

# Human Resources

## PARENTAL AND CARERS LEAVE (TIME OFF FOR DEPENDANTS)

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South Yorkshire  
Fire & Rescue  
WORKING FOR A SAFER  
SOUTH YORKSHIRE

## PARENTAL AND CARERS LEAVE (TIME OFF FOR DEPENDANTS)

### INTRODUCTION – PARENTAL

1. South Yorkshire Fire and Rescue is a family friendly employer and recognises the need to provide a fair balance between work and personal life.
2. The provision of the Parental and Carers Leave (Time off for Dependants) Policy is to provide time off for any purpose connected with caring for a child for employees with parenting responsibilities.
3. This policy describes who is entitled to apply for leave and the associated procedure explains how applications should be processed.
4. South Yorkshire Fire and Rescue is committed to establishing and maintaining a positive working environment where the dignity and respect of employees is not undermined. It is committed to working practices that ensure the fair treatment and professional and personal dignity of all its employees. No employee will be treated less favourably on the grounds of race, gender, disability, age, sexual orientation, religion or belief or for any other reason which cannot be justified in job related terms.

### ELIGIBILITY

5. Employees who have completed 3 months continuous service with the organisation will be entitled to apply for parental leave. Continuous employment with another local government employer will count towards the qualifying period for parental leave.
6. An employee is eligible for parental leave if they are one of the following:-
  - a. The mother of the child named on the birth certificate
  - b. The father of the child, civil partner or married to the mother at the time of the birth or registered as the child's father
  - c. The father (if not covered by the above) if he has acquired parental responsibility under the Children's Act 1989
  - d. A guardian appointed under Section 5 of the Children's Act 1989
  - e. An adoptive parent
  - f. A foster parent
  - g. A step parent
  - h. A grandparent with a parental responsibility
  - i. Any other nominated guardian where the organisation is satisfied that the person is taking parental responsibility
  - j. A civil partner

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7. The term "parent" will be used to describe those who are entitled to parental leave.
8. Parental leave must be taken to care for a child.
9. Parental leave provides those who fulfil the qualifying conditions to have time off work to care for the child.
10. Parental leave may be taken for each qualifying child in a family. Parental leave is an individual right and may not be transferred between parents.

### ENTITLEMENT

11. The entitlement is 13 weeks unpaid parental leave for each child for any purpose connected with caring for a child. Parents of disabled children are entitled to 18 weeks.
12. Parental leave is to be taken:-
  - a. before the child's eighth birthday *or*
  - b. in the case of adoption, within eight years of the placement or before the child's eighteenth birthday, whichever is sooner (please see Adoption Leave Policy for further details) *or*
  - c. in the case of a disabled child (for the purposes of parental leave, a disabled child is one for whom disability living allowance has been awarded) by the child's eighteenth birthday.
13. A maximum of 4 weeks parental leave can be taken in any one year for each child.
14. Parental leave can be taken in blocks of one or more weeks (or tours in the case of uniformed employees). One week's parental leave is equal to the length of time that an employee is normally required to work.
15. Where the weekly working pattern varies, a week is defined as the total of all the periods worked, divided by 52.
16. Parents of disabled children can take parental leave in blocks of one or more days.
17. Leave will not be carried over (i.e. beyond a child's eighth birthday or eighteenth if disabled) where part or all of the 13 weeks parental leave has not been taken.

### REQUIREMENTS

18. Employees must give at least 21 days notice of their intention to take parental leave wherever reasonably practicable and specify the dates on which the period of leave is to begin and end.

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19. As parental leave is unpaid, employees will be required to complete a Parental Leave Request Form ( see Parental and Carers Leave procedure), which needs to be authorised by their line manager. The completed form should then be returned to the Human Resources Function who will make the necessary deductions from pay.
20. The Human Resources Function will maintain a central record of parental leave so if employees leave SYFR information requests from future employers can be administered. The number of weeks taken in a 12 month period will be monitored and tallied to ensure that the limit of 13 weeks for each child is not exceeded.

### **POSTPONEMENT OF LEAVE**

21. Parental leave can be postponed for up to six months in exceptional circumstances where a line manager decides that the organisation would be unduly disrupted if the employee took leave during the period requested.
22. If a line manager is considering postponing a request for parental leave, advice should be sought from the Human Resources Function.
23. Where the organisation requires such a postponement, the situation will be discussed with the employee. The postponement arrangements will then be confirmed to the employee in writing no later than 7 days after the employee's notice to take parental leave.
24. This letter should state the reason for the postponement and the new dates of the parental leave, the length of which should be equivalent to the employee's original request.
25. In the event that an agreement cannot be reached after consultation the organisation must, as a minimum, allow the employee to take a period of leave of the same duration on a date determined in consultation with the employee. This should be no later than 3 months after the originally notified start date.
26. Requests for parental leave cannot be postponed where the leave is requested immediately after paternity, maternity or adoption leave.

### **RETURN TO WORK AFTER MATERNITY AND PARENTAL LEAVE**

27. An employee whose parental leave immediately follows additional maternity leave which lasts for four weeks or less, will be entitled to return to the same post they would have been entitled to return to after additional maternity leave.
28. If parental leave is for a longer period than four weeks, (i.e. more than one eligible child) the employee can return to the same post they would have been entitled to return to after additional maternity leave, unless it is not reasonably practicable to keep that post open.
29. The employee is entitled to return to a similar post which has the same or improved status and terms and conditions as the previous post.

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### **RETURN TO WORK AFTER PARENTAL LEAVE**

30. If the parental leave is for four weeks or less employees are entitled to return to the same post.
31. If leave is for more than four weeks (i.e. more than one eligible child) every effort will be made to return the employee to the original post. If this is not reasonably practicable then the employee will return to another position that is both suitable and appropriate in the circumstances.
32. Unless dictated by exceptional circumstances an employee will return from parental leave on terms and conditions no less favourable than had the employee not been absent from work.
33. An employee's Contract of Employment continues during parental leave (except remuneration). Where unpaid parental leave has been taken employees are entitled to buy back, for pension purposes, reckonable service in respect of this leave.
34. Pension contributions to the Local Government Pension Scheme and Fire Pension Scheme will be treated in the same way as any other period of unpaid absence. Where an employee has taken parental leave they must decide whether or not to pay back contributions for the period taken within 30 days of returning to work.
35. The organisation will consider requirements for training and other development needs on an individual basis. If a training requirement is identified the line manager, on the employee's return, will implement this.
36. The length and content of any training requirement will depend on the length of the period of parental leave.
37. The organisation will consider requests for flexible working from employees returning from parental leave in line with the Flexible Working Policy (please see Flexible Working for Parent and Carers Policy for further details).

### **SECONDARY EMPLOYMENT**

38. The entitlement to parental leave is purely to provide working parents and others with parenting responsibilities time off for caring for a child. Secondary employment is not permitted during authorised parental leave and permission should be sought to continue any secondary employment previously approved on return to work.

### **OTHER SITUATIONS**

39. In addition to parental leave, there are arrangements for employees needing to take time off to deal with sudden emergencies (please see Special Leave Policy for further details).

## **PARENTAL AND CARERS LEAVE (TIME OFF FOR DEPENDANTS)**

### **INTRODUCTION - CARERS LEAVE (TIME OFF FOR DEPENDANTS)**

40. This section of the Parental and Carers Leave (Time off for Dependants) Policy details the entitlement and criteria for carers to take paid leave in order to deal with urgent or sudden unexpected emergencies. The right applies to all employees to take the time off to make any necessary longer term arrangements.
41. The leave, normally 1 or 2 days in length, is intended to cope with short-term difficulties only therefore the policy allows for a maximum of 3 days paid leave (per annual leave year) for any individual application.
42. If an employee knows in advance that they are required to take time off, they should be able to arrange with their line manager to take this time as part of their annual leave entitlement. If the reason relates to their child, they may be able to take parental leave (please see the Parental Leave section within this policy).
43. Employees are entitled to apply for reasonable time off for specified reasons affecting a dependant. If leave beyond 3 days is required then this may be granted on an unpaid basis or special leave may apply (see Special Leave Policy).
44. Each case will be assessed on an individual basis by the Human Resources Function. There may be exceptional circumstances where additional paid leave may be granted, i.e. in the case of a very serious medical problem.
45. Where unpaid additional leave is taken the Human Resources Function will, upon receipt of the FS120d Form, arrange for a deduction of the relevant amount of pay from the employee's next salary.

### **ELIGIBILITY**

46. This right applies to all employees regardless of length of service.

### **ENTITLEMENT**

47. Leave can be granted for any of the following reasons:-
  - a. If a dependant falls ill or has been injured or assaulted. The illness or injury need not necessarily be serious or life-threatening, and may be mental or physical.
  - b. To make longer term care arrangements for a dependant who is ill or injured. Where a dependant needs to be cared for because of an illness or injury, the employee can take time off work to make longer term care arrangements.
  - c. When a dependant is having a baby, an employee can take time off to assist a dependant during the pregnancy where necessary. This does not include taking time off after the birth to care for the child.

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- d. To deal with an unexpected disruption or breakdown of care arrangements for a dependant. Time off can be taken where the normal carer of the dependant is unexpectedly absent.
  - e. To deal with an unexpected incident involving the employee's child during school hours.
  - f. To deal with a death of a dependant. When a dependant dies, an employee can take time off to make funeral arrangements as well as to attend a funeral. If the funeral is overseas, then the employer and employee will need to agree a length of absence which is reasonable under these circumstances.
48. A dependant is defined as:-
- a. An employee's husband, wife, partner, child or parent.
  - b. Someone who lives with the employee as part of their family, e.g. an elderly relative or grandparent who lives in the household. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee i.e. a live-in housekeeper.
  - c. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance i.e. where the employee is the primary carer or the only person who can help in an emergency.

## **EMPLOYEES RESPONSIBILITIES**

49. An employee who requires time off for one of the specified reasons to care for a dependant must apply to their line manager as soon as reasonably practicable and, when known, give the expected length of absence.
50. The employee must submit:-
- A completed FS120d Form with details of the leave, including the dates involved.
  - Any necessary documentation.
  - If the leave is required urgently, the request should be made to the line manager by telephone at the earliest opportunity and Form FS120d completed on return to work.

## **LINE MANAGERS RESPONSIBILITIES**

51. Line Managers should ensure that all the necessary paperwork has been submitted and is complete before authorising Carers Leave.
52. Where additional leave is requested by an employee, the line manager should consult

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with the Human Resources Function in order to identify a reasonable amount of either paid or unpaid time off.

53. The line manager should forward the completed FS120d Form to the Human Resources Function.

***If you require any further guidance on this Policy please contact the Human Resources Function.***

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**PARENTAL LEAVE REQUEST FORM**

NAME (In Full) .....

PERSONNEL NO. ....

SECTION/STATION .....

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1) I wish to take Parental Leave on the following dates:

Start: ..... Finish: .....

2) Is this your first request for Parental Leave for this child?

Yes  No

*If Yes, please attach a copy of the appropriate evidence documents, e. g. Birth Certificate.*

3) Child Date of Birth/Date of Adoption: .....

4) My 12-month period commences from (Future anniversary date for successive period of 12 months).

.....

Signed (Employee) .....Date: .....

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**For completion by Line Manager**

a) APPROVED: YES  NO

*If no, please attach supporting report with reasons for postponement.*

Signed ..... Date: .....

Position .....

**Please return the completed form to the  
Human Resources Function**

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**CARERS LEAVE REQUEST FORM**

**To be completed by the employee:-**

NAME (In Full) .....

PERSONAL NO .....

STATION/SECTION .....

1. I would like to request the following **paid** time off (maximum 2 days)

From ..... To .....

Please state reason for request and indicate what relationship you have with the dependant.  
(Please use an additional sheet if needed).

2. I would also like to request the following additional time off, for consideration by my  
Manager and the Human Resources Section.

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.....  
.....  
.....  
.....

\*Please delete where appropriate

**\*Additional Unpaid Time off**

**\* Additional Paid Time Off**

From: ..... To: .....

Please state reason for additional time off required.

.....  
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.....  
.....

3. I am aware that any unpaid leave will be deducted from the nearest pay day on  
submission of this form to the Human Resources Function.

Signed ..... Date .....

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**To be completed by the Manager**

I have discussed the above with the employee and agree to the following:-

Please enter the number of days

Paid Time Off ..... Days

Additional Unpaid Time Off ..... Days

Additional Paid Time Off ..... Days

Comments

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.....

I have sought advice from the Human Resources Section with regards to the additional unpaid/paid time off.

Signed ..... Name Printed .....

Position: ..... Date .....

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**For completion by the Human Resources Function**

Approved: .....

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**Human Resources Admin**

Days to be deducted (if appropriate) .....

Pay day .....

Payroll Section informed: YES/NO

Signed .....

Date .....