

### PARENTAL LEAVE, PARENTAL BEREAVEMENT LEAVE AND TIME OFF FOR DEPENDANTS

#### Parental Leave – Key Points

- Employees who have, or expect to have, responsibility for a child and who have completed one year's service are entitled to 18 weeks' unpaid parental leave for each child under the age of 18. This right applies to both parents individually and it cannot be transferred between parents. Parents of an adopted child are entitled to 18 weeks' unpaid parental leave until the child's 18th birthday.
- The leave must be used to care for a child.
- Employees can take a maximum of 4 weeks' leave in any year in respect of any individual child unless you agree otherwise. Periods of leave are to be taken in blocks of a week's leave or a multiple of a week's leave unless the child is disabled, in which case it may be taken as individual days.
- The right applies to a single child. Therefore, if an employee has twins they are entitled to 36 weeks' parental leave.
- An employee must give the employer at least 21 days' notice before a period of parental leave begins, of both the start and end dates of the leave period they intend to take. The employee does not have to give this notice in writing; however it is good practice to use a pro-forma to have a written record of the request (see Appendix 12A).
- If there are good business reasons (i.e. if it would cause significant disruption to your business), the employer can postpone the leave for up to 6 months after the beginning of the leave period the employee originally requested. Examples of reasons include if leave was requested over a period of peak seasonal production; at the same time as other employees have requested leave; or when the employee's absence would unduly harm your business. See Appendix 12B for example of a standard letter for notifying the employee that their parental leave has been postponed. Leave cannot be postponed so that it ends after a child's 18th birthday. Leave cannot be postponed where the employee wants to take it immediately after their child is born or placed with them for adoption.
- The employment contract continues during any period of parental leave, unless it is terminated by the employer or employee. The employee is entitled to return to the same job after an isolated period of four weeks of parental leave or parental leave for four weeks or less which was the last of two or more consecutive periods of statutory leave and which did not include any period of additional maternity leave or additional adoption leave.
- Where an employee takes parental leave of more than four weeks, or parental leave of four weeks or less that was immediately preceded by a period of statutory leave which included additional maternity leave or additional adoption leave, they have the right to return to the same job OR, if not reasonably practicable for the employer, another job which is both suitable and appropriate for the employee in the circumstances.
- An employee continues to benefit from most of their terms and conditions of employment (except pay) during parental leave.
- Although similarly titled, Parental Leave is not the same as **Shared Parental Leave**. See Section 11 for details of an employee's entitlements under Shared Parental Leave.
- Employees have the right to request time off for dependants (Section 12) and flexible working (Section 7).

See the NI Business Info website for further details:  
[www.nibusinessinfo.co.uk](http://www.nibusinessinfo.co.uk)

### Parental Bereavement Leave - Key Points

Parental Bereavement Leave, is a compassionate leave intended to help employees deal with the death of a child under the age of 18 or a stillbirth after at least 24 weeks of pregnancy.

From day 1 of employment, employees are entitled to parental bereavement leave if their child or a child in their care has died or been stillborn after 24 weeks of pregnancy.

Leave can be 1 week, 2 consecutive weeks, or 2 separate weeks. It can be taken at any time during the first 56 weeks after the child's death and must finish within the 56 week period.

Employees may qualify for **Statutory Parental Bereavement Pay (SPBP)** during the leave if;

- They have at least 26 weeks' continuous employment ending on the Saturday before the child died; and
- They earn at least the lower earnings limit for class 1 national insurance contributions.

SPBP is only payable in respect of whole weeks of leave, at the same rate as Statutory Paternity Pay as set by government each tax year.

All employees are entitled to full pay during parental bereavement leave. This includes any SPBP that may be payable for that week.

For salaried employees, full pay is based on their basic pay. For hourly-paid employees, it is based on an average over a 2 month period.

If the employee is eligible to claim Statutory Parental Bereavement Pay, they are required to confirm in writing within 28 days of starting any period of parental bereavement leave;

- their name;
- the date the child died or was stillborn;
- the dates of paid or unpaid parental bereavement leave taken; and
- their relationship to the child.

In the first 8 weeks after the child has died, there is no requirement to give advance notice to take Parental Bereavement Leave.

Employees can cancel any planned parental bereavement leave in the first 8 weeks at any time before the leave starts, and no later than the time they would normally start work on the first day of the leave period. They cannot cancel leave once it has started.

In the period between 9 and 56 weeks, after a child has died, the employee should give the employer at least 1 week's written notice. Leave can be cancelled with 1 week's notice and can be rescheduled by giving 1 week's written notice.

### Time off for Dependants - Key Points

- All employees have the right to a reasonable amount of unpaid time off to deal with an emergency involving a dependant. A dependant is defined as a spouse, civil partner, child or parent, or a person who lives with the employee but not as a lodger. A dependant could also be someone else who reasonably relies on the employee for care, e.g. an elderly neighbour.

- Employees can take leave when a dependant:

- falls ill, or is injured or assaulted including mental illness or injury; or
- goes into labour.

Employees can also take time off to:

- make longer-term care arrangements for a dependant who is ill or injured;
- arrange or attend a dependant's funeral;
- deal with unexpected problems in care arrangements e.g. if a childminder is unexpectedly unavailable;
- deal with an incident involving the employee's child during school hours e.g. suspension from school.

See [www.nibusinessinfo.co.uk](http://www.nibusinessinfo.co.uk) for further details of eligibility etc.

# APPENDIX 12A

## APPLICATION FORM FOR PARENTAL LEAVE

An application for Parental Leave should be made to [redacted] at least 21 days in advance of the start of the leave.

Please complete this form and pass to [redacted]

Full Name: \_\_\_\_\_ Title: \_\_\_\_\_

I wish to apply for a period of unpaid Parental Leave from:

(Dates) \_\_\_\_\_ to \_\_\_\_\_, a total of \_\_\_\_\_ weeks.

I confirm that this period of Parental Leave will be used to look after or make arrangements for the welfare of a child to whom, as set out under the Parental Leave Regulations and at the time the leave will be taken, one of the following applies (please tick as applicable):

- I am named as a parent on his/her birth certificate, and s/he is under the age of 18, or
- I have adopted him/her and s/he is under the age of 18, or
- I have acquired formal parental responsibility for him/her, and s/he is under the age of 18.

I attach a copy of evidence\* that I am entitled to take Parental Leave for this child.

(\*For example, a copy of his/her birth certificate, papers confirming his/her adoption or date of placement, or proof of the expected week of childbirth.)

I am aware that this period of Parental Leave will be unpaid and that appropriate adjustments will be made to my salary to reflect this.

**Yes/No**

**Please sign below to confirm the details above.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**For completion by the applicant's manager**

I have discussed the above application with this employee and approve this period of unpaid Parental Leave. (Please add any comments overleaf).

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**PLEASE RETURN THIS FORM TO [redacted]**

## APPENDIX 12B

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### LETTER FOR EMPLOYER TO NOTIFY POSTPONEMENT OF PARENTAL LEAVE

Dear [insert name]

I am writing in response to your notification that you would like to take parental leave for [insert length of leave applied for] beginning on [insert date employee wished to begin parental leave].

I am unable to grant your application to take parental leave from that date because [insert reason for postponement].

We have discussed alternative dates for you to take your parental leave. I confirm your parental leave will begin on [insert new start date] and end on [insert new end date].

Yours sincerely,

(Name) \_\_\_\_\_

(Position) \_\_\_\_\_

(Date) \_\_\_\_\_