

Parental Leave - a Change in the Law

Parents and employers, take note.... The law has changed (yet again) and parents with children up to the age of five years old are now entitled to 18 weeks unpaid leave. Depending on your perspective, employer or employee, you may now be jumping up and down in delight, or holding your head in your hands in despair.

So let's dig a little further and understand what this means in reality.

Firstly, to clarify who this applies to: it is for both parents, natural or adoptive and the entitlement is per child, even for multiple births. There are slightly more flexible rules if your child is disabled and if you have an adopted child, the entitlement is until the child is 18 or has been with you for five years whichever is sooner.

The employee has the right to unpaid time off and it should be taken in one week blocks with no more than four weeks leave per year per child. This is in addition to annual leave (full pay), maternity, paternity and adoption leave (usually paid at statutory). The result of this is that many parents cannot afford to take parental leave, but in an emergency it is there if parents need it.

As an employer, you can postpone the leave request, but do not have the right to turn it down, unlike flexible working where you can reject the request due to business needs. Obviously, if a child were due to have an operation or leave is being taken to cover a child-carer's holiday, then due consideration should be given to the timing of the request.

Communication between employer and employee is essential. This starts with the policy which should be clearly documented and communicated, supported by a procedure and any forms the employer may wish to put in place. The employee should be required to give as much notice as possible, to enable the business to manage the absence with minimal disruption. Between them an effective plan should be put into place to ensure adequate cover for work and to minimise the impact on the business.

Employers need to remember this entitlement is for all parents across your business and you need to be working on the assumption that just as people will take holiday, they may also take parental leave; and, just as they have a right to return to their job following holiday, they have a right to return to their job following parental leave and their job prospects must not be affected in any way.

Another element for both employers and parents to bear in mind; the entitlement is a full working career entitlement - it follows the parent from job to job. Therefore if a parent is employed by company A until the child is 4 and uses all their entitlement, they have no further entitlement to parental leave at their new employer company B.

As a result of this, it is important that accurate records are maintained and when a reference request is issued or received, it should ask for parental leave entitlement taken to date.