

# Parental Leave

Procedure

Policy: Leave

Owning Department: People and Development

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## Overview

### What is this about?

We know that parents sometimes need time away from work to look after their child’s welfare, or simply to spend more time with them. To support this, we offer Parental Leave. The information here explains what parental leave can be used for, who is eligible, and how to apply for it.

### Who is this for?

This is for officers and authority/police staff.

### Key information

* Parental leave is a legal right for parents with children under the age of 18 years old.
* Parental leave gives parents the right to take time off work to look after their child. They can use it to spend more time with children and strike a better balance between their work and family commitments.
* A total of 18 weeks’ parental leave is available for each child under the age of 18.
* We will always do our best to support applications for parental leave.
* Parental leave cannot be transferred between parents.

#### Who can apply?

* Officers and Authority/Police Staff with at least one year’s continuous service.

#### What criteria must be met?

* Authority/Police Staff must either have, or expect to have, parental responsibility for a child (as defined in the Children (Scotland) Act 1995.
* Police officers must either have, or expect to have, parental responsibility for a child; or be registered as the child’s father under any provision of Section 14 or Section 18 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.

#### What do I get?

* A maximum 18 weeks’ parental leave is available for each child under the age of 18.
* Up to four week’s paid leave and fourteen week’s unpaid leave is available, per child, up until the maximum amount of parental leave.
* A week is equal to the average number of hours or days that you normally work over a seven day period.
* The ability to request paid leave applies to applications that are submitted for periods of parental leave on or after 1 April 2023.
* Paid leave is available to authority/police staff for a child born on or after 1 April 2022, and for officers - for a child expected on or after 1 April 2022. It is also available where a child was an approved match for adoption on or after 1 April 2022.
* Leave can be taken as individual days or multiple days.
* A maximum of four weeks per child may be taken each year for authority/police staff.

## Staff/Officer

### What you need to do:

* Submit any application in good time within the timescales.
* Provide evidence of your eligibility if asked for it.
* Keep in contact with your line manager as required during any leave.
* Retain a copy of the Parental Leave Calculator for any paid requests.

### Applying for parental leave

Complete the correct application form for Parental Leave and submit it to your line manager at least 21 days before you want the leave to start. Where this is not possible (e.g. for parental leave directly following the birth or adoption of a child), you should give as much notice as possible.

### Requesting evidence of eligibility

If your manager asks for evidence of eligibility, normally the child’s birth certificate or adoption certificate will do as long as you are named on it as a parent. For children expected on or after 1 April 2022 a MatB1 certificate may be the only evidence available.

If you are not named on the birth or adoption certificate, but were married to, or in a civil partnership with another legal parent of the child at the time, then the child’s birth certificate and your marriage/civil partnership certificate can be used.

If you are neither married/in a civil partnership with another parent of the child, nor named on the birth or adoption certificate, one of the following should be provided:

* Parental Responsibility Order
* Parental Responsibility Agreement
* Child Arrangements Order

### Handling requests for parental leave

Parental leave requests are normally approved, but in exceptional circumstances your manager may need to ask you to consider other more suitable dates due to business requirements. Following a discussion with your manager, any agreement reached on more suitable dates will be confirmed in writing.

### Right of appeal

If agreement cannot be reached on when your parental leave should be taken, you can appeal in writing to People Direct. An Advisor will direct the appeal to the next level of management. You must write to People Direct within seven calendar days of being told that your dates cannot be accommodated. Any appeal will normally be within 14 calendar days of the appeal being received.

### During parental leave

All terms and conditions with the exception of salary during periods of unpaid leave will apply throughout the whole period of parental leave. You are entitled to pay rises and any improvements to terms and conditions that are agreed or put in place while you are on leave.

The full period of parental leave counts towards continuous service.

### Returning to work

You have to right to return to your role if:

* You take four weeks’ or less parental leave.
* Parental leave directly follows 26 weeks of Maternity or Adoption Leave.
* Parental leave is not directly after additional maternity or additional adoption leave.

If you take more leave you will have the right to return to your job or a similar job (if it’s not possible to give you your old job).

## Manager

### What you need to do:

* Consider all applications for parental leave fairly and objectively, balancing the needs of the team member and the business.
* Ask for evidence of eligibility if required.
* Make sure requests are dealt with quickly and that team members are kept informed.
* Approve applications where possible.
* Where parental leave dates need to be changed, discuss this with the team member, and confirm the new dates in writing within seven calendar days by contacting [People Direct](https://spi.spnet.local/policescotland/applications/Pages/People-Direct.aspx?refer=QuickLogo).

### Considering an application

When you get an application for parental leave, give it full consideration. If you are not sure the team member is eligible, you can ask them to provide proof (e.g. birth/adoption certificate). You should only ask for proof if it is reasonable to do so. It would not be reasonable to ask for this every time an individual asks to take parental leave, but it may be reasonable if it is their first application, or you are a new manager who has not seen a previous application. ​

Applications should normally be approved, and only changed if there are significant business reasons to do so. You cannot decline a period of parental leave; you can only approve it or postpone it by changing the dates. If you think that you might need to ask the team member to change the dates, you can find more information on this in the [Changing the Dates of Parental Leave document](#QuestionsA).​

If the period of leave includes one or more public holidays, you should speak to the team member, and amend the request to ensure that public holidays are not taken as parental leave (public holidays will be taken and paid as normal).

### Right of appeal

If you and your team member cannot reach agreement on when their parental leave should be taken, let them know that they have the right of appeal. You should complete the approval section of the form with the appropriate details and submit it for processing.

If the team member wants to appeal, they need to write to People Direct within seven calendar days of being told that their dates cannot be accommodated. Any appeals will be handled by the next level of management. People Direct will notify the next level of management and send any relevant paperwork. Appeals will normally be considered within 14 calendar days of the appeal being received. The person considering the appeal will confirm their decision in writing, using the [Parental Leave – Appeal Outcome letter](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Parental%20Leave%20-%20Appeal%20Outcome.docx), and inform People Direct of the outcome. They will also confirm the new dates with you.

### Approving leave

To approve the leave you should complete the approval section of the form and submit it to People Direct for processing.

## Resources

### Forms

* [Paid Parental Leave Application Form (Officers) (089-011A)](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Paid%20Parental%20Leave%20Application%20Form%20%28Officers%29%20089-011A.docx)
* [Paid Parental Leave Application Form (Staff) (089-011B)](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Paid%20Parental%20Leave%20Application%20Form%20%28Staff%29%20089-011B.docx)
* [Unpaid Parental leave Application Form (089-011C)](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Unpaid%20Parental%20Leave%20Application%20Form%20089-011C.docx)
* [Claim for Attendance at Court Form (089-008)](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Parental%20Leave%20-%20Claim%20for%20Attendance%20at%20Court%20Form.doc)
* [Parental Leave Calculator – Staff](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Parental%20Leave%20Calculator%20-%20Staff.xlsx)
* [Parental Leave Calculator - Officers](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Parental%20Leave%20Calculator%20-%20Officers.xlsx)

### Reference Documents

* [Changing the dates of parental leave – Line managers](#QuestionsA)
* [Questions](#QuestionsB) and answers
* [The right to be accompanied](#Appendixc)

### Related Procedures

* [Special Leave](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Special-Leave.aspx)
* [Allowances and Expenses (Staff)](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Allowances-and-Expenses-%28Staff%29.aspx)

### Useful Links

* [Children (Scotland) Act 1995](https://www.legislation.gov.uk/ukpga/1995/36/contents)
* [Employment Rights Act 1996](https://www.legislation.gov.uk/ukpga/1996/18/contents)
* [Parental Rights and Responsibilities – gov.uk page](https://www.gov.uk/parental-rights-responsibilities)
* [Police Service of Scotland Regulations 2013](http://www.legislation.gov.uk/ssi/2013/61/made)
* [The Maternity and Parental Leave (Amendment) Regulations 2001](https://www.legislation.gov.uk/uksi/2001/4010/contents/made)
* [The Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2006](https://www.legislation.gov.uk/uksi/2006/2014/contents/made)
* [The Maternity and Parental Leave etc. Regulations 1999](https://www.legislation.gov.uk/uksi/1999/3312/contents/made)
* [The Parental Leave (EU Directive) Regulations 2013](https://www.legislation.gov.uk/uksi/2013/283/made)

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| --- | --- | --- |
| 1.00 | Initial approved version | 25/04/2014 |
| 2.00 | Change of name from Human Resources throughout to People and Development. Minor clarification in relation to Police Officer Regulations. | 11/11/2014 |
| 3.00 | Amended at Section 4.1 to reflect legislation update to Children and Families Act 2014 | 07/04/2015 |
| 4.00 | Document reformatted only with no change to content. | 07/10/2015 |
| 5.00 | Document simplified as part of policy simplification. Changes to wording to reflect that process for approving and postponing leave should be the same for officers and staff. | 01/04/2019 |
| 6.00 | Updated to reflect changes in The Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2019. | 25/10/2019 |
| 7.00 | Updated to reflect most recent pay agreement in relation to the introduction of four week’s paid leave. | 26/04/2023 |

**Feedback**

All Police Scotland People Policies and Procedures are subject to regular reviews. It is important that user feedback is considered when documents are reviewed.

If anyone wants to provide comment or make suggestions for improvements to this or any associated document, please email [REDACTED].

Appendix A

Changing the dates of parental leave – Line managers

#### When can I change parental leave dates?

Normally, you should approve all applications for parental leave. But in exceptional circumstances, where there are significant business reasons to do so, you can change the dates of a team member’s parental leave. Significant business reasons should be interpreted as situations where there is exceptional organisational demand, where a pressing staff need exists, and which could have been reasonably foreseen. E.G COP26. Normally this will mean postponing the leave until a later date, but it is also possible to change the leave dates to earlier dates.

You can only change parental leave dates if the new start date is within six months of the originally requested dates. You cannot change the amount of leave applied for – so if the team member originally requested two weeks’ leave, the alternative dates proposed must also be for two weeks.

#### When can I not change parental leave dates?

You cannot change parental leave dates if:

* there are no significant business reason for doing so;
* the dates the team member has proposed are immediately after the child is born or placed with the family for adoption; or
* it means the team member would no longer be eligible for parental leave (e.g. the new leave dates would end after the child turns 18).

#### How do I tell the team member?

If you feel that, due to business needs, you are unable to approve a parental leave application, you need to speak to the team member about this in plenty of time. Once you have agreed alternative dates, complete the relevant section of the Application for Parental Leave Form and send this to People Direct. Shared Services will write to the team member, confirming the new dates, the reason for the change, and update SCoPE.

#### What if we cannot agree on new dates?

If you cannot agree on alternative dates to take the parental leave, you must complete the relevant section of the Application for Parental Leave Form and send this to People Direct. Shared Services will write to the team member using the Parental Leave Appeal letter, letting them know that they have the right to appeal. Team members must write to People Direct within seven calendar days of being told that their dates cannot be accommodated. The next level of line management will then review the case and find a mutually suitable arrangement.

Appendix B

Questions and answers

#### What is parental responsibility?

All mothers and most fathers have legal rights and responsibilities as a parent - known as ‘parental responsibility’. If you have parental responsibility, your most important roles are to provide a home and protect and maintain the child.

**Who has parental responsibility?**

A mother automatically has parental responsibility for their child from birth. A father or partner usually has parental responsibility if either married or in a civil partnership with the child’s mother or is listed on the birth or adoption certificate.

Foster parents or family and friend carers (sometimes referred to as kinship carers) do not automatically have parental responsibility unless it has been granted through the courts or by a formal written agreement.

You can apply for parental responsibility if you do not automatically have it.

#### Am I still entitled to parental leave if I have already taken some with my previous employer?

You can request to use the balance of what you have left if you have not used your full entitlement of 18 weeks (per child).

**Who decides on whether parental leave is paid or unpaid?**

You have the flexibility to choose which four of your 18 weeks that you can claim are paid. You have the flexibility to choose paid or unpaid leave to suit your individual family circumstances.

**Can parental leave immediately follow other forms of leave?**

Yes, as long as the relevant 21 days’ notice is given.

#### I pay my Federation/Trade Union/another subscription directly from my pay. How will my unpaid parental leave affect this?

If you pay subscriptions, contributions, or membership fees, directly from your pay, these will continue to be taken, as long as there is enough money in your pay to cover them. If there will not be enough money in your pay, you may wish to make alternative arrangements directly with the relevant organisation.

#### How will parental leave affect my pension contributions?

**Officer** – Officers who take unpaid leave are entitled to a maximum of two weeks of this leave to be reckonable for pension purposes each year (commencing1 April each year). The unpaid Parental Leave Application Form provides opportunity to confirm whether some or all of any unpaid period should be reckonable for pension purposes. Otherwise no pension contributions will be made during periods of unpaid parental leave. You may be able to elect to make back-payments to your pension, as long as you meet the timescales and other criteria set by the pension fund and/or Police Scotland/SPA. If you do not make back-payments to your pension for any periods of unpaid parental leave, you will not accrue pensionable service for that time.

If you want to make back-payments to your pension, or to discuss this in more details, contact People Direct.

**Authority/Police staff –** If you are absent from work on unpaid leave for a continuous period of less than 31 days, you must pay the pension contributions, based on the pay that you would have received, if you had been at work. The contributions will automatically be collected by payroll on your return to work.

#### What if I am cited to attend court during my period of parental leave?

If you are cited to court you must do so unless a doctor certifies you unfit to attend. You will be compensated for any hours that you are at court. The [Claim for Attendance at Court form (089-008)](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Parental%20Leave%20-%20Claim%20for%20Attendance%20at%20Court%20Form.doc) should be used to claim compensation.

#### Will taking parental leave affect my entitlement to annual leave or public holidays?

No. Annual leave will continue to accrue during a period of parental leave. Public holidays should not normally be taken as parental leave. If a period of parental leave includes one or more public holidays, managers should ensure that the public holidays are not taken as parental leave, and no pay is deducted for the public holidays.

**Do I need to provide evidence that my child was born/expected/adopted on or after 1 April 2022 in order to be eligible for paid leave?**

You do not need to automatically provide evidence to apply for the leave but you must be able to provide this if requested. You will make a declaration which states you will be able to provide evidence if required and that your child was born/adopted or expected on or after 1 April 2022 depending on the qualifying criteria that applies to you.

**My child was born after 1 April 2022 and I took unpaid parental leave in December 2022. Will I now be able to have this reimbursed?**

No. Paid parental leave is only available from 1 April 2023.

**I want to apply for paid parental leave following on from adoption/maternity support leave. Can I do this?**

Yes. However, you should adhere to the guidance on the amount of notice that is required.

**Is the paid parental leave contractual and pensionable?**

Yes

Appendix C

The right to be accompanied

You have the right to bring someone with you to any formal meetings e.g. disciplinary, grievance, capability etc. This could be a work colleague or a representative of: a Trade Union, Staff Association, Scottish Police Federation or Association of Scottish Police Superintendents. You have to make your own arrangements if you want to bring someone with you.

You have to tell us the name of the person at least 24 hours before the meeting.

The work colleague or representative is entitled to take a reasonable amount of paid time off to attend the meeting. They should also be allowed time off to get to know the case and discuss any related matters before and after the meeting.

The work colleague or representative can address the meeting to: sum up the case; respond to any views discussed at the meeting; confer with you during the meeting or ask for a break. They cannot answer questions of your behalf.

Sometimes, you might be able to bring a work colleague or representative to an informal meeting. You have to be careful when asking or agreeing to this though, as it could make the meeting seem more formal than it has to be. You would have to talk this over with your manager before any arrangements are made.

At times, you might be able to bring a non-work colleagues. This could be if you need additional support because of a disability or you might need an interpreter if there are difficulties with understanding or language. You would have to talk this over with your manager before any arrangements are made.

If the work colleague or representative is unable to attend, the meeting can be rearranged. This will normally be within five working days of the original date.

If they are unable to attend the re-arranged meeting you might have to ask someone else.