certificate or have/expected to have parental responsibility.

If deemed reasonable the Health Board can request proof of eligibility each time an employee requests parental leave.

This right can be exercised by **both** parents/nominated carer in respect of **each** child.

Parental Leave must be taken no later than the child's 18th birthday.

The All Wales Special Leave Policy (WP14c) section 6.6 advises on leave for eligible employees for the purpose of caring for their child see:

- NHS Terms and Conditions of Service Section 33 and Terms and Conditions of Service – Specialty Doctor (Wales)
- Terms and Conditions – Associate Specialist (Wales)
- National Health Service Hospital Medical and Dental Staff
- Doctors in Public Health Medicine and the Community Health Service (England and Wales) Terms and Conditions of Service as amended

7.2 Entitlements

The provisions allow for up to 18 weeks unpaid leave for **each** child up to their 18th birthday. (Thus, for example, in the case of twins there would be an entitlement of up to 36 weeks unpaid leave combined for both children, up to their 18th birthday).

Each parent may take up to 4 weeks of parental leave in any one year (12 months) per child and must give the health board at least 21 days' notice of taking the leave.

Parental Leave can be added to periods of Maternity or Paternity (Maternity Support) Leave.

Employees may take periods of parental leave in blocks of at least one week (unless otherwise agreed or the child is disabled) according to what is mutually agreed, subject to the balance of service needs and individual entitlement. In the case of a child with a disability, parental leave may be taken in one day, or multiples of a day, subject to a maximum of four weeks in a year.

A week is equivalent to what would normally be worked over 7 days, part time employees are entitled to a pro-rata equivalent of 18 weeks.

Example: If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52.

7.3 Notification

Employees wishing to take Parental Leave must give at least 21 days' notice of a leave request in writing. However the employee's manager can expect at least six weeks' notice, of a leave request dependent upon service requirements although a shorter period of notice may be considered. Evidence of parental responsibility, i.e. a copy of the birth certificate or adoption papers or equivalent should be attached to the initial application. For applications in respect of parental leave for disabled children, additional evidence will be required e.g. Disability Living Allowance.

Employees must state the start and end date of the leave in their requests for Parental Leave.

Upon receipt of written Parental Leave requests, managers should respond in writing within seven days. Approval of parental leave will only be granted on production of a copy of the certificate Mat B1 (when it is available) and the birth certificate or copies of the documentation confirming the adoption.

The amount of leave requested and the timing of the leave should be agreed between the line manager and the employee, and confirmed in writing by the manager.

Line managers are responsible for recording the amount of parental leave taken by employees, particularly where the leave is taken in blocks of one week or more rather than in its entirety.

The Health Board may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the Health Board considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the Health Board will allow the employee to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. The Health Board will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice was given to the organisation.

7.4 Postponing Parental Leave

- The manager may, in the light of service requirements, ask the individual to postpone such leave. Postponement should not last for more than three months.
- Employees may also postpone or cancel leave that has been booked with local agreement.
- Employers should only postpone leave in exceptional circumstances and should give written reasons for doing so. Postponement must not last for more than six months and the individual must still be eligible to take the leave, i.e. the child remains under 18 years of age.

7.5 Rights During Parental Leave

Qualifying employees will be entitled to a maximum of eighteen weeks parental leave to be taken up until the child's 18th birthday. During parental leave, the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place.

Certain other terms of employment will remain in force, as follows. During parental leave, employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:-

- notice of termination
- redundancy compensation: and
- disciplinary or respect and resolution procedures

Employees taking parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:-

- notice of termination
- disclosure of confidential information
- the acceptance of gifts or other benefits; and
- participation in any other business

7.6 Returning to work

After the expiry of the leave, the employee will be entitled to return to their substantive position. If that is not possible they will be entitled to return to a position equivalent in terms of status and salary.

Unless the individual is returning earlier than expected there is no need to inform the line manager of their pending return.

In the case of returning early the individual should contact their manager as soon as possible to notify them of the change and make arrangements to return to work.

8 RECORD MANAGEMENT

Managers must:

- a) Keep a record of leave requested, approved or denied in the individuals personal file and ensure leave is recorded as appropriate on the relevant forms and the Employee Staff Record.
- b) If parental leave has been turned down the reasons should be made clear to the individual and documented as appropriate on the relevant forms and the Employee Staff Record. If unpaid leave has been granted managers must ensure that a staff change form is processed, clearly indicating the reasons for the unpaid absence and the period of unpaid leave agreed.

9 MONITORING AND REVIEW

Each Directorate/Division will establish a mechanism in partnership with the Trade Unions to monitor the application of these procedures, including analysis by protected characteristic, ensuring as far as possible a fair and consistent approach to the granting of any discretionary leave.

Results of this monitoring to be shared with the Health Board Workforce Partnership Forum with the aim of ensuring a consistent approach across the Health Board.

This procedure will be reviewed at three yearly intervals in partnership with the People Services Team, Trade Unions and Management or more frequently if monitoring suggests amendments are required and/or there are changes in legislation which impact upon its contents.

10 RESOURCES

<https://www.gov.uk/parental-leave>
<https://www.acas.org.uk/parental-leave>