

### **3.04 Parental Leave**

The policy sets out the arrangements for Parental Leave. Parental leave is a statutory entitlement to unpaid leave from work to look after a child or make arrangements for a child's welfare.

- You can use parental leave to spend more time with your children and strike a better balance between your work and family commitments – [Section 2 Reasons for Parental Leave](#)
- If you are a parent you have the right to be absent from work on unpaid parental leave for up to 13 weeks provided specific eligibility criteria and notice requirements are satisfied – [Section 3 Eligibility](#), [Section 4 Extent of Entitlement](#), [Section 6 Notice](#)

**The following terms within this policy are defined in the glossary:**

There are currently no terms within this policy defined in the glossary.

**You may also be interested in the following policies:**

3.07 Annual Leave, 3.08 Special Leave, 3.10 Alternative Working Arrangements, 6.06 Equal Opportunities

This policy is version 4.0

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This homepage is only a guide to the policy, not the policy itself. In the event of any discrepancy between the content of this homepage and the associated policy, the wording of the policy shall apply.

# 3.04 PARENTAL LEAVE

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## **3.04 PARENTAL LEAVE**

### **1 Introduction**

**1.1** These sections set out the arrangements for parental leave, which is unpaid, in the Northern Ireland Civil Service. Parental leave is the right to time off work to look after a child or make arrangements for a child's welfare which was introduced by the Maternity and Paternity Leave, etc Regulations (NI) 1999. The entitlement was subsequently extended to parents of children born or adopted on or after 15 December 1994.

### **2 Reasons for Parental Leave**

**2.1** Parents can use parental leave to spend more time with their children and strike a better balance between their work and family commitments. The reasons for the leave need not be connected with the child's health. Examples of how parental leave might be used include:

- a. spending more time with young children;
- b. accompanying a child during a stay in hospital;
- c. checking out new schools;
- d. settling a child into new childcare arrangements;
- e. enabling the family to spend more time together, for example taking the child to stay with grandparents.

### **3 Eligibility**

#### **Criteria**

**3.1** You have the right to be absent from work on parental leave if you have at least one year's continuous service in the Northern Ireland Civil Service and:

- a. are the parent of a child who is under five years old; or
- b. have adopted, within the past five years, a child under the age of 18; or
- c. have parental responsibility, under the terms of Article 6 of the Children (NI) Order 1995, of a child who is under five years old; or

- d. are the parent of, or have parental responsibility for, a child with a disability who is under the age of 18 (for the purposes of parental leave, a disabled child is one for whom disability living allowance has been awarded); and
- e. you have not already exhausted your entitlement to parental leave, in respect of the qualifying child, with the NICS or another employer.

**3.2** Parents of children born or placed for adoption after 14 December 1994, but before 15 December 1999, can also qualify for parental leave by having been employed by a previous employer for one year or more in the period between 15 December 1998 and 20 April 2002.

### **Evidence of Eligibility**

**3.3** Before granting parental leave, Departmental HR may, at their discretion, require you to produce evidence of the:

- a. responsibility, or expected responsibility, for the child in respect of whom you propose to take parental leave;
- b. child's date of birth, or in the case of adoption, the date on which the placement began;
- c. child's entitlement to disability living allowance where your entitlement to take leave depends upon whether the child is entitled to that allowance;
- d. relevant period of service with a previous employer, where your entitlement to parental leave arises out of a period of employment by a person other than the person who was your employer on 21 April 2002 (see section 3.2 above).

**3.4** Evidence may take the form of information contained in the child's birth certificate, papers confirming the child's adoption, or in the case of a disabled child, the award of a disability living allowance for the child.

### **Previous Applications**

**3.5** When you join the NICS, transfer to another Department, or make an application for parental leave, your employing Department is free to make enquiries of your previous employer/Department, or seek a declaration from you, about how much parental leave you have taken in relation to a particular child.

## **4 Extent of Entitlement**

**4.1** If you are eligible you may take up to 13 weeks' unpaid leave in respect of each child who meets the qualifying conditions. The entitlement is 18 weeks in respect of a child who is entitled to a disability living allowance.

**4.2** Both mothers and fathers can take the full entitlement to parental leave for each child.

**4.3** Where, under your contract of employment, the period for which you are normally required to work in the course of a week does not vary, one week's parental leave is equal to the period you are normally required to work. This means that a week's leave for you if you usually work from Monday to Friday is equal to five days, while for someone who works Monday and Tuesday only, a week's leave is equal to two days.

**4.4** Where, under your contract of employment, the period for which you are normally required to work in the course of a week varies from week to week or over a longer period, or where you are normally required to work in some weeks, but not in others, a week's leave is calculated by dividing the total of the periods for which you are normally required to work in a year by 52 (rounded up to the nearest half day).

## **5 When Parental Leave may be taken**

**5.1** If you are eligible you may take parental leave at any time:

- a.** up until the child's 5th birthday; or
- b.** in adoption cases, up to the 5th anniversary of the date on which the placement began or until the child's 18th birthday, if earlier; or
- c.** in the case of a child who is entitled to a disability living allowance, up until the child's 18th birthday.

**5.2** If you are eligible as described at 3.2, and are parents of children born or adopted between 15 December 1994 and 14 December 1999, you can take parental leave any time up to 20 July 2005, or up until the child's 18th birthday in the case of a child entitled to a disability allowance.

**5.3** The Regulations entitle you to take leave in blocks of one week or more (one day or more for parents of disabled children), subject to a maximum of four weeks in respect of any individual child in any one year. At Departmental HR discretion (taking account of operational needs), leave may be taken in multiples of one day. For the purposes of parental leave, a day refers to the hours that would normally be worked on the day concerned. Parental leave entitlement may be calculated in hours where your working pattern is so variable that it is not practical to calculate the entitlement in days.

**5.4** At Departmental discretion, more than four weeks' leave may be taken in any year for each child.

## **6 Notice**

### **Submission of Notice**

**6.1** Applications for parental leave should be submitted in good time. The Regulations stipulate that at least 21 days' notice should be given before parental leave may be taken. Where, however, this is not reasonably practicable, leave may nevertheless be granted at Departmental HR discretion and subject to operational needs.

**6.2** When you, as the father of the child in respect of which leave is to be taken, wish the leave to begin on the date on which the child is born, the notice must specify the expected week of childbirth (EWC) and the duration of the period of leave and must be given to HR Connect at least 21 days before the EWC.

**6.3** Prospective adoptive parents wishing to take leave beginning on the date of placement for adoption must give notice which specifies the duration of the period of leave and the week in which the placement is expected to occur, at least 21 days before the beginning of that week, or if that is not reasonably practicable, as soon as is reasonably practicable.

### **Postponement of Leave**

**6.4** Applications for parental leave will be treated sympathetically to help staff balance their work and home lives. However, as with all requests for leave, there may be occasions when it is necessary to postpone parental leave. With the exceptions of prospective fathers and prospective adoptive parents (see section 6.6), leave may be postponed for up to six months from the date on which the period of leave originally requested by you would have commenced, if Department HR considers that the operation of business would be unduly disrupted if the leave were to be taken at the time requested. Departmental HR will discuss the postponement with you and give notice of the postponement in writing no later than seven days after your notice to take the leave was given. The notice will state the reason for the postponement and specify the dates, agreed by both parties, on which the postponed period of leave will begin and end.

**6.5** Parental leave will not be lost if, solely as a result of postponement, the child reaches the age thresholds or deadline set out in sections 5.1 and 5.2.

**6.6** Leave will not be postponed when you have given notice to take it immediately after a child is born or placed with the family for adoption.

## **7 Termination of Parental Leave**

**7.1** Parental leave is granted to enable working parents to care for their children. If Departmental HR has reasonable grounds for believing that you are not using the leave for this purpose, the leave may be terminated following the expiry of seven days' notice and you may be required to return to work. Before any notice of termination is given, you will be invited to make representations on the matter within seven days. Anyone who is found to have claimed or taken leave dishonestly may be liable to disciplinary action.

## **8 Annual Leave and Pension**

### **Annual Leave**

**8.1** Annual leave does not accrue during unpaid parental leave. A proportionate deduction will be made from the annual leave allowance, rounded down to the nearest half day. In addition, unpaid parental leave will not reckon as qualifying service towards a higher annual leave allowance.

### **Pension**

**8.2** Parental leave counts towards qualifying service for pension, but is not reckonable service for pension purposes. For pension purposes, qualifying service means service that counts towards the qualifying periods for benefits, whereas reckonable service is the length of service on which pension benefits would be calculated.