

The Auriga Academy Trust

Ordinary Parental Leave Policy

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1. Scope

This policy applies to all staff employed by the Trust and its constituent schools who have parental responsibilities for a child up to the age of 18 and who intend to take time off work to spend more time with their children and/or to support their welfare.

The recognised trade unions have been consulted.

2. Purpose

This policy plays a key role in enabling all parents to fully participate in family life, balancing the responsibilities of their job with their life outside of work. Ordinary parental leave is intended to enable parents to take unpaid time off work to look after their children or make arrangements for their welfare e.g. to:

- Spend more time with their children
- Look at new schools
- Settle children into new childcare arrangements
- Spend more time with family e.g. visiting grandparents.

Ordinary parental leave is not intended for unexpected or sudden issues involving children and will need to be planned and agreed with the school in the same way as annual leave or special leave.

Ordinary parental leave should not be confused with Shared Parental Leave, for which there is [a separate policy and procedure](#).

This policy sets out the leave entitlements and the relevant procedure for employees who wish to take Ordinary parental leave.

3. Eligibility

Employees qualify for ordinary parental leave if all of the following apply:

- They have been continuously employed by the Trust for more than a year
- They are named on the child's birth or adoption certificate
- They have or expect to have parental responsibility
- They are not self-employed or a 'worker' e.g. a contractor or an agency worker
- They are not a foster parent (unless they have secured parental responsibility through the courts)
- The child is under 18.

4. Entitlement

Ordinary parental leave is unpaid.

- The employee is entitled to 18 weeks' leave for each child up to their 18th birthday.
- A 'week' equals the length of time an employee normally works in a week.
- [The employee is not required to take all the leave at once.](#)
- [The employee is only entitled to a maximum of 4 weeks ordinary parental leave in any year for each child. The Trust / school has the discretion to extend this period in special circumstances.](#)
- Leave must be taken as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless the Trust / school agrees otherwise or where the child is disabled in which case leave can be taken in days rather than weeks. For the purposes of ordinary parental leave, a disabled child is one for whom Disability Living Allowance or a Personal Independence Payment has been awarded.
- As ordinary parental leave applies to each child and not to the individual's job, any ordinary parental leave the employee has taken whilst with a previous employer needs to be carried over

to the new employer and taken account of when further leave is requested with the new employer.

5. Applying for Ordinary Parental Leave

Employees must give at least 21 days' notice before their intended start date of ordinary parental leave using the Request Form at **Appendix 1**. This form must be completed fully and submitted by email to the Headteacher and Trust HR (HR@aurigaacademytrust.org.uk). An electronic version of the form can be requested from Trust HR (HR@aurigaacademytrust.org.uk). Once approved the absence will be recorded on Every HR under the employee's record by Trust HR.

If an employee wants to take ordinary parental leave straight after the birth or adoption of a child, they should give 21 days' notice before the expected week of childbirth or placement in cases of an adoption.

If an employee wishes to take advantage of additional flexibility in the way they choose to care for their child during the first year of birth or adoption they should refer to the **Shared Parental Leave and Pay Policy**.

The Trust / school accepts that it may not always be possible to give the requisite notice. Where this is the case, the Trust / school will not unreasonably withhold leave which has been requested.

Trust HR may request proof of:

- The child's date of birth or
- The date of adoption and
- An employee's formal parental responsibility (i.e. birth certificate, adoption certificate)
- Disability Living Allowance or Personal Independence Payment.

A reply to the request for ordinary parental leave should be given using the template letter at **Appendix 2**.

6. Grant and / or Postponement of Ordinary Parental Leave by Employer

An employer should not refuse the time off requested as ordinary parental leave although it can be postponed.

The circumstances where the Trust / school may want to postpone a period of ordinary parental leave are, for example, where operational needs would be unduly disrupted if the employee took leave during the period requested. If this is the case, the Trust / school:

- Must write to the employee within 7 days of the original request explaining reasons for postponement
- Should suggest a new start date which must be within 6 months of the original requested start date
- Cannot change the amount of leave being requested.

There are circumstances where the Trust / school cannot postpone the leave. This is where:

- The leave is being taken by the father or partner immediately after the birth of the child or placement for adoption
- The postponement will mean an employee would no longer qualify for ordinary parental leave e.g. postponing it until after the child's 18th birthday.

The request cannot be postponed more than once.

7. Returning to work from Ordinary Parental Leave

Employees returning from ordinary parental leave are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent. This may vary depending on the length of time the employee is away from work.

If the employee wishes to change their work pattern upon their return to work from paternity/partner leave, they should refer to the Trust's **Flexible Working Policy**.

8. Rights during Ordinary Parental Leave

Ordinary parental leave is regarded as continuous service and does not constitute a break in service. All contractual terms and conditions (except for normal remuneration) should continue throughout a period of ordinary parental leave. During this period, the employee will continue to be bound by the terms of their contract of employment including the implied term of trust and confidence and any terms as to notice of termination by them.

9. Local Government Pension Scheme (LGPS) Members – Buying 'lost' pension

If the employee is a member of the Local Government Pension Scheme (LGPS), any period of unpaid leave under this Policy will not count for pension purposes. Members of the Local Government Pension Scheme can elect to pay Additional Pension Contributions (APCs) to buy back the 'lost' pension.

Where unpaid leave has been approved, Trust HR will inform the employee of the effect of the unpaid leave on their pension and their right to choose to buy 'lost' pension. The model letter at **Appendix 3** can be used for this purpose. The employee can then apply, if they wish to do so, using the model letter at **Appendix 4**.

If the member makes their election to buy the 'lost' pension within 30 days of returning to work from the authorised unpaid leave, the cost of buying the 'lost' pension is shared between the member and the employer with the member paying 1/3rd of the total cost and the employer paying 2/3rds of the total cost. This is known as a Shared Cost Additional Pension Contract (SCAPC).

10. Protection from Detriment or Dismissal

An employee has the right not to be subjected to detrimental treatment or be dismissed because they are taking or are seeking to take ordinary parental leave.

Appendix 1: Ordinary Parental Leave Request Form

EMPLOYEE DETAILS:

Name:	NI Number:
School and Job Title:	Phone Number:
Start date:	Date of Continuous Service:

CHILD'S DETAILS:

Name:	Date of Placement (if child is adopted):
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Ordinary Parental Leave Previously Taken:

Please set out below the periods of Ordinary Parental Leave you have previously taken.

Period 1:	Start Date:	End Date:
Period 2:	Start Date:	End Date:
Period 3:	Start Date:	End Date:

Note: Ordinary parental leave applies to each child and not to the individual's job, any ordinary parental leave the employee has taken whilst with a previous employer needs to be carried over to the new employer and taken account of when further leave is requested with the new employer.

Ordinary Parental Leave Details:

How many weeks' Ordinary Parental Leave are you entitled to, taking into account any ordinary parental leave that you have already taken? *(number of weeks)*

You are requesting Ordinary Parental Leave for *(number of weeks)* to start on *(date)* and end on *(date)*.

Employee Declaration:

"I confirm I am the child's *parent/prospective adopter/adoptive parent**. I confirm I have parental responsibility for this child."

(In the case of a disabled child) "I confirm the child has been awarded Disability Living Allowance/Personal Independence Payment."*

Employee's Signature Date

Headteachers's Signature Date

**Please delete as necessary*

An electronic copy of this form can be requested from Trust HR (HR@aurigaacademytrust.org.uk).
Please return the completed form to Trust HR. (HR@aurigaacademytrust.org.uk)

Appendix 2: Reply Letter to Requester to take Ordinary Parental Leave

Dear *(insert name of employee)*

Re: Request to take Ordinary Parental Leave

Thank you for your application requesting Ordinary Parental Leave which was received on *(insert date)*. The request was for *(insert weeks/days requested)*, commencing on *(insert start date)* and ending on *(insert end date)*.

The request has been considered and is: *(delete as appropriate)*

1. Granted

Your ordinary parental leave will commence on *(insert date)* and end on *(insert date)*. You are expected to return to work on the first working day after your leave period ends.

At the end of your leave period, you will have a balance of *(insert days)* remaining.

2. Postponed

The request has been postponed because *(insert reasons)*.

After discussion with the Headteacher and yourself, we have agreed that your ordinary parental leave will instead, commence on *(insert revised date)*.

If you have any questions about any aspect of your ordinary parental leave you should contact Trust HR (HR@aurigaacademytrust.org.uk).

Yours sincerely

Trust HR

cc Headteacher

Appendix 3: Unpaid Leave – LGPS Member – Buying ‘Lost’ pension

Dear *(insert name of employee)*

Unpaid Leave

Local Government Pension Scheme Member – Buying ‘lost’ pension

I refer to your request for leave under the school’s Ordinary Parental Leave Policy for the period from *(insert date)* to *(insert date)*.

The leave is authorised and will be **unpaid**. Any period of authorised **unpaid** leave of absence will not count for pension purposes. You can however elect to pay Additional Pension Contributions (APCs) to buy back the ‘lost’ pension. If you elect to buy the ‘lost’ pension within 30 days of returning to work from your period of unpaid leave, the Trust / school will pay 2/3rds of the total cost of buying the ‘lost’ pension and the remaining 1/3rd of the total cost of buying the ‘lost’ pension will be paid by you by way of a deduction from your salary.

If you are interested in buying the ‘lost’ pension please complete and sign the form at Appendix 4 **Request for total lost pensionable pay during period of unpaid Ordinary Parental Leave** and email it to Trust HR (HR@aurigaacademytrust.org.uk) prior to going on leave or as soon as possible following your return to work from your period of unpaid leave.

Trust HR will provide you with details of the total lost pensionable pay for the period of the unpaid leave on your return to work from your period of unpaid leave, or as soon as possible thereafter. This information will enable you to obtain a quote from the Local Government Pension Website (<https://www.lgpsmember.org/more/apc/lost.php>) showing the total cost of buying the ‘lost’ pension and allow you to apply to buy ‘lost’ pension should you choose to do so.

Yours sincerely

Trust HR

Appendix 4: Request for Total Lost Pensionable Pay during Period of Unpaid Ordinary Parental Leave

I have been granted authorised unpaid leave from *(insert date)* to *(insert date)*.

I am aware that this period will not count for pension purposes unless I make an election to pay Additional Pension Contributions to buy back the 'lost' pension.

I am aware that if I elect to buy the 'lost' pension within 30 days of returning to work from the period of the unpaid leave, 2/3rds of the total cost of buying the 'lost' pension will be paid by the school and I will be responsible for paying 1/3rd of the total cost of buying the 'lost' pension.

I am aware that my share of the payment will be deducted from my salary.

I am interested in buying the 'lost' pension and would like to request details of total lost pensionable pay for the period of unpaid leave so that I can obtain a quote for the total cost of buying 'lost' pension.

Name:

Position:

Signature:

Date:

*An electronic copy of this form can be requested from Trust HR (HR@aurigaacademytrust.org.uk).
Please return the completed form to Trust HR (HR@aurigaacademytrust.org.uk).*