



National Offender Management Service

PARENTAL LEAVE POLICY (revised)		
This instruction applies to:-		Reference:-
NOMS Headquarters Prisons		AI 07/2013 PSI 20/2013
Issue Date	Effective Date	Expiry Date
19 August 2015 (Revised)	18 June 2013	16 June 2017
Issued on the authority of	NOMS Agency Board	
For action by	All staff responsible for the development and publication of policy and instructions <input checked="" type="checkbox"/> NOMS HQ <input checked="" type="checkbox"/> Public Sector Prisons <input type="checkbox"/> Contracted Prisons <input checked="" type="checkbox"/> NOMS Immigration Removal Centres (IRCs) <input checked="" type="checkbox"/> Governors <input checked="" type="checkbox"/> Heads of Groups	
Instruction type	<i>HR function</i>	
For information	All staff in NOMS HQ and prison establishments	
Provide a summary of the policy aim and the reason for its development / revision	Policy updated to accurately reflect the Maternity and Parental Leave etc. (Amendment) Regulations 2014 on unpaid parental leave. This is a revision of PSI 17/2010 – AI 08/2010 Paragraph 2.5. Allowance change from 13 to 18 weeks. Update: 19 August 2015 Paragraph 2.5. Entitlement of 18 weeks for all children up to their 18th birthday is the only change	
Contact	Shared Services HR Contact Centre ☎ 0845 010 3504 (VPN 7190 3504)	
Associated documents	None	
Replaces the following documents which are hereby cancelled: AI 08/2010 - PSI 17/2010		
Audit/monitoring: Mandatory elements of instructions must be subject to management checks and may be subject to self or peer audit by operational line management/HQ managers, as judged to be appropriate by the managers with responsibility for delivery. In addition, NOMS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance.		
Introduces amendments to the following documents: None		
<i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i>		

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1. Executive summary

Background

- 1.1 This Instruction sets out policy, including eligibility criteria, for employees wanting to take parental leave. It applies to all those directly employed by NOMS (including HMPS), and replaces all previously issued guidance on this subject.
- 1.2 This instruction has been updated to accurately reflect the Maternity and Parental Leave etc. (Amendment) Regulations 2014 on unpaid parental leave.
- 1.3 NOMS recognises the needs of employees with parental responsibilities and the fact that there will be occasions when it is necessary for an employee to have time off to care for the needs of their child/children.
- 1.4 The aim of this policy is to inform eligible employees of the entitlement to Statutory Parental Leave and to ensure that employees understand those rights. Parental leave is totally separate from, and can be taken in addition to, any provisions under Adoption, Maternity and Paternity leave policies.
- 1.5 Parental leave is unpaid. It allows parents to take planned time off to look after a child or make arrangements for the child's welfare. Including for example
 - Allowing an employee to spend more time with his or her child in the early years;
 - Accompanying a child during a planned stay in hospital;
 - Settling a child into new childcare arrangements;
 - Time for checking out new schools for the child;
 - Enabling the whole family to spend more time together.

Desired outcomes

- 1.6 This Instruction aims to ensure that:
 - common minimum standards for Parental Leave are maintained across the estate; and
 - decisions are based on the merits of the individual case and are free from any unlawful bias. *All parental leave policy and procedures must be legally compliant and applied fairly and consistently to all staff.* This applies to all stages of the process including entitlement, application, decision making and implementation

Application

- 1.7 *All staff must be familiar with all sections of the parental leave policy.*
- 1.8 All managers with line management responsibility for parental leave processes are required to read and follow all sections of the parental leave policy as required.

Mandatory actions

- 1.9 *All staff must be aware of the mandatory actions that apply to employees granted parental leave.*
- 1.10 *All line managers with line management responsibility for the management of parental leave must comply with the mandatory actions in all sections of this instruction when considering parental leave requests.*

- 1.11 *Governors and Heads of Group must ensure that the mandatory actions in all sections of this instruction are complied with.*

Resource Impact

- 1.12 There will be no direct resource impact on staff in NOMS headquarters or in prison establishments resulting from this Instruction as there has been no fundamental change to existing policy.

(Approved for Publication)

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PARENTAL LEAVE POLICY

Purpose and Eligibility Criteria

- 2.1 Parental Leave offers qualifying staff the right to take unpaid time off work to help look after their child or make arrangements for their welfare.
- 2.2 Staff have a right to parental leave if they are employed by NOMS and have reckonable service of a year or more and have parental responsibility for a child. Subject to meeting the qualifying conditions set staff who have been given legal responsibilities for looking after a child, such as a guardian, are entitled to take parental leave.
- 2.3 Both parents have the right to parental leave even if they are separated and don't live with the children so long as they keep formal parental responsibilities for the children.
- 2.4 Foster parents do not have rights to parental leave.
- 2.5 Staff can take a total of up to 18 weeks' parental leave for any child for which they have parental responsibility up until the child's 18th birthday.
- 2.6 *In the case of multiple births or adoptions, the amount of parental leave is 18 weeks for each child.*
- 2.7 Parental leave is an individual right. Leave cannot be transferred between parents, for example a father cannot decide to take only ten weeks and the mother take 26 weeks.

Giving Notice

- 2.8 *Applications must be made in writing and staff should normally give at least 21 days notice that they want to take parental leave.* Where staff want to take parental leave immediately after the birth or adoption of the child the notice period should be 21 calendar days before the Expected Week of Confinement (EWC) or in the case of adoption the expected week of placement.
- 2.9 *Parental leave must be taken in blocks of full weeks; it cannot be taken in odd days unless the child has a disability.* Staff cannot take more than four weeks' leave for any one child in a year. Staff working part-time receive a pro-rata amount of leave.

Approval of parental leave

- 2.10 Requests for parental leave should be agreed unless it can be demonstrated that approval would cause substantial operational disruption. In this instance parental leave may be deferred for up to six months. Requests for leave cannot be refused where they are being requested immediately following birth or adoption
- 2.11 Before refusing a leave request there should be a discussion with the employee to explain the reason for the decision and agree alternative dates. If the postponement goes past the end of the entitlement period the member of staff is still entitled to take the leave. *Written notification containing the reason for postponement and the alternative dates the employee is permitted to take the leave must be provided to the employee not more than seven days after the date of the employee's application.*
- 2.12 *Shared Services must be notified of the parental leave dates so necessary stoppage of pay action can be taken. A record of parental leave dates must be kept for local monitoring purposes.*

- 2.13 Appeals regarding refusal or unreasonable postponement of parental leave should be heard in accordance with the NOMS Grievance Procedures.

During parental leave and returning to work

- 2.14 Parental leave is unpaid, although staff on a low income might be able claim Income Support. Staff will be treated in accordance with all other periods of unpaid special leave including that the leave period does not count as reckonable service for pension purposes.
- 2.15 *Managers must keep in touch and maintain contact with staff who are temporarily absent from work in accordance with the Service's Keeping in Touch Scheme.*
- 2.16 *Employees must keep line management informed of any developments while on parental leave and notify their manager immediately if they are not able to return to work on the agreed date.* Failure to do so may result in disciplinary action being taken which in turn could result in dismissal.
- 2.17 At the end of parental leave, if the leave was for a period of four weeks or less, an employee is guaranteed the right to return to the same job as before. If the leave is for a longer period (for instance where it covers more than one child) the employee is entitled to return to the same job, or, if that is not reasonable or practicable, to a similar job which has the same status, terms and conditions no less favourable than their old job.
- 2.18 Where parental leave follows ordinary maternity leave or ordinary adoption leave, the general rule is that employees are entitled to return to the same job they had before the leave. If at the end of additional maternity leave or adoption leave, this would not have been reasonably practicable, and is still not so at the end of parental leave, they are entitled to return to a similar job which has the same status, terms and conditions no less favourable than their old job.