

CHRE

Parental and Dependant Leave Policy

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1 Policy Statement

It is the intention of the Council for Healthcare Regulatory Excellence (CHRE) (the organisation) to assist employees who wish to assert their rights in respect of parental leave and time off work to take care of dependants to do so in a manner conducive to their needs and those of the organisation. The parental leave rights are in accordance with the Maternity and Parental Leave etc Regulations 1999 and the right to time off to take care of dependants is in accordance with the Employment Relations Act 1999.

This policy and procedure is subject to change in accordance with legislation and conforms to the Maternity and Paternity Leave (Amendment) Regulations 2002 guidelines published by the DTI. It is subject to any changes made to the detail of the legislation.

2 Introduction

2.1 Parental Leave

The purpose of this leave is to allow all employees who have at least one year's service with the organisation and who are parents of children up to the age of 5 (or 18 if the child is disabled) to take parental leave subject to the provisions set out in this procedure.

Leave taken under this policy should not be confused with paternity and maternity leave for which the organisation has separate arrangements.

2.2 Dependant Leave Care

With regard to the care of dependants, the purpose of this leave is to enable an employee to take a reasonable amount of time off during working hours in order to take action that is necessary to deal with urgent matters relating to dependants.



3 Procedure

The procedure takes into account fairness and reasonableness in the application of the employee's statutory rights.

Employees wishing to take parental leave or time off work to care for dependants should note the following:

3.1 Parental Leave

1. The maximum leave that an employee can take per child is 13 weeks, or 18 weeks if the child is disabled.
2. Employees must have at least one year's continuous service with CHRE.
3. The employee must be the parent – and be named on the birth certificate – of a child
 - who is under five years old or 18 years old if the child is disabled and named on the birth certificate.
 - Adopted under the age of 18 (this right lasts for five years from the date on which the child is placed for adoption or until the child's 18th birthday whichever is the sooner).
 - who is under five years old for whom the employee has acquired formal parental responsibility
4. Employee's must have completed one year's service with CHRE to be eligible for parental leave and will then be able to start taking parental leave either when a child is born, or placed with them for adoption.
5. Both parents can take parental leave as it is an individual right.
6. The employee's right to take the leave lasts until the child's fifth birthday or – in the case of adoption – until five years have elapsed following placement of the child with the parents.
7. Parents of disabled children will be able to use their leave over a longer period. In their case parental leave can be taken up to the child's 18th birthday. Whether a child is disabled or not is determined by whether the child is entitled to disability living allowance.
8. The organisation operates the Government's 'fall-back' scheme in which:
 - Leave can only be taken in blocks or multiples of one week

- Parents of disabled children will have the flexibility to take leave a day at a time if they wish
 - Employees must give a minimum of 21 days' notice
 - Employees can only take four weeks' leave in a year
 - Leave may be postponed by the organisation for up to six months where business would be unduly disrupted (however, leave cannot be postponed when the employee gives proper notice to take it immediately after the time the child is born or is placed with the family for adoption).
9. With regard to the calculation of parental leave for part-time employees, a week's leave is a period of absence from work that is equal in duration to the period for which the employee is normally required to work under the contract of employment. So, if he or she works three days a week, the three-day week is counted as a week and the employee is entitled to take up to 13 of these weeks.
10. Parental leave for employees who do not work regular hours and/or days is calculated by dividing the total of the periods for which they are normally required to work under the contract of employment in a year by 52 weeks.
11. An employee who takes parental leave is entitled, during the period of leave, to the benefit of the organisation's implied obligation of trust and confidence and any terms and conditions of their employment relating to:
- Notice of the termination of the employment contract by the employer
 - Compensation in the event of redundancy
 - Disciplinary or grievance procedures
12. An employee is bound by the implied obligation to the employer of good faith and any terms and conditions of their employment relating to:
- Notice of the termination of the employment contract by him or her
 - The disclosure of confidential information
 - The acceptance of gifts or other benefits
 - The employee's participation in any other business
13. At the end of parental leave where the leave taken is for a period of four weeks or less, the employee will be entitled to go back to the same job.
14. There is no obligation on an employee to take up any or all of their entitlement to parental leave.

15. Employees are protected against detriment and dismissal for exercising these rights.

3.2 Action Required by an Employee Wishing to Take Parental Leave

Complete a request for parental leave / time off work to take care of dependants form, ensuring that:

1. You give at least three weeks notice of the required dates. (The organisation has the right to postpone the leave for no more than six months if business needs so require). Note that leave must be taken in blocks of one week or multiples of (except where the child is disabled where individual days will count).
2. If you are a father wishing to take up to four weeks leave immediately after your baby is born (or a child is adopted) you give at least 13 weeks' notice of the expected week of childbirth (or date of adoption) to qualify for the right for the leave not to be postponed.
3. You advise CHRE of any entitlement you have already received during any previous employment.
4. Give the form to your line manager for authorisation and HR approval.

3.3 Action Required by the Organisation

On receipt of the application for parental leave:

1. The Director of Governance and Operations will forward the application to the Chief Executive, either authorising the leave or giving reasons for not authorising or delaying the leave dates.
2. The Director of Governance and Operations will advise the employee in writing that their request has been authorised, declined, or of any variation within one week.
3. The form will be kept on the organisation's records and in the employee's personal file.

3.4 Dependant Care Leave

1. This right applies to all employees. There is no qualifying period for the right, so it applies on the first day of employment.
2. The statutory definition of a dependant includes an employee's wife, husband, child, parent or someone who lives in the same household as the employee but who is not his or her employee, tenant, lodger or boarder. This clearly covers non-married partners, including same sex partners, but also potentially covers family members or friends who live together. The definition also covers children who are not the employee's children but who live in the same house.



3. If the person is not a dependant as defined, there is no statutory right to time off, however the Chief Executive can, depending on the individual circumstances authorise unpaid time off.
4. A dependant also includes any person who reasonably relies on the employee either for assistance on an occasion when the person falls ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury. Where the time off relates to unexpected disruption or termination of arrangements for the care of a dependant then a dependant will also include any person who reasonably relies on the employee to make arrangements for the provision of care.
5. An employee can take a reasonable amount of time off during working hours in order to take action that is necessary:
 - If a dependant falls ill or has been injured or assaulted
 - When a dependant is having a baby
 - To make longer-term care arrangements for a dependant who is ill or injured
 - To deal with the death of a dependant
 - To deal with an unexpected disruption or breakdown of care arrangements for a dependant
 - To deal with an unexpected incident involving the employee's child during school hours
6. Whether the action will be 'necessary' will totally depend on the circumstances. There may be instances where a dependant has a physical or mental illness that does not necessitate full time care but suffers from occasional relapses that require assistance from the employee. There may also be cases where the employee's presence is not 'necessary' from a medical point of view, but may be necessary with regard to both the employee's and the dependant's psychological needs in difficult circumstances, such as attendance at an important medical examination.
7. The practical realities of the action that needs to be taken will be very relevant. So, for example, while it might be necessary for both parents of a child to take time off when the child is seriously ill, it would not be necessary for both of them to take time off if the childminder did not turn up. However, it would be necessary for one of them to take time off.
8. The types of illnesses are not defined – the dependant merely needs to be 'ill'. The illness does not need to be life-threatening, although it is probable that the more serious the illness the more likely that action will be necessary.
9. Where a dependant dies, the employee is entitled to a reasonable amount of time off to organise and attend the funeral.

10. There is no general right to time off for domestic incidents, only those which involve the need to care for a dependant.
11. Unlike maternity and parental leave, there is no express limitation on the amount of time off that an employee can take. The amount of time is merely limited by the fact that it should be 'reasonable' and will therefore vary by reference to the circumstances.
12. There are no formalised notice requirements for exercising the right. However, employees must notify the organisation as soon as is reasonably practicable of the circumstances giving rise to the leave.
13. Where an employee takes time off related to a child born on or after 15 December 1999, the time taken off as dependant care leave will not diminish the amount of parental leave available to the employee. Where a longer period of absence is required that may not fall within the definition of circumstances qualifying for dependant care leave, an employee may be better advised to take parental leave.

3.5 Action Required by an Employee Wishing to Take Time Off Work to Take Care of Dependants

Complete a request for parental leave / time off work to take care of dependants form, ensuring that:

1. You notify your line manager as soon as is reasonably practicable of the circumstances giving rise to the leave. This can be verbally in the first instance if necessary followed by completion of relevant forms.
2. Give the request form to the Director of Governance and Operations for authorisation before you take the time off if possible.
3. If the relevant form was not signed prior to taking time off, sign the form upon your return to work.

3.6 Action Required by the Organisation

On receipt of the verbal request or application form for time off work to take care of dependants:

1. The line manager will forward the application (or if it has not been possible for the employee to complete an application form the line manager will complete the form) to the Director of Governance and Operations, either authorising the leave or giving reasons for not authorising the leave. Leave will only be refused if it does not meet the criteria outlined in this procedure.
2. The Director of Governance and Operations will advise the employee in writing that the request has been authorised, declined, or of any variation as soon as possible

after receipt, ensuring that in urgent circumstances there is no delay in actioning the request.

3. The form will be kept on the organisation's records and in the employee's personal file. A record should also be sent to the payroll provider to ensure appropriate deductions are made.
4. Managers should note that an absence of more than three calendar days duration is unlikely to remain classified as a 'family emergency' and they will need to reassess the situation in discussion with the employee to determine how the continuing absence may be treated.

3.7 Alternatives to Parental and Dependents Leave

- Using paid annual leave entitlement (where appropriate)
- Seeking the Chief Executive's authority for an unpaid leave of absence
- Paid compassionate leave, please refer to the staff handbook for further details
- Discussion regarding a temporary change of hours or pattern of working to accommodate ongoing care commitments
- Refer to the Flexible Working Policy

Document Control

Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

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1.0	Policy and Procedure Parental and Dependant Leave	19/09/08
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Associated Documentation

Version	Description of Documentation

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