Chapter 14: Maternity, Adoption, Paternity, Additional Paternity, Parental Leave and Shared Parental Leave and Benefits

1. About this Chapter

1.1 This chapter explains:

- your rights and responsibilities while you are pregnant, and on maternity leave
- details of arrangements for antenatal care, pregnancy-related illness and maternity leave and pay
- your entitlements, including your entitlement to fair treatment, while you are pregnant or on maternity leave
- your entitlement to adoption leave
- your entitlement to paternity leave
- your entitlement to unpaid parental leave
- your entitlement to shared parental leave.

2. Maternity Leave

2.1 You will find more details about your rights, responsibilities and entitlements in the booklet ‘Maternity Leave and Pay: A Guide for Employees’, which is available on the Parenting Leave Hub.

2.2 In this section, the following definitions are used:

- “Childbirth” means either the live birth of a child, or a stillbirth, after a pregnancy lasting 24 weeks or more. If your baby is stillborn after 24 weeks you are still eligible to receive the full normal allowance of paid and unpaid leave and pay as explained below.
- “Expected Week of Childbirth” or “EWC”, is the week, starting on a Sunday, during which your doctor or midwife expect your baby to be born.
- “Qualifying Week” (QW) means the 15th week before the expected week of childbirth.

Notifying the House of Commons Service

2.3 As soon as possible after your pregnancy is confirmed, and no later than the end of the 15th week before your expected week of childbirth (EWC), you must tell your Line Manager, in writing, that you are pregnant and wish to take maternity leave, the week in which your baby is due, and the date you want your maternity leave to start.

2.4 People and Culture will respond directly to you within 28 days of receiving notification of your pregnancy from your Line Manager. They will ensure you have the Booklet ‘Maternity
Leave and Pay: a Guide for Employees’. This booklet includes HOC MAT FORM 1 where you will formally record your intention to take maternity leave. People and Culture will use the information on this form to calculate your leave and pay entitlements.

2.5 You can change your mind about when you would like to take your maternity leave providing this is notified at least 28 days in advance of the new date unless you give birth before your maternity leave was due to start (see paragraph 2.15 below).

**Time off for antenatal care**

2.6 You will receive reasonable time off (with pay) for medical and antenatal appointments (such as medical examinations and appointments with your midwife) and also, for example, for antenatal, relaxation or parent craft classes. You must be prepared to show your Line Manager:

- A certificate to say that you are pregnant. This can come from a registered practitioner, registered midwife or registered health visitor, and
- An appointment card or other details of the appointment. If this is not a medical appointment, you may need to show that the appointment is made on the advice of a medical practitioner, midwife or health visitor (this does not apply for your first appointment).

2.7 Fathers to be or the partner (spouse, civil partner or partner) of a pregnant person may take paid special leave to accompany the person to up to two ante natal care appointments which have been made on the advice of a registered medical practitioner, midwife or nurse. You should ask your partner to arrange appointments outside of your working hours where possible or at a time which will minimise disruption to normal business.

**A suitable place to rest and express milk**

2.8 When you are pregnant and still at work, and after you return to work if you are breastfeeding, you should be given a suitable place to rest. If you need a place to rest or to express milk ask your Line Manager or HR where the most convenient location for you is. Staff who need to may use the Babycare Room which is situated on the Upper Committee Corridor in the Palace.

**The right not to be subjected to detrimental treatment**

2.9 You have the right not to be victimised, penalised or subjected to any other detriment for taking advantage of your rights in pregnancy childbirth or maternity. You will not be penalised, for example, for a pregnancy-related absence.

2.10 People and Culture will record pregnancy-related absence separately if it is identified as such on the sick certificate or Fit Note. Pregnancy-related absence will not be taken into account when considering absence levels with a view to attendance management action. It is the policy of management, however, to review absences at the 10-day level, and pregnancy-related absence will be included in this, but will be discounted.
2.11 Antenatal appointments will be recorded in the same way as other health appointments. None of these appointments will be counted for the purpose of the 10-day review or when attendance management is being considered.

**Entitlement to annual leave while on maternity leave**

2.12 You continue to accrue annual leave during maternity leave but cannot take it during your maternity leave. You should take any accrued annual leave either just prior to or immediately following your maternity leave. Any request for annual leave should be made in the usual way.

2.13 If the leave year ends during your maternity leave you will be able to carry over any outstanding leave into the new leave year. However, any leave carried over must be taken immediately at the end of your maternity leave before your return to work.

**Maternity leave entitlement**

2.14 All pregnant employees, regardless of their length of service, are entitled to Ordinary Maternity Leave (OML) of 26 weeks and Additional Maternity Leave (AML) for a further 26 weeks. Ordinary maternity leave can begin at any time after the start of the 11th week before your expected week of childbirth and will start on whichever date is earlier of:

- your chosen start date
- the day after you give birth
- the day after any day on which you are absent for a pregnancy-related illness in the four weeks before your expected week of childbirth.

2.15 If you give birth before your maternity leave was due to start you must let your Line Manager know as soon as reasonably practicable as your maternity leave and any maternity pay will need to be recalculated.

2.16 The law obliges all employees to take a minimum of two weeks Compulsory Maternity Leave (CML) immediately after the birth of their child.

**Maternity pay entitlement (see tables below)**

2.17 The pay you receive during your maternity leave will depend upon your length of service by your Qualifying Week (see paragraph 2.2 above). If you have completed:

- Less than 26 weeks’ service by your Qualifying Week, you will not receive any salary, nor will you be eligible to receive any Statutory Maternity Pay (SMP). You may, however, be able to claim Maternity Allowance from Jobcentre Plus. Your HR Adviser will give you a Form SMP1 which you should take to Jobcentre Plus to make your claim.
- More than 26 weeks, but less than one year of service by the Qualifying Week, you will not receive any salary but you will be eligible to receive SMP for the whole of your ordinary maternity leave and for the first 13 weeks of additional maternity leave (39 weeks in all). This will be paid by the Payroll team in the same way as your normal salary.
At least one year of continuous service by the 11th week before your Expected Week of Childbirth (EWC) you will normally be entitled to full House of Commons maternity pay. This is your full salary (an element of which will be SMP) based on your contractual hours and will be paid for the whole of your ordinary maternity leave (26 weeks). After this, SMP will continue for the first 13 weeks of your Additional Maternity Leave.

2.18 If your average earnings in the qualifying week are below the Lower Earnings Limit for national insurance contributions (NIC) you will not qualify for SMP but you may be able to claim Maternity Allowance from Jobcentre Plus. The final 13 weeks of additional maternity leave is unpaid.

2.19 Where your entitlement to SMP is more financially beneficial than your entitlement to House of Commons maternity pay, your entitlement to SMP will be paid.

2.20 The following tables show the different maternity leave and pay entitlements:

Staff with less than 26 weeks’ continuous service ending with the Qualifying Week may be entitled to:

<table>
<thead>
<tr>
<th>Weeks</th>
<th>1 - 26</th>
<th>27 - 39</th>
<th>40 - 52</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pay</td>
<td>Maternity Allowance</td>
<td>Maternity Allowance</td>
<td>No Pay</td>
</tr>
<tr>
<td>Leave</td>
<td>Ordinary Maternity Leave *</td>
<td>Additional Maternity Leave</td>
<td>Additional Maternity Leave</td>
</tr>
</tbody>
</table>

Staff with 26 weeks’ continuous service (but less than one year) ending with the Qualifying Week will normally be entitled to:

<table>
<thead>
<tr>
<th>Weeks</th>
<th>1 - 6</th>
<th>7 – 26</th>
<th>27 - 39</th>
<th>40 - 52</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pay</td>
<td>SMP Higher Rate</td>
<td>SMP Lower Rate</td>
<td>SMP Lower Rate</td>
<td>No Pay</td>
</tr>
<tr>
<td>Leave</td>
<td>Ordinary Maternity Leave *</td>
<td>Ordinary Maternity Leave *</td>
<td>Additional Maternity Leave</td>
<td>Additional Maternity Leave</td>
</tr>
</tbody>
</table>
Staff with one year’s continuous service or more by the beginning of the 11th week before the EWC will normally be entitled to:

<table>
<thead>
<tr>
<th>Weeks</th>
<th>1 - 26</th>
<th>27 - 39</th>
<th>40 – 52</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pay</td>
<td>House of Commons Maternity Pay (Full Pay)</td>
<td>SMP Lower Rate</td>
<td>No Pay</td>
</tr>
<tr>
<td>Leave</td>
<td>Ordinary Maternity Leave *</td>
<td>Additional Maternity Leave</td>
<td>Additional Maternity Leave</td>
</tr>
</tbody>
</table>

*During OML, the two weeks following the birth of your baby are Compulsory Maternity Leave when you may not return to work.

**Maternity leave and your pension**

2.21 OML counts towards reckonable service for your pension. Any period of AML during which Statutory Maternity Pay or Maternity Allowance is paid counts towards reckonable service for your pension. Unpaid AML (the final 13 weeks) does not count towards reckonable service for your pension but you will still be a member of your chosen House of Commons pension scheme.

2.21 When you are on OML and paid AML, including SMP, you will pay pension contributions based on your actual pay, even if this is less than the salary you would be receiving if you were still at work. The House of Commons, however, will continue to pay employer contributions based on the salary you would be receiving if you were still at work.

**Maternity leave and your terms and conditions of service**

2.23 While you are on Ordinary Maternity Leave (OML) your terms and conditions of service remain unchanged, except that you will not be working. Your pay will depend mainly on your length of service. You will continue to accrue annual leave at your contractual rate; childcare vouchers and professional subscriptions can still be paid and your service will still count towards your pension.

2.24 During Additional Maternity Leave (AML) the position will change slightly. Some parts of your employment contract will still apply. This includes arrangements for notice and compensation in case of redundancy, and discipline and grievance arrangements (this list is not exhaustive). In addition:

- you must still observe the rules on confidentiality
- you must still observe the rules on the acceptance of gifts
- you must not participate in another business or work for another employer.

2.25 People and Culture will be able to confirm your annual leave entitlement for the period of your maternity leave.
Keeping in Touch (KIT) days

2.26 Except during the first two weeks after childbirth you are encouraged to work for the House of Commons (or attend training) for up to 10 days during either OML or AML without that work bringing the maternity leave to an end and without the loss of SMP (if you are receiving it). There is no obligation for you to work or for the House of Commons to offer work. You will be paid your usual rate for any KIT days worked or training attended.

2.27 You may retain your parliamentary device whilst on maternity leave for keeping in touch with your line manager. If you do not return to work after your period of maternity leave, you must return your device. Anyone deliberately failing to return a device is in possession of unauthorised official equipment and may be subject to formal proceedings.

2.28 More details on KIT days are in the booklet ‘Maternity Leave and Pay: A Guide for Employees’, which is available on the Parenting Leave Hub.

Right of return to your job

2.29 After Ordinary Maternity Leave you are entitled to return to the same job on terms and conditions that are no less favourable than those which would have applied if you had not been absent.

2.30 If you take Additional Maternity Leave you are entitled to return to work in the same job on terms and conditions that are no less favourable than would have applied if you had not been absent. If this is not reasonably practicable, you are entitled to return to another job which is both suitable for you and appropriate for you to do in the circumstances.

Date of return to work

2.31 Once People and Culture has been notified of your intention to take maternity leave they will write to you within 28 days stating the date on which they expect you to return to work if you take your full 52-week entitlement to maternity leave. It will be assumed that you are returning to work on the date that is specified in the letter. If you want to return to work earlier than the expected return date then you must give eight weeks’ notice in writing. You cannot return earlier than two weeks following the birth of your child.

2.32 If, on your return to work, you would like to change your working pattern (for example, to part-time hours) you should discuss this with People and Culture as early as possible, preferably two or three months before your return. For more information on working patterns or flexible working see chapter 11.

No return to work following maternity leave

2.33 If you decide not to return to work following maternity leave you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment.

2.34 If you have received full House of Commons maternity pay and you do not return for at least four weeks following maternity leave (OML or AML), you will have to repay the full
salary, which you received for 26 weeks, less any Statutory Maternity Pay. This four week period, however, can be covered by accrued annual leave.

3. Adoption Leave

Definition

3.1 In this section the term “couple” includes same sex couples.

3.2 Adoption leave and pay will be available to individuals who adopt, or one member of a couple (including same sex couples) where a couple adopt jointly (the couple may choose which partner will take adoption leave).

3.3 The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to Ordinary Paternity Leave and pay.

More information can be found in the ‘Paternity Booklet: A Guide for Employees’, which is available on the Parenting Leave Hub.

Qualification

3.4 To qualify for adoption leave, you must:

- be newly matched with a child for adoption by an approved adoption agency
- have notified the agency that you agree to the placement and the date of the placement

3.5 Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner’s children.

3.6 Adoption leave and pay is available to parents for whom a court has made a parental order in accordance with S.54 of the Human Fertilisation and Embryology Act 2008 (i.e. surrogate parents) and intended parents in a surrogacy situation where the child’s expected week of birth begins on or after 5 April 2015.

3.7 In a Local Authority “foster to adopt” situation parents who are prospective adopters and who have been notified of a child’s placement are entitled to adoption leave and pay. This right applies in respect of children matched with an adopter who is notified of the match on or after 5 April 2015.

Time off for adoption appointments

3.8 The primary adopter will be able to take paid special leave to attend up to five 'adoption appointments' (an appointment arranged by the adoption agency in relation to the proposed adoption) and the secondary adopter will be able to take paid special leave for up to two such appointments.

Length of adoption leave and pay (see table two below)
3.9 Adopters will be entitled to up to 26 weeks Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks Additional Adoption Leave (AAL). Any payment for this leave, however, depends on continuous service and average earnings.

3.10 Adopters who have completed at least one year of continuous service leading into the week in which they are matched with a child for adoption will receive:

- 26 weeks’ full contractual pay based on your contractual hours
- 13 weeks’ statutory adoption pay (SAP)
- 13 weeks’ unpaid leave.

3.11 Adopters who have completed 26 weeks but less than one year of continuous service leading into the week in which they are matched with a child will receive:

- 39 weeks’ statutory adoption pay (SAP)
- 13 weeks’ unpaid leave.

3.12 Adopters who do not have 26 weeks service or who have average weekly earnings below the lower earnings limit (LEL) for National Insurance Contributions (NIC) do not qualify for SAP. Employees in low-income families may be able to seek financial support from their local authorities. Additional financial support may be available through housing benefit, council tax benefit or tax credits. Further information is available from your local Jobcentre Plus office or Social Security office.

3.13 Where your entitlement to SAP is more financially beneficial than your entitlement to House of Commons adoption pay, your entitlement to SAP will be paid.

3.14 The following tables show your entitlement to adoption leave and/or pay according to your continuous service (assuming your earnings are above the lower earnings limit (LEL) for National Insurance Contributions (NIC)).

Staff with less than 26 weeks' continuous service leading into the week in which they are matched for adoption will be entitled to:

<table>
<thead>
<tr>
<th>Pay</th>
<th>NIL (may qualify for other state benefits)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leave</td>
<td>26 weeks Ordinary Adoption Leave followed by 26 weeks Additional Adoption Leave</td>
</tr>
</tbody>
</table>
Staff with 26 weeks' continuous service (but less than one year) leading into the week in which they are matched for adoption will normally be entitled to:

<table>
<thead>
<tr>
<th>Weeks</th>
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<td>Additional Adoption Leave</td>
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</tr>
</tbody>
</table>

Staff with one year’s continuous service or more leading into the week in which they are matched for adoption will normally be entitled to:

<table>
<thead>
<tr>
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<td>House of Commons Adoption Pay (Full Pay)</td>
<td>SAP Lower Rate</td>
<td>No Pay</td>
</tr>
<tr>
<td>Leave</td>
<td>Ordinary Adoption Leave</td>
<td>Additional Adoption Leave</td>
<td>Additional Adoption Leave</td>
</tr>
</tbody>
</table>

3.15 You can choose to start your leave:

- from the date of the child’s placement (whether this is earlier or later than expected), or
- from a fixed date, which can be up to 14 days before the expected date of placement
- Leave can start on any day of the week.

3.16 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

3.17 If the child’s placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement. This is adoption leave they would otherwise have been entitled to.

**Notification**

3.18 You will be required to inform your Line Manager of your intention to take adoption leave within seven calendar days of being notified by the adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You will need to tell them:

- when the child is expected to be placed with you, and
- when you want your adoption leave to start.
3.19 Your Line Manager will notify People and Culture of your adoption leave plans.

3.20 You are able to change your mind about the date on which you want your leave to start providing you tell your Line Manager at least eight weeks in advance (unless this is not reasonably practicable). People and Culture will have 28 calendar days from receipt of your notification in which to respond.

Matching certificate

3.21 You will have to provide documentary evidence – a ‘matching certificate’ – from the adoption agency as evidence of your entitlement to SAP and adoption leave. You should ask the adoption agency for a matching certificate which will include basic information on matching and the expected placement dates.

Terms and conditions

3.22 While you are on Ordinary Adoption Leave your terms and conditions of service remain unchanged, except for the terms relating to your salary. You will continue to accrue annual leave; childcare vouchers and professional subscriptions can still be paid; your service will still count towards your pension.

3.23 After the first 26 weeks, if you are still on adoption leave, then the position will change slightly. Some parts of your employment contract will still apply. This includes arrangements for notice and compensation in case of redundancy, and discipline and grievance arrangements (this list is not exhaustive).

3.24 In addition you must:

- continue to observe the rules on confidentiality
- continue to observe the rules on the acceptance of gifts
- not participate in another business or work for another employer.

3.25 You should also note that:

- Ordinary Adoption Leave (OAL) and any period of paid Additional Adoption Leave (AAL) counts towards your reckonable service for pension
- during any period of unpaid adoption leave you will remain a member of the pension scheme but this service will not be reckonable for pension purposes
- you will continue to accrue annual leave at your contractual rate (pro rata for part-time staff)
- you will be protected from suffering detriment or unfair dismissal for reasons related to taking, or seeking to take, adoption leave. If you believe you have been treated unfairly you have the right to complain to an employment tribunal.

Keeping in Touch (KIT) days

3.26 You may agree to work for up to 10 days during adoption leave without bringing the adoption leave to an end and without losing a week’s Statutory Adoption Pay (SAP). KIT days are a matter of agreement between you and the House of Commons. There is no obligation...
on the House of Commons to offer or agree to KIT days nor is there any obligation on your part to accept KIT days if they are offered. You will be paid your usual rate for any KIT days worked or training attended.

3.27 You may retain your parliamentary device whilst on adoption leave for keeping in touch with your line manager. If you do not return to work after your period of adoption leave, you must return your device. Anyone deliberately failing to return a device is in possession of unauthorised official equipment and may be subject to formal proceedings.

**Right of return to your job**

3.28 Once People and Culture have received notification of your requirement to take adoption leave they will write to you within 28 days stating the date on which they expect you to return to work.

3.29 It will be assumed that you will return to work after 52 weeks of adoption leave and you will not have to give any further notice of return to work if you are taking the full entitlement of leave. If, however, you wish to return to work earlier you must give notice of at least eight weeks of the intended date of return.

3.30 After Ordinary Adoption Leave (OAL) (26 weeks) you are entitled to return to the same job on terms and conditions that are no less favourable than those which would have applied if you had not been absent.

3.31 If you take Additional Adoption Leave (AAL) you are entitled to return to work in the same job on terms and conditions that are no less favourable than would have applied if you had not been absent. If this is not reasonably practicable, you are entitled to return to another job which is both suitable and appropriate for you to do in the circumstances.

3.32 If you would like to change your working pattern (for example, to part-time hours) upon your return you should write to your Line Manager as early as possible, preferably two or three months before your return. For more information on working patterns or flexible working see chapter 11.

3.33 If you decide not to return to work following adoption leave you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment.

3.34 If you have received full House of Commons adoption pay and you do not return for at least four weeks following adoption leave (OAL or AAL), you will have to repay the full salary, which you received for 26 weeks less any Statutory Adoption Pay. This four week period, however, can be covered by accrued annual leave.

**4. Ordinary Paternity Leave**

**Definition**
4.1 In this section:

- The term “partner” is defined as the partner of the person giving birth or adopter. This can be a spouse, civil partner, or a partner who is living in an enduring relationship with the person giving birth or adopter and the child
- The term “couple” includes same sex couples.

4.2 To qualify for Ordinary Paternity Leave (OPL) you must be the biological father of a child, or the partner of the person giving birth. In case of adoption you must be the partner of an individual who has adopted a child (or who is one of a couple, including same sex couples, who have jointly adopted a child).

4.3 Only one period of Ordinary Paternity Leave (OPL) is available per pregnancy, even if more than one child is born as the result of the same pregnancy or if more than one child is placed with an individual or couple for adoption under the same arrangement.

4.4 Ordinary Paternity Leave (OPL) must be completed within 56 days of the actual date of birth of the child or, if the child is born earlier than expected, between the birth and 56 days from the first day of the expected week of birth. In the case of adoption, paternity leave must be completed within 56 days of the child’s placement.

4.5 All fathers or partners are entitled to one week’s paid Ordinary Paternity Leave on full pay (OPL) based on contractual hours, and a parent who is adopting a child may apply for one week’s adoption leave.

4.6 Fathers or partners who have worked continuously for 26 weeks leading into the 15th week before the baby is due are entitled to take two consecutive weeks Ordinary Paternity Leave on full pay based on contractual hours. In cases of adoption this will be by the end of the week in which the child’s adopter is notified of being matched with a child. Paternity and adoption leave on full pay count towards your reckonable service for pension.

4.7 Where your entitlement to statutory paternity pay is more financially beneficial than your entitlement to House of Commons full pay, your entitlement to statutory paternity pay will be paid.

4.8 Ordinary Paternity Leave cannot be taken as odd days or as two separate weeks. Leave can start on any day of the week but must be completed within 56 days of the baby’s being born or a child’s placement (in adoption cases). The above rights are in addition to caring leave.

Notification

4.9 You will be required to inform your Line Manager of your intention to take paternity leave by the 15th week before the baby is expected. If you are taking paternity leave with regards to adoption you must inform your Line Manager of your intention to take paternity leave within seven days of your being notified by your adoption agency that you have been matched with a child.
4.10 You may change your mind about the date on which you intend to start your paternity leave, so long as you inform your Line Manager of the revised start date at least 28 calendar days before the date in question (or as soon as is reasonably practicable).

Terms and conditions

4.11 You are entitled to benefit from all the normal terms and conditions of employment that would normally apply when not on paternity leave. You have the right not to be victimised, dismissed, selected for redundancy or subjected to any other detriment for exercising your right to paternity leave, or for questioning or challenging your employer’s alleged infringement of that right.

4.12 Further information can be found in the ‘Paternity Booklet: A Guide for Employees’, which is available on the Parenting Leave Hub.

5. Parental Leave

5.1 If you have been in continuous employment either with the House of Commons Service or a previous employer for one year or more you may take parental leave to care for a child. This applies equally to same sex couples. Parental leave will be unpaid, and does not count towards your reckonable service for pension.

5.2 The child concerned must be:

- someone for whom you have legal parental responsibility
- below the age of eighteen

5.3 You may take up to 18 working weeks’ parental leave for each child who meets the above conditions (less the amount of any parental leave which you have already taken to look after that child while working for a previous employer). Line Managers, in consultation with others, for example, countersigning managers, are responsible for authorising and monitoring parental leave and notifying HR.

5.4 As a general rule parental leave should normally be taken in blocks of one working week or more, unless the child concerned has a disability (see paragraph 5.7 below), and you should not take more than four weeks of parental leave in one year. However, Line Managers have discretion, if circumstances permit, to allow parental leave to be taken in shorter units or by means of part-time working.

5.5 Line Managers may also allow more than four weeks’ parental leave in one year in respect of children with disabilities.

5.6 Provided you give proper notice (see paragraph 5.8) you may take parental leave straight after a period of paternity leave, caring leave, statutory maternity leave or House of Commons maternity leave, shared parental leave or you may add it to a career break.
Children with disabilities

5.7 If your child is entitled to disability living allowance you can take your parental leave in blocks shorter than one week.

Applying for parental leave

5.8 If you wish to take parental leave you should:

• apply to your Line Manager giving at least 21 days’ notice
• if you want to take the leave after paternity leave or straight after your child’s birth, you must apply at least 21 days before the week when you expect the baby to be born
• if a child is about to be placed with you for adoption, you should give 21 days’ notice of the expected week of the placement unless this is not reasonably practicable
• on request, give your Line Manager evidence that you have/expect to have parental responsibility for the child and also of their age and if relevant, their entitlement to disability living allowance.

5.9 Managers will honour requests for parental leave unless the work of your section or unit would be unduly disrupted. If this is the case your Line Manager may postpone the beginning of your leave for up to six months. They will write to you within seven calendar days to explain why your parental leave will have to be postponed, and to put forward new dates for that leave. (Leave on the birth of your child, or on adoption or placement for adoption, will not be postponed.)

Parental leave for part-time staff

5.10 If you work part-time you will still benefit from parental leave on a pro rata basis. For example, if you work two days per week you will be entitled to 36 days’ parental leave.

Terms and conditions of service during parental leave

5.11 You will not be penalised in any way if you take parental leave. During your parental leave you will still be employed by the House and you will retain your seniority and pension rights. Some parts of your employment contract will still apply. This includes provisions relating to notice and compensation in case of redundancy, and discipline and grievance arrangements (this list is not exhaustive).

5.12 In addition you:

• must still observe the rules on confidentiality
• must still observe the rules on the acceptance of gifts
• must not participate in another business or work for another employer.

Returning from parental leave

5.13 When you return from parental leave you will return to the same job. However you will return to a job with the same or better pay, terms and conditions, if:
• you are taking parental leave of four weeks or less and
• you have taken parental leave following a period of shared parental leave, paternity leave, caring leave, statutory maternity leave or House of Commons maternity leave and
• it is not reasonably practical for you to return to the same job and
• it would not have been reasonably practicable for you to return to the same job if you had come back to work straight after your House of Commons maternity leave

5.14 If your parental leave has been taken immediately before or immediately after a career break, you will be treated as if you are returning to work after a career break.

6. Shared Parental Leave

6.1 Shared Parental Leave (SPL) enables eligible parents, partners (including same sex partners) and adopters to choose how to share time off work after their child is born or placed for adoption. This allows the person giving birth or adopter to share some of the leave with their partner, perhaps returning to work for part of the time and then resuming leave at a later date.

6.2 It is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents can share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

6.3 The pay you receive during your SPL will depend upon your length of service but subject to a qualifying period you will receive full contractual pay for up to 24 weeks plus Statutory Shared Parental Pay for up to 13 weeks.

6.4 The Shared Parental Leave policy is available on the Parenting Leave Hub.

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