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Parental Leave

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Version	History of Amendments	Date
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

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1 Overview

1.1 What is this about?

1.1.1 We know that parents sometimes need time away from work to make arrangements for their children, or simply to spend more time with them. To support this, we offer Parental Leave. The information here will explain what parental leave can be used for, who is eligible, and how to apply for it.

1.2 Who is this for?

1.2.1 This is for all officers and authority/police staff.

1.3 Key information

- Parental leave is a legal right for parents with children under the age of 18 years old and is unpaid.
- Parental leave can be used to:
 - spend time with children;
 - help children settle into new childcare arrangements;
 - visit new schools; or
 - accompany a child during a planned stay in hospital.
- 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?	What criteria must be met?	What do I get?
Serving officers with at least one year's continuous service.	<ul style="list-style-type: none">• You 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,	Up to 18 weeks of unpaid leave per child up to their 18 th birthday. A week equals the average length of time you normally work over seven days.

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	Deaths and Marriages (Scotland) Act 1965;	<p>Leave can be taken as individual days or multiple days.</p> <p>There is no maximum amount of leave that can be taken in one year, apart from the overall maximum of 18 weeks per child.</p>
Staff with at least one year's continuous service	<ul style="list-style-type: none">You must either have, or expect to have, parental responsibility (as defined in the Children [Scotland] Act 1995) for a child under 18 years old.	<p>Up to 18 weeks of unpaid leave per child up to their 18th birthday.</p> <p>A week equals the average length of time you normally work over seven days.</p> <p>Leave can be taken as individual days or multiple days.</p> <p>A maximum of four weeks per child may be taken in each year (pro rata for part-time workers).</p>

2 Officer/Staff

2.1 What you need to do:

- Submit any application in good time and within the timescales.
- Provide evidence of your eligibility for parental leave, if asked for it.
- Keep in contact with your line manager as required during periods of parental leave.

2.2 Applying for parental leave

2.2.1 Complete the Application for Parental Leave Form (089-011) and submit to your line manager at least 21 days before you want the leave to begin. 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.

2.3 Requesting evidence of eligibility

2.3.1 If your manager asks for evidence of eligibility, normally the child's birth certificate or adoption certificate will suffice, as long as you are named on it as a parent.

2.3.2 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 of the treatment (e.g. fertility treatment), then the child's birth certificate and your marriage/civil partnership certificate will usually suffice.

2.3.3 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 will usually suffice:

- Parental Responsibility Order
- Parental Responsibility Agreement
- Child Arrangements Order

2.4 Handling requests for parental leave

2.4.1 Parental leave requests are normally approved, but in exceptional circumstances, we may need to ask you to change dates due to business requirements. If this happens, then discussion will take place about more suitable dates, and confirm any agreement made with you in writing.

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2.5 Right of appeal

- 2.5.1 If agreement cannot be reached on when your parental leave should be taken, you can appeal in writing to People Direct, who 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 appeals will normally be held within 14 calendar days of the appeal being received.

2.6 During parental leave

- 2.6.1 All terms and conditions, with the exception of salary, will apply throughout the whole period of parental leave. You are also entitled to pay rises and any improvements to terms and conditions that are agreed or put in place while you are on leave.
- 2.6.2 The full period of parental leave counts towards continuous and reckonable service.

2.7 Returning to work

- 2.7.1 You have the right to return to your role if you take less than four weeks' parental leave, and your leave is not directly after maternity or additional adoption leave. If you take more leave and/or you take it directly after maternity or additional adoption leave, you have the right to return to your role or a similar role (if it is not possible to give you your old role).

Staff only:

Similar means the job has the same status and terms and conditions as your previous job.

Officers only:

Similar means the job has the same rank.

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3 Manager

3.1 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 all 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.

3.2 Considering an application

- 3.2.1 When you get an application for parental leave, give it full consideration. You cannot decline a period of parental leave; you can only approve it or postpone it/change the dates. Normally, you should approve all applications. You can only change the dates of parental leave if there are significant business reasons to do so.
- 3.2.2 Decide whether you can approve the leave request, or whether you need to discuss it further with the team member. If a block of leave includes one or more public holidays, you should discuss this with 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.) The rest of the days requested should be considered as usual.
- 3.2.3 If you think that you might need to ask the team member to change the dates of their parental leave, you can find more information on this in the Changing the Dates of Parental Leave document.
- 3.2.4 If you are unsure of whether the team member is eligible to take parental leave, you can ask them to provide proof (e.g. birth/adoption certificate).
- 3.2.5 We can only ask for proof of eligibility if it is reasonable to do so. So you cannot ask for this every time they ask to take parental leave, but if they have not requested leave for this child before, it would be reasonable to ask for proof of eligibility.

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3.3 Right of appeal

- 3.3.1 If you and your team member cannot reach an 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 to People Direct for processing. Send the team member the 'Parental Leave – Appeal' letter to the team member within seven days of the original application being received.
- 3.3.2 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, and will normally be considered within 14 calendar days of the appeal being received. They will confirm their decision in writing, using the 'Parental Leave – Appeal Outcome' letter, and send the completed form to People Direct. They will also confirm the new dates with you.

3.4 Approving leave

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

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4 Resources

Forms

- Application for Parental Leave Form (089-011)
- Claim for Attendance at Court Form (089-008)

How to Guides

- Changing the Dates of Parental Leave

Reference Documents

- Parental Leave Frequently Asked Questions
- The Right to be Accompanied

Related Procedures

- Special Leave
- Allowances and Expenses (Staff)

Useful Links

- Children (Scotland) Act 1995
- Employment Rights Act 1996
- The Maternity and Parental Leave etc. Regulations 1999
- The Maternity and Parental Leave (Amendment) Regulations 2001
- The Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2006
- The Parental Leave (EU Directive) Regulations 2013
- Parental Rights and Responsibilities – gov.uk page
- Police Service of Scotland Regulations 2013



Changing the Dates of Parental Leave

When can I change parental leave dates?

Normally, you should approve all applications for parental leave. But in exceptional circumstances, if there are significant business reasons to do so, you can change the dates of a team member's parental leave. 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 start date that the team member originally asked for. 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 reasons 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 on alternative dates, complete the relevant section of the Application for Parental Leave Form (089-011) and send this to People Direct. Shared Services will write to the team member to confirm the new dates and the reason for the change, within seven days of the original request.

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What if we cannot agree on new dates?

If you and your team member cannot agree on alternative dates for them to take the parental leave, write to them using the Parental Leave Appeal letter, to let them know that they have the right to appeal. You must also complete the relevant section of the Application for Parental Leave Form (089-011) and send this to People Direct. To appeal, they 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.

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Parental Leave Frequently Asked Questions

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

If you pay any 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 my unpaid parental leave affect my pension contributions?

Officer – As parental leave is unpaid, no pension contributions will be made for the time that you are on 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 you are on 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 detail, contact People and Development.

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?

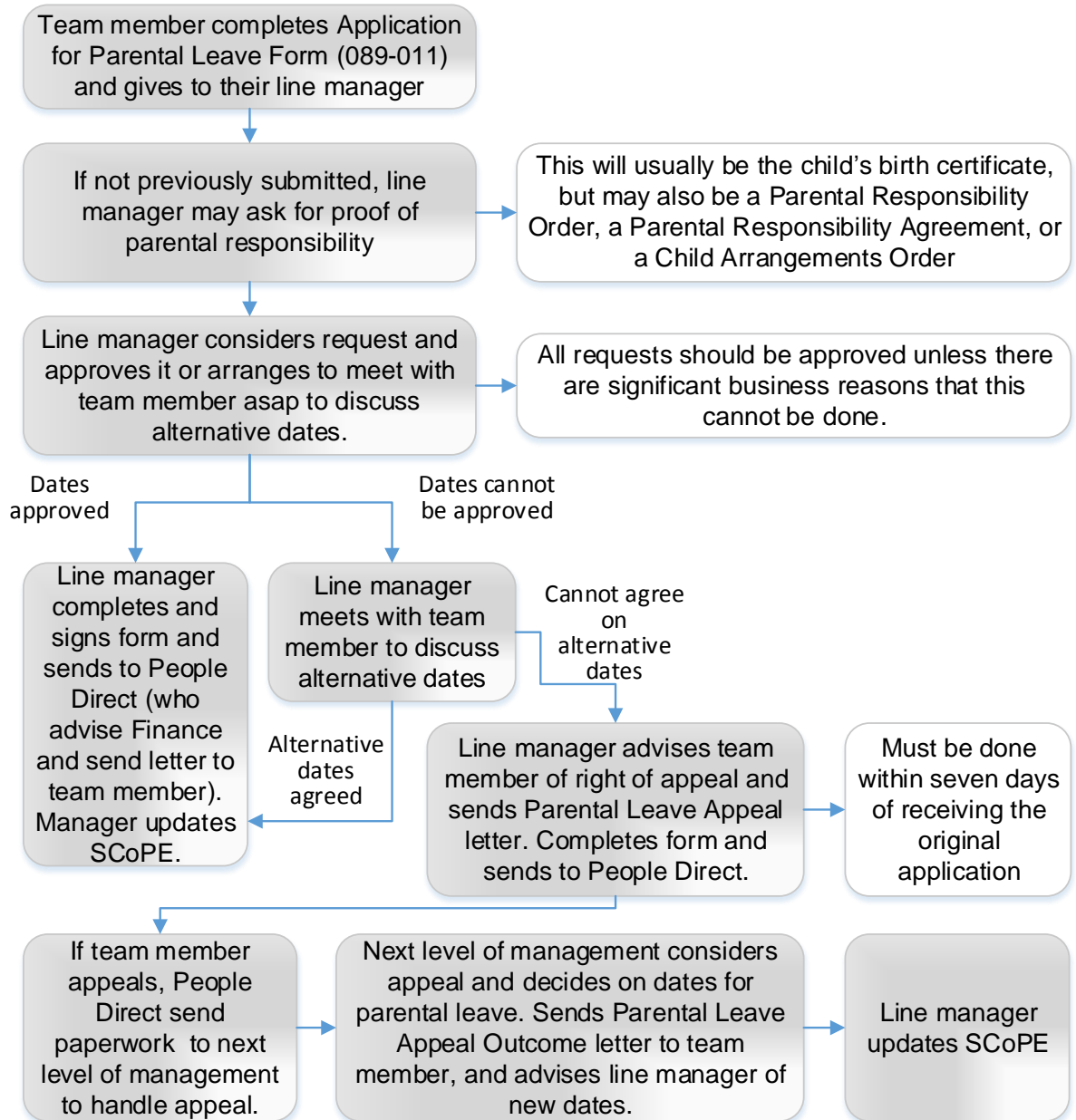
If you are cited to attend court you must do so unless a doctor certifies you unfit to attend. You will be compensated for any hours that you are at court. The Adoption, Maternity or Paternity Leave – Claim for Attendance at Court form (089-008) should be used to claim compensation.

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

No, it will not. Annual leave will continue to accrue during a period of parental leave. Public holidays should not normally be taken as parental leave. If a block 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.



Parental Leave Process Map





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 on 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 colleague. 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.