

Joint Agreement on Guidelines for Parental Leave in Further Education Colleges

May 2013

Between



Association of Colleges (AoC)



Association of Managers in Education (AMiE)



Association of Teachers & Lecturers (ATL)



GMB



University and College Union (UCU)



UNISON



Unite – The Union

1 Introduction

- 1.1 The College recognises the need for effective policies which play a key part in supporting an appropriate life - work balance. Such policies are intended to: allow a more effective combination of home and work responsibilities; enhance equality of opportunity at work; maintain the competitive advantage of the organisation by retaining skilled and valued employees.

2 Scope

- 2.1 This joint agreement on guidance describes entitlements to parental leave for all qualifying employees at the College. Employees are also encouraged to refer to other policies for paid and unpaid time off such as: {maternity, paternity leave, dependant care leave, compassionate leave, leave for emergency purposes, time off for public duties}.

3 Purpose

- 3.1 This joint agreement on guidance recognises that parenthood brings additional responsibilities. The purpose of this joint agreement on guidance is to set out the right to parental leave, which is intended to assist employees to combine their careers with parenthood and family responsibilities.
- 3.2 The purpose of parental leave is to enable the employee to care for the child, which includes looking after the welfare of the child or making arrangements for the good of the child. As parental leave requires at least 21 days' notice, it will not be suitable for emergency cases, in which case employees should refer to the College's policy on dependants leave.

4 The right to Parental Leave

- 4.1 Employees with at least one year's continuous service at the College are entitled to take unpaid parental leave if they have, or expect to have, responsibility for a child.
- 4.2 Qualifying employees are entitled to take a total of up to 18 weeks' parental leave.
NB. This increase change from 13 weeks to 18 weeks (three to four months) is under The Parental Leave (EU Directive) Regulations 2013 and requires implementation with effect from 8th March 2013.
- There is no change to the existing entitlement where the child is entitled to receive personal independence allowance¹, in which case the employee may take up to 18 weeks' parental leave.
- 4.3 Qualifying employees are entitled to parental leave in respect of each of their children and leave must be taken before the child's fifth birthday except:
- (a) in the case of children who are adopted: the leave may be taken up to either five years from the date on which the child is placed with the employee for adoption, or the child's 18th birthday, whichever is the earliest date;

¹ Formerly called disability living allowance

(b) in the case of children entitled to personal independence allowance, the leave may be taken up to the child's 18th birthday.

4.4 The right to up to 18 weeks parental leave applies to each individual child and not to individual periods of employment with different employers.

4.5 If an employee does not qualify for parental leave, then the College may offer contractual parental leave where it may be offered to all staff. Alternatively annual leave or unpaid leave may be requested.

5 When Parental Leave may be taken

5.1 Employees and employers should agree how leave is taken in accordance with College circumstances. Normally, leave should be taken in blocks of one week only; unless the child is disabled, in which case the leave can be taken in multiples of one day. However, consideration should be given to whether leave could be taken in blocks of less than one week. Employees can take a maximum of four weeks' parental leave in any year in respect of any individual child.

6 Notice/Evidentiary requirements

6.1 In order to be able to take parental leave, employees need to give appropriate notice to the College of intent to take leave and must comply with any request made by the College to produce any appropriate evidence.

6.2 The written notice required by the College from an employee intending to take parental leave needs to cover the following points and should:

- (a) specify the dates on which the period of leave is to begin and end; and
- (b) be given to the College at least 21 days prior to taking the leave, unless there are exceptional circumstances which have been locally agreed.

6.3 In order to establish an employee's entitlement to parental leave, the College may request evidence of:

- (a) an employee's responsibility for the child in respect of which parental leave is to be taken, this may include, for example, a child's birth certificate, a parental responsibility order, an adoption order, or a MAT B1;
- (b) the age of the child in respect of whom parental leave is to be taken. This may include, for example, a child's birth certificate;
- (c) details of any parental leave that the employee has taken during any employment with another employer;
- (d) the child's entitlement to personal independence allowance where appropriate.

7 Postponing Parental Leave

7.1 The College can postpone or reduce the length of parental leave where an employee has given the appropriate notice but the College considers that the operation of the business would be unduly disrupted if the employee took parental leave as requested. For these purposes "unduly disrupted" means any circumstances in which the College's business, organisation or interests is/are likely to be seriously threatened, harmed or undermined.

- 7.2 It is preferable that postponement should not occur in any other than extreme circumstances. As a guide only, parental leave may be postponed in circumstances where: the College is expecting a significant business order or is under time pressure to complete a particular business order and all the College's employees, or a significant number of them, and/or key members of staff are needed to fill the order; the College is undergoing a management/business restructuring which requires significant employee involvement for success; the College will be in breach of a significant contractual obligation if the employee is granted the parental leave as requested.
- 7.3 If the College has to postpone or reduce parental leave, the employee will be able to take parental leave of the same length as originally requested, or the remaining period of parental leave in the case of reduced leave, within six months of the date of the postponement or reduction in leave.
- 7.4 If the College needs to postpone an employee's parental leave, it will discuss the matter with the employee. The College will write to the employee within seven days of receiving the employee's notification with the reasons for the postponement and the suggested new start and end dates of the parental leave which must be within six months of the requested start date.
- 7.5 However, there are circumstances where the College cannot postpone parental leave: this is where the employee has given 21 days' notice to the College of intent to take parental leave which commences on the day on which childbirth occurs, or the day on which the child is placed for adoption.

8 Contact with the College during Parental Leave

- 8.1 An employee's line manager will seek to ensure that during the period that the employee is absent from work on parental leave, they will be communicated with on a regular basis. This may include:
- getting a copy of the College Staff Newsletter and other relevant information/bulletins;
 - being sent relevant key minutes and/or agendas;
 - being sent relevant training information;
 - being included in invitations to relevant social events.

An employee's line manager will also seek to keep in regular contact with the employee during the period of parental leave and keep other relevant staff informed about the employee's return to work.

- 8.2 Employees on parental leave should remain on relevant circulation lists and be included in invitations to work related social events as though they were still at work. Where the employee has managerial responsibilities, the College should try to ensure that he/she is given the opportunity to participate in or be consulted about key decisions taken in his/her absence. As far as reasonably practicable, the College should try to defer key decisions until the employee's return from parental leave.
- 8.3 Where suitable training opportunities arise during an employee's parental leave, they should be offered to the employee concerned if appropriate. The College does not want parental leave to prejudice employees in terms of training and self development.

- 8.4 If the local provision is to allow employees to take more than four weeks parental leave in one year (the statutory maximum is four weeks – see 5.1) then the following steps are advised:

Prior to the commencement of the parental leave, line managers should discuss with the employee arrangements for covering work and also for providing opportunities to remain in contact with the College whilst on leave. As far as possible, such arrangements will be finalised in consultation with the employee. If the employee has staff reporting to him/her, he/she will be involved, as far as possible, in key decisions relating to the temporary reporting arrangements to cover parental leave.

In addition, employees should be invited for a meeting with their line manager in order to provide an opportunity for discussion of any material points concerning the return to work. These may include:

- updating on developments at work;
- considering whether any retraining needs have arisen either because of the length of absence, or new technical, or other developments.
- organising any meetings/interviews which the College and the employee consider necessary to enable the employee to make an effective return to regular working.

The meeting will also provide an opportunity to discuss and explain any necessary and unavoidable changes to the employee's work.

9 Returning to work

- 9.1 If the parental leave was for a period of four weeks or less, and either an isolated period of leave or the last of two or more consecutive periods of leave that did not include any period of additional maternity leave or additional adoption leave, at the end of the period of parental leave, the employee will be entitled to return to the same job and on terms and conditions no less favourable than those to which he/she would have been entitled had he/she not been absent. This means he/she will be entitled to any pay awards and annual increments which he/she would have received if he/she had been at work.
- 9.2 In cases of parental leave in excess of four weeks, or less than four weeks' leave directly after additional maternity leave or additional adoption leave, the employee is entitled to return to the same job on terms and conditions no less favourable than those to which he/she would have been entitled had he/she not been absent unless this is not reasonably practicable for the College, in which case he/she is entitled to return to a similar job with the same or better terms and conditions or status as the old job.
- 9.3 If the College cannot offer the employee the right to return to his/her original job because of redundancy which would have occurred whether or not the employee had been absent, the fact that the employee had taken parental leave will have no bearing on the redundancy consultation process.

10 Terms and Conditions of Employment

- 10.1 The employee's employment will continue whilst on parental leave.
- 10.2 During parental leave, the employee shall have the benefit of the Corporation's implied obligation of trust and confidence and terms of employment regarding notice of termination, compensation for redundancy and disciplinary and grievance procedure.

The employee shall be bound during the parental leave period by the implied duty of good faith and terms of employment regarding notice of termination, disclosure of confidential information, acceptance of gifts and participation in other businesses.

- 10.3 Entitlement to other contractual terms and conditions during parental leave will be a matter for local agreement between the Corporation and employees. Employers and employees may wish to continue to make pension contributions during the period of absence on parental leave to maintain continuity of pensionable service. Periods of parental leave will be regarded as continuous service.

11 Records

- 11.1 The College will keep detailed records of the parental leave requested and/or taken by each employee as well as details of any postponements or reductions in parental leave.
- 11.2 The College will comply with any reasonable requests to disclose relevant parental leave records to the employer of an individual who was previously employed by the College.

12 General provisions

- 12.1 Any attempt by an employee to act dishonestly in respect of any element of the College's parental leave policy will be regarded as serious misconduct and will result in the employee being subject to the College's disciplinary procedure.
- 12.2 If an employee believes that they are not being treated fairly in relation to the right to parental leave, the matter should be dealt with through the grievance procedure or by contacting (a senior manager) if the issue needs to be resolved quickly.

**JOINT AGREEMENT ON GUIDELINES FOR PARENTAL LEAVE IN
FURTHER EDUCATION COLLEGES**

SIGNATURES OF THE PARTIES TO THIS AGREEMENT

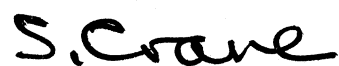
AoC



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UNITE - The Union



UNISON



Date of Commencement of this Agreement:

May 2013