



**John Wheatley**

*Glasgow's Friendliest College.*

## **JOHN WHEATLEY COLLEGE**

### **BOARD OF MANAGEMENT**

#### **FAMILY AND PARENTAL LEAVE POLICY AND PROCEDURE**

##### **1.0 Policy Statement**

- 1.1 This is the approved Policy of the Board of Management of John Wheatley College produced in partnership with management and Trade Unions. As part of its commitment to Equal Opportunities and family-friendly measures, John Wheatley College supports the principle of family and parental leave. The College is also committed to developing an environment for its staff in which they are enabled to fully contribute to the service while feeling valued and respected. The College recognises that employees may have family responsibilities and obligations in addition to the responsibilities that they have to the College.
- 1.2 The College will provide a range of entitlements, which will enable employees to fulfil their family responsibilities by allowing employees to care for, and spend time with, their child(ren), to improve the working lives of staff and enhance service delivery. The College seeks to balance the needs of their staff with the requirements of delivering a high quality service for students and the communities it serves.
- 1.3 Throughout their career in the College staff will have differing demands on their time and energies at home as well as work. The following policy aims to assist employees who are seeking to achieve an equitable balance between their home and working lives.

##### **2.0 Parental Leave**

- 2.1 The legislative definition of Parental Leave is leave of absence to care for a child or make arrangements for the good of a child or children. The College is committed to assisting staff with family and parental responsibilities to fulfil this role.
- 2.2 The Policy uses the term 'parent' however the College recognises the broader definition of a parent to include all circumstances where an adult assumes the care of a child – natural parent, step-parent, adoptive/foster parent and same sex partner, grandparent and legal guardian.
- 2.3 The benefits of the family and parental leave scheme for the College include the recruitment and retention of staff in keeping with its overriding purpose to

ensure the delivery of a high quality educational experience for all learners. To ensure that the best interests of the students are given full consideration at all times the College recognises that there needs to be an equitable balance between the core business requirements of the College and the welfare of staff. The parental leave scheme should assist employees balance work and non-work commitments.

### **3.0 Eligibility**

- 3.1 Parental Leave applies to all employees of the College effective from the date of commencement regardless of length of service or number of hours worked each week. An employee must have completed 13 weeks continuous service with the College before parental leave may be granted.
- 3.2 It is open to application from all employees. Applicants must be the parent of the child(ren) or have acquired formal parental responsibility for the child(ren) as defined in section 2.2. Applications will only be accepted from employees whose child(ren) are up to the age of eight.
- 3.3 Alternatively, an employee who has adopted the child(ren) or is responsible for the child(ren) has the right to take parental leave for up to seven years from the date of adoption or the child's eighteenth birthday, whichever is sooner. An employee who has a child with a disability may take their parental leave entitlement until the child's eighteenth birthday. Under the Employment Relations Act 1999 a child with a disability is defined as a child with respect to whom a disability allowance is being paid. At the discretion of the College this definition may be broadened.
- 3.4 The right to parental leave is an individual one and both parents can take parental leave. The parent does not need to be living with the child(ren) to qualify. Where the College employs both parents, and both parents request leave for the same period every effort will be made to allow both parents to take the leave simultaneously. However, if paid leave is granted allowing both employees to take leave simultaneously may not always be possible due to operational difficulties.
- 3.5 Parental leave is in addition to any other leave entitlements to which the employee might be eligible.
- 3.6 On appointment, where it is known that there is a child or children under the age of eight the employee must declare how much, if any, parental leave has already been taken in respect of each child. This will be checked with their previous employer(s).

### **4.0 Principles**

- 4.1 Under the Parental Leave scheme an employee will be entitled to a maximum of 65 working days for each child.

A maximum of 15 working days, of the 65 days entitlement, will be paid, the paid element will be pro rata depending on the age of the child and will be restricted to a maximum of 5 days per employee per annum.

A maximum of 50 days will be unpaid, the un-paid element will be pro rata depending on the age of the child and this will be restricted to a maximum of 15 days per employee per annum.

Therefore, a maximum of 20 days may be taken in any calendar year. Leave entitlement will be allocated in accordance with the undernoted table.

The College will ensure that the statutory entitlement of 65 days for each employee is met where applicable. The College therefore reserves the right to grant leave in excess of 20 days per annum in exceptional circumstances, for example in the case of multiple births. (The paid leave element will include any period or Statutory Payment which may be introduced by the Government at a future date.)

**Note: The maximum entitlement for each employee, per child is 15 days paid leave and 50 days unpaid leave.**

Age of Child	Paid Leave	Unpaid Leave	Overall Entitlement
7 < 8	2	18	20
6 - 7	5	35	40
5 - 6	9	51	60
4 - 5	12	53	65
3 - 4	15	50	65
2 - 3	15	50	65
1 - 2	15	50	65
< 1	15	50	65

Entitlement is reduced on a proportionate basis for part time employees, for example, an employee who works 17.5 hours per week with a six year old child is entitled to 40 days leave (5 paid and 35 days unpaid) shall be entitled to 20 days leave (2.5 paid and 17.5 unpaid).

- 4.2 The entitlement allocated will be reduced by any parental leave already taken for a child/children during any period of previous employment. An employee's entitlement will be established with their previous employer, where applicable, when they commence employment. Any leave entitlement taken whilst in employment with a previous employer shall be deducted from the overall entitlement.
- 4.3 Parental leave may be taken up to a child's eighth birthday or within 18 years of a child's birth where the child has a disability or seven years of the date of adoption or the child's eighteenth birthday, which ever is the sooner.
- 4.4 Up to a maximum of 20 days Parental Leave may be taken in any one calendar year. The entitlement may be taken individual days or as blocks of weeks, five days of which may be paid and the remaining 15 days unpaid.
- 4.5 Entitlement for existing staff will be based on the age of the child at the date this policy is approved. Entitlement for staff joining the services of the College after the date the policy is implemented shall be the age of the child at the employee's date of commencement. Each employee shall be advised of their entitlement at the date of their commencement.

## **5.0 Salary and Conditions of Service**

- 5.1 Employment with the College during the unpaid period will be treated as continuous service. During the unpaid period of Parental Leave the employee remains employed only contractual terms such as notice and redundancy terms still apply. The employee is entitled to the benefit of his or her employer's implied obligation of trust and confidence and any terms and conditions relating to the following would apply:

### Salary

In any period of unpaid Parental Leave entitlement to remuneration would be suspended until the end of the parental leave period. This includes rights to benefits such as bonuses, allowances, car user scheme/allowance, etc.

### Superannuation

Superannuation contributions may be paid by the employee during a period of unpaid Parental Leave. Either prior to taking leave, or on their return from a period of unpaid Parental Leave, employees may opt to pay contributions into the appropriate pension scheme to make up for any short fall in contributions. This will be in accordance with the rules that apply to the appropriate pension scheme.

### Annual Leave

For the purposes of calculating entitlement to annual leave the period of Parental Leave shall not count as a break in service and leave will continue to accrue during this unpaid period. .

### Sickness Absence

If an employee falls ill during a period of Parental Leave they will be required to submit a medical certificate. The period of Parental Leave shall be suspended and the employee shall be regarded as being absent due to sickness and shall be paid accordingly. The provisions of the sickness allowance scheme will apply. The remaining parental leave shall be added to their out standing entitlement to be taken at a later date.

### Other Conditions of Service

All other conditions of service will remain as previously established.

## **6.0 Application for Parental Leave**

- 6.1 Employees applying for parental leave must complete the application form for Family and Parental Leave, Appendix 1. The College may request that the employee provide documentary evidence to support their request for parental leave.
- 6.2 To apply for Parental Leave an employee shall submit the Application Form to the Personnel Section with a copy to line manager providing at least 10 working days notice before the date they would like the Parental Leave to commence where the leave is less than two weeks. If the leave exceeds 10 days a minimum of 15 working days notice must be provided. In exceptional circumstances the College reserves the discretion to accept less than 10/15 days notice. A Personnel representative will discuss the leave arrangements

with the line manager and the employee will be informed of the College's decision whether to grant or postpone the leave within two working days of the application being received by the Personnel Section.

- 6.3 All requests for Parental Leave will be granted unless the absence of the employee shall create operational difficulties for the College, in which event the leave may be postponed. The leave should be postponed to a mutually agreed date, or to a suitable future period, but will not be postponed for more than 2 months from the date on which the employee first indicated on their original application form.
- 6.4 Applications for Parental Leave to be taken in addition to a period of Maternity Leave cannot be postponed and must be granted in all circumstances.
- 6.5 The Personnel Section shall record periods of parental leave taken by staff and maintain individual records for each employee in order to ensure that the employee's entitlement is not exceeded. The employees entitlement to parental leave will be passed to future employers, in the event of the employee leaving the College's employment, upon request, it is therefore important to keep accurate records.

#### **7.0 Return to Work**

- 7.1 The employee is not required to notify the College of their intention to return to duty. The employee should report for duty on the agreed date specified in the application form. The employee shall return to the post that they held prior to their absence on Parental Leave.
- 7.2 Should the employee fail to return to duty on the agreed return date the absence may be regarded as unauthorised and managed appropriately. Should the employee wish to extend their period of Parental Leave a further application should be submitted, extensions shall only be granted in exceptional circumstances and at the discretion of the College.

#### **8.0 Adoption Leave**

##### **Entitlement**

- 8.1 It is open to application from all employees adopting a child(ren) from birth up to the age of twelve. Leave may be granted for the adoption of an older child(ren) at the discretion of the College. In the case of multiple adoptions the leave granted will not be increased.

#### **9.0 Application for Adoption Leave**

- 9.1 Employees applying for adoption leave must apply in writing to the Personnel Section. The employee may be required to provide the appropriate documentary evidence to support their request for adoption leave.
- 9.2 To apply for Adoption Leave an employee shall submit their request in writing to the Personnel Section as soon as approval in principle has been given by the authorities in relation to the adoption. The Personnel Section will discuss the application with the Principal. All such requests will be considered by the Principal and the leave granted shall be at his/her discretion. However, when considering what leave entitlement should be granted the College will refer to the framework policy produced by the Partnership at Work, further information

on the framework policy in relation to Adoption Leave is contained in Appendix 2.

It is understood that on occasions very little notice is given of the placement of the child(ren). Whilst the College will make every effort to release an employee at short notice the College has an obligation to balance the needs of the students and the service provided whilst meeting the needs of its employees, therefore the College may not be in a position to agree to such a request. The employee shall receive a written response within two working days of the application being received by the Personnel Section and any specific requirements will be discussed at the time.

9.3. A member of staff shall give as much notice as possible if required to attend court hearings, case conference, pre-placement meetings or other meetings where his/her presence is required in connection with the adoption of the child(ren). Whenever possible such events should be arranged outside working hours. However, where this is impractical, time off with pay shall be granted up to a maximum 3 days per annum.

9.4 The right to adoption leave is an individual one and both parents may apply. Where both parents are employed by the College, every effort will be made to allow both parents to take the leave simultaneously however this may not always be possible due to operational commitments.

#### 9.5 Return to Work

The employee shall notify the College 15 working days in advance of their intention to return to duty. The employee should report for duty on the agreed date specified in the application form.

9.6 Should the employee fail to return to duty on the agreed return date the absence may be regarded as unauthorised and managed appropriately. Each case will be dealt individually.

#### 10.0 Fostering Leave

10.1 The same terms and conditions in section 8 and 9 apply to employees applying for leave to foster a child(ren) however leave will only be granted to employees fostering a child for a period of 12 months or more. Applications should be submitted in writing to the Personnel Section.

### 11.0 Maternity Support Leave

#### 11.1 Eligibility

An employee who is an expected child's father or mother's partner or nominated carer can be eligible for maternity support leave. A letter from the pregnant woman may be required, nominating an employee as a carer, and this letter will include details of the expected date of birth. This letter will also confirm that there is no other nominated carer.

Maternity Support Leave applies to all employees of the College regardless of length of service or number of hours each week, this will be in accordance with provisions outlined in section 3.1.

## **11.2 Period of Entitlement**

Subject to satisfying the notification conditions detailed below, an employee shall be entitled to a period of five days paid maternity support leave and five days unpaid, to be taken within the period of one month before, to one month after the expected date of birth. The leave may be taken as a block, as individual days or as half days.

## **11.3 Notification**

In order to establish an entitlement to maternity support leave an employee shall normally inform Personnel in writing, at least 15 working days before the expected week of confinement, of their intention to take maternity support leave. Where in the event of an unexpected or premature birth the College will make every effort to release the employee where their absence will not create operational difficulties.

An employee shall be required to apply for maternity support leave at least 15 working days notice before they wish the leave to commence.

## **12.0 Children's Panel**

Where an employee is required to attend a Children's Panel in relation to the child(ren) for whom they are responsible paid leave of absence will be granted. To apply for leave the employee should contact the Personnel Section, who will in turn agree the necessary arrangements with the line manager. Any time off granted shall be recorded in the employees personal file for recording purposes.

## **13.0 Review clause**

This is the approved Policy of the Board of Management of John Wheatley College produced in partnership with management and Trade Unions. This scheme and its operation shall be subject to periodic review in accordance with College procedure.

## **14.0 Supporting Policies**

- Job Share Policy
- Personal and Domestic Leave.



## John Wheatley College

### Application for Parental, MATERNITY SUPPORT, ADOPTION LEAVE, T

<b>Name:</b>	<b>Post:</b>
<b>Address:</b>	<b>School/Section:</b>
	<b>Reason for Leave (please tick)</b>
	Parental <input type="checkbox"/>
<b>Post Code:</b>	Maternity Support <input type="checkbox"/>
	Adoption <input type="checkbox"/>
<b>Leave Required:</b>	Fostering <input type="checkbox"/>
No. of Days Paid: .....	
No. of Days Unpaid: .....	<b>Documentary Evidence must be attached:</b>
Start Date: .....	(Attach Form MAT B1, Birth Certificate, Certificate of Guardianship, Etc)
End Date: .....	<b>Reason for Leave (please provide brief details)</b>

#### Parental Leave (to be completed by Employee)

I certify that I have parental responsibility for the child(ren) as defined within the Family and Parental Leave Policy and Procedure and agree to the terms within the Policy.

Signature of Employee: ..... Date: .....

**NB. Your application should now be sent to the Personnel Department**

**To be completed by Personnel Department**

Full entitlement

No. of days' entitlement (paid): ..... (unpaid): .....

Total no. of days' taken to date (paid): ..... (unpaid): .....

Balance remaining (paid): ..... (unpaid): .....

Current calendar year

No. of days for this application (paid): ..... (unpaid): .....

Total no. of days' taken this year (paid): ..... (unpaid): .....  
(including this application)

Balance available to take this year (paid): ..... (unpaid): .....

**Total balance remaining** (paid): ..... (unpaid): .....

Application complies/does not comply with Policy and Recorded by Personnel.

The application does not comply with the Policy for the following reason(s):

.....

Signature: .....

Date: .....

**To be completed by Line Manager**

Application agreed:

Application postponed:

Reason:

.....

.....

Date Employee Advised: .....

Leave to be postponed until –

New Agreed Dates: From..... To:.....

(Leave cannot be postponed for more than 2 months from the initial date the leave was due to commence)

Employee Signature: ..... Date: .....

Application authorised by Line Manager:..... Date: .....

**NB: Application should now be sent to Principal/Depute Principal**

Signature of Principal/Depute Principal..... Date

## **Family and Parental Leave Policy and Procedure**

### **Administrative Notes**

- 1) This form is for staff who wish to apply for leave of absence, paid or unpaid, in accordance with the College's Family and Parental Leave Policy and Procedure.
- 2) Employees applying for leave of absence under the Policy must be the parent of the child(ren) or have acquired formal parental responsibility for the child(ren) as defined within the Policy Section 2.2.
- 3) Applications for leave under this policy will be agreed with the employees line manager and approved by the Principal or Depute Principal. All leave will be recorded by the Personnel Section.
- 4) Applications for leave of absence will must be submitted 10 days in advance of the leave commencing if the leave requested is less than two weeks. If the leave requested exceeds 10 days a minimum of 15 days leave must be provided. The College reserves the right to accept less than 10/15 days notice.
- 5) Any deliberate abuse of this policy will be managed in line with the College's disciplinary policy and the appropriate action being taken against the individual(s) concerned up to and including dismissal.

## 8.0 Adoption Leave

## 8.1 Entitlement

Age of Child	Qualifying Service at date of Application	Leave and Pay Entitlement
Less than 2 years of age	<p>Less than 26 weeks continuous service.</p> <p>26 weeks service or more but less than 1 year.</p> <p>1 Years service or more</p>	<p>Up to 18 weeks leave of absence. 2 days paid leave and 3 days and 17 weeks unpaid leave of absence.</p> <p>Up to 18 weeks leave of absence. 1 week paid leave and 17 weeks unpaid leave of absence.</p> <p>Up to 30 weeks leave of absence. 8 weeks paid leave and 22 weeks unpaid leave of absence.</p>
2 years of age but less than 5 years.	<p>Less than 26 weeks continuous service.</p> <p>26 weeks service or more but less than 1 year.</p> <p>1 Years service or more</p>	<p>Up to 18 weeks leave of absence. 2 days paid leave and 3 days and 17 weeks unpaid leave of absence.</p> <p>Up to 18 weeks leave of absence. 1 week paid leave and 17 weeks unpaid leave of absence.</p> <p>Up to 30 weeks leave of absence. 8 weeks paid leave and 22 weeks unpaid leave of absence. Up to 18 weeks unpaid</p>
5 years of age but less than 12 years of age	Less than 26 weeks	Up to 4 weeks leave of

	continuous service.	absence. 2 days paid leave and 3 days and 3 weeks unpaid leave of absence.
	26 weeks service or more but less than 1 year.	Up to 4 weeks leave of absence. 1 week paid leave and 3 weeks unpaid leave of absence.
	1 Years service or more Less	Up to 4 weeks leave of absence. 2 weeks paid leave and 2weeks unpaid leave of absence.

- 8.2 Payment of salary for paid leave will be at 75% of normal salary. The leave will commence at or around the day on which the adoptive parent(s) receive the child. Leave and pay for multiple adoptions will be based on the age of the younger/youngest child.
- 8.3 Where an employee has been absent under these terms, the period of said absence should not affect the length of her/his annual leave entitlement in the leave year(s) in which the absence falls.
- 8.4 It is recognised that in some cases the age and background of the child may require additional time from that given above. In which case requests for extension of the adoption leave period shall be made in writing to the Principal.
- 8.5 Where an employee, who has received paid leave at 75% of their normal salary, does not return to work or physically remain at work for a period of at least 3 months, the employee will be required to refund the College the amount of adoption/fostering leave paid to them during their paid leave of absence. The College may at the discretion of the Personnel and Staffing Committee make the decision not to reclaim any payment of salary from an employee.
- 9.0 Application for Adoption Leave**
- 9.1 Employees applying for adoption leave must complete the application, Appendix 2. The employee may be required to provide the appropriate documentary evidence to support their request for adoption leave.
- 9.2 To apply for Adoption Leave an employee shall notify the Assistant/Associate Principal or Head of Department in writing using the as soon as approval in principle has been given by the authorities in relation to the adoption. It is understood that on occasions very little notice is given of the placement of the child(ren). Whilst the College will make every effort to release an employee at short notice the College has an obligation to balance the needs of the

students and the service provided whilst meeting the needs of it's employees, therefore the College may not be in a position to agree to such a request. All such requests will be considered by the [appropriate manager] and Personnel. The employee shall receive a written response and any specific requirements will be discussed at the time.

9.3. A member of staff shall give as much notice as possible if required to attend court hearings, case conference, pre-placement meetings or other meetings where his/her presence is required in connection with the adoption of the child(ren). Whenever possible such events should be arranged outside working hours. However, where this is impractical, time off with pay shall be granted up to a maximum 3 days per annum.

9.4 The right to adoption leave is an individual one and both parents may apply. Where both parents are employed by the College, every effort will be made to allow both parents to take the leave simultaneously however this may not always be possible.

9.5 Return to Work

The employee shall notify the College 15 workings days in advance of their intention to return to duty. The employee should report for duty on the agreed date specified in the application form.

9.6 Should the employee fail to return to duty on the agreed return date the absence may be regarded as unauthorised and managed appropriately. Each case will be dealt individually.