

# Parental Leave Policy

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<b>Policy Category:</b>
<b>Family Friendly</b>

<b>Policy No:</b>
<b>35</b>

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<b>Version:</b> Two <b>Effective Date:</b> 16 December 2015
<b>This version supersedes all previous versions of this policy within the business areas specified below. Previous versions of this policy must not be used and should be destroyed.</b>
<b>This document is uncontrolled if printed.</b>
<b>Revision History:</b>

<b>Policy Application:</b>
<i>The business areas to which this policy applies.</i>

National Express UK Bus & Coach

National Express UK Corporate

<b>Policy Scope:</b>
This policy applies to all employees of the Company's indicated above.

<b>Policy Purpose:</b>
This policy sets out the rights and responsibilities of employees who apply for Parental Leave. Parental Leave applies to those individuals who either adopt a child, or whose partner is due to give birth.

<b>Legal Framework:</b>
This policy is directly aligned to employees terms and conditions of employment and in particular aligned to the requirement of UK employment legislation, specifically the following:  Employment Rights Act 1996 Maternity and Parental Leave etc Regulations 1999 (SI 1999/3312) Maternity and Parental Leave (Amendment) Regulations 2001 (SI 2001/4010) Maternity and Parental Leave (Amendment) Regulations 2002 (SI 2002/2789)

Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2015 (SI 2006/2015).

**Policy Statement / Procedure:**

**Who Qualifies for Parental Leave?**

To qualify for parental leave, employees must have:

- Completed at least one year's continuous service with the Company.
- A child under the age of 18
- Or expect to have, parental responsibility for the child.

**How Long Can I Take as Parental Leave?**

An employee is entitled to up to 18 weeks' unpaid parental leave per child.

An employee who is the parent or adoptive parent of a child is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18<sup>th</sup> birthday.

Qualifying employees will be entitled to a maximum of 18 weeks' parental leave to be taken up until the child's 18<sup>th</sup> birthday. During parental leave the employee will remain employed, although pay will be suspended, the company also reserve the right to suspend other contractual benefits. The right to accrue statutory holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force, as follows. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:

- Notice of termination;
- Redundancy compensation; and
- Disciplinary or grievance procedures.

Employees taking parental leave must continue to act in good faith, and must continue to abide by the terms and conditions of employment relating to:

- Notice of termination;
- Disclosure of confidential information;
- The acceptance of gifts or other benefits; and
- Participation in any other business.

**How Do I Apply for Parental Leave?**

The Company has adopted the default scheme for the taking of parental leave and the following conditions apply.

An employee may not exercise any entitlement to parental leave unless he/she has complied with any request made by the Company to produce evidence as to his/her entitlement (eg parental responsibility or expected responsibility for the child in question; the child's date of birth or date on which placement for adoption began; where the employee is exercising a right in relation to a disabled child, details of the child's entitlement to Disability Living Allowance).

The employee must give proper notice of the period of leave that he/she proposes to take. This notice must be given to the Company at least 21 days before the date on which, the employee would like the

leave to start and must specify the dates on which the period of leave is to begin and end.

Where the employee is the father of the child in respect of whom the leave is to be taken and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth.

Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to the Company at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.

The Company may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the Company considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the Company will allow the employee to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. The Company will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice was received by the Company.

Employees may not take parental leave in blocks of less than one week (except in relation to a child who is disabled).

Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

**Return From Leave**

At the end of parental leave, the employee will be entitled to return to the same job provided that the leave was for a period of four weeks or less (and did not follow on immediately from a period of additional maternity or adoption leave). If the period of parental leave was longer than four weeks (or followed on immediately from a period of additional maternity or adoption leave), then the employee will be entitled to return to the same job or, if that is not practicable, to a similar job that has similar status and terms and conditions as the previous job.

Should you wish to gain access to a list of registered child minders in your area, please refer to [www.ncma.org.uk](http://www.ncma.org.uk) (National Child Minding Association of England and Wales).

**Key Terms and Definitions:**

**Roles and Responsibilities:**

All those to whom this policy refers are required to familiarise themselves with the terms of this policy.

Managers are responsible for ensuring this policy is applied fairly and consistently with their own area. Any queries on the application or interpretation of this policy must be discussed with your HR Department/ representative prior to action being taken.

**Appendix:**

**Parental Leave Application Form**

<b>Name of employee</b>		<b>Job title</b>	
<b>Date of commencement of employment</b>			
<b>Amount of parental leave taken previously in respect of relevant child</b>			
<p>I would like to apply for [ ] [week(s)/day(s)] unpaid parental leave from [ ] to [ ]</p> <p><b>(Applications for parental leave in periods of a day or multiples thereof may be made only where the child in question is disabled)</b></p> <p>The leave requested relates to my:</p> <ul style="list-style-type: none"> <li>• Son / Daughter (delete as appropriate)</li> <li>• Name:</li> <li>• Due / Born / Adopted on:</li> </ul> <p>Has the child been awarded Disability Living Allowance: Yes / No (delete as appropriate)</p> <p>I attach a copy of child's [birth certificate / adoption papers] <b>(delete if not applicable)</b></p>			
<p>I recognise that the Company is entitled to make enquiries of all or any of my previous employers in relation to any previous periods of parental leave taken.</p> <p>I also recognise that the Company may postpone the period of leave requested by up to six months where the leave requested does not coincide with the expected week of my child's birth or adoption and the business would otherwise be unduly disrupted by my absence.</p>			
<b>Signed</b>		<b>Date</b>	
<p><b>Please return this form to your line manager (or HR where appropriate) at least 21 days prior to the date on which your requested period of parental leave is due to commence</b></p>			