



Do you employ staff?

Do you have difficulty understanding
your legal and contractual
responsibilities as an employer?

Do employment problems keep you
awake at night?

Hassle Free HR - Taking the hassle out of your HR and H&S Management

■ [Visit our website](#)

Employment Law Update March 2012

No Change to Length of Unpaid Parental Leave

In our January 2012, Employment Law Update, we reported that there was likely to be an increase in the length of parental leave in March 2012. However, the Department for Business, Innovation and Skills (BIS) has now confirmed that due to on-going 'modern work places policy development', it will not implement the increase in parental leave to 18 weeks by 8 March 2012.

The BIS verifies instead that it intends to implement the change for March 2013, allowing an extra year for implementation.

Parental Leave

We thought this might be a good opportunity to provide you with an overview of the right to take parental leave by answering some of the common questions in this area.

What is parental leave and who is entitled to it?

- Any employee who is the parent of a child under the age of five has the right to take up to 13 weeks' parental leave within the first five years of the child's life
- The parents of an adopted child have the right to take up 13 weeks' parental leave before the fifth anniversary of the adoption or the child's 18th birthday, whichever occurs first
- To qualify the employee must have completed at least one year's continuous service with the employer
- The parents of a disabled child may take up to 18 weeks' parental leave up until the child's 18th birthday.

What are the procedures for taking parental leave?

- Parental leave must be taken in blocks of multiples of one week up to a maximum of four weeks in any year.
- The employee must give a minimum of 21 days' notice, in writing, to their Line Manager of their intention to take parental leave
- Parents wishing to take parental leave from the date of a child's birth or adoption must specify the week in which the birth or placement is expected and the start date and the duration of the intended period of leave
- The Company may postpone an employee's right to take parental leave for up to 6 months where it may have a detrimental effect on the business. However the Company cannot postpone an employee's right to take parental leave if it is taken immediately after maternity, adoption leave or additional paternity leave.

Must an employee's ex-employer inform his or her new employer of any parental leave taken?

- Employers are not obliged to maintain records of the amount of parental leave employees have taken
- Similarly they are not duty bound to inform an ex-employee's new employer of the amount of parental leave taken, although in practice many employers would be willing to do this if asked
- A new employer may have to rely on the statement of the new employee.

Is an employee entitled to return to the same job after parental leave?

- An employee has the right to return to the same job, with the same terms and conditions that they had, prior to taking their 4 weeks parental leave in any year.
- If they take more than 4 weeks, where they may have two or more children, or where they may have taken parental leave after maternity leave, adoption leave or additional paternity leave, they have the right to return to a similar job, if not the same job.

What happens if an employer refuses to grant parental leave?

- Employees who are denied their statutory right to take parental leave may complain to an employment tribunal. If a complaint is upheld, the tribunal will make a declaration to that effect and may order the employer to pay compensation.

If you have any other questions in relation to the right to take parental leave please contact cmcdonald@hasslefreehr.co.uk for further information.



For clarification of any of the above updates or for advice and guidance on any HR and/or Health and Safety Concerns contact us by emailing cmcdonald@hasslefreehr.co.uk or by calling 02476 664092.



Hassle Free HR Limited Registration Number: 5844301