

Unpaid Parental Leave Policy

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1.0 Purpose and Legal Basis

This policy is established as part of a comprehensive governance enhancement program undertaken by the Board of Trustees. It represents a foundational step in building a robust, compliant, and professional operational framework for the charity, directly addressing the need for formalised and up-to-date policies identified in a recent governance review. By proactively establishing this framework, the charity is prepared for future operational growth and can attract and retain talent by offering working conditions that are legally compliant and supportive, in line with its constitutional powers.

The core purpose of this policy is to define the entitlement to, and the procedure for requesting and taking, unpaid parental leave. It establishes a consistent, fair, and legally compliant approach that will apply to all future employees of the charity, ensuring clarity for both staff and management.

This policy is grounded in the following legal and constitutional framework, which establishes the charity's obligations and authority:

- **The Employment Rights Act 1996:** This Act provides the primary statutory foundation for the right of employees to take unpaid parental leave in the United Kingdom.

- **The Equality Act 2010:** This policy will be implemented in strict accordance with the principles of this Act to ensure that no employee is subject to discrimination or unfair treatment.
 - **Charity Constitution (Clause 4(4)):** The charity's governing document grants the power to "employ and remunerate such staff as are necessary," which provides the constitutional basis for establishing all employment-related policies, including this one.
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2.0 Scope

The scope of this policy is designed to provide absolute clarity on its application. While the charity does not currently employ staff, this policy is an essential component of its future planning. It defines how different groups associated with the charity will be treated with respect to unpaid parental leave once employment commences.

The policy's applicability is defined as follows:

- **Future Employees:** This policy applies to all individuals who become employees of the charity under a contract of employment and who meet the statutory eligibility criteria for parental leave as detailed in Section 5.1.
- **Trustees:** This policy does not apply to the Trustees of the charity. The role of a Trustee is a voluntary governance function, and Trustees are not employees of the charity.
- **Volunteers and Contractors:** This policy does not apply to volunteers, who donate their time, or to independent contractors, who provide services to the charity under a contract for services rather than an employment contract.

This scope ensures that the charity's commitments are directed appropriately towards its future employees.

3.0 Policy Statement

This policy statement serves as the Board of Trustees' formal declaration of its commitment to supporting the work-life balance of its future workforce. It translates the legal requirements of employment law into the specific ethos of the charity, aligning its internal operational standards with its external mission to support its beneficiary community.

The charity is committed to supporting its future employees in balancing their work and family responsibilities. The charity will grant unpaid parental leave in accordance with statutory rights, ensuring that all requests are handled with fairness, transparency, and

consistency. The process will be implemented without discrimination and with due regard for both the employee's needs and the operational requirements of the charity.

To ensure this commitment is understood and applied correctly, the key terms used throughout this policy must be clearly defined.

4.0 Definitions

Clear and consistent definitions are essential for the effective implementation of any policy. They ensure that all parties have a shared understanding of the key concepts and prevent ambiguity when applying the procedures outlined below.

Term	Definition
Parental Leave	Unpaid time off work to look after a child's welfare, as defined by the Employment Rights Act 1996.
Eligible Employee	An individual employed by the charity for a continuous period of at least one year who has or expects to have parental responsibility for a child.
Child	A person under the age of 18.
Parental Responsibility	All the rights, duties, powers, responsibilities, and authority which by law a parent of a child has in relation to the child and their property.
Board of Trustees	The individuals who manage the affairs of the charity, as defined in Clause 9 of the charity's Constitution.

These definitions provide the foundation for the step-by-step procedures that follow.

5.0 Procedures

This section provides the detailed, step-by-step operational guidance for implementing the Unpaid Parental Leave Policy. These procedures are designed to be practical and clear, ensuring that both future employees and the charity's management understand their respective obligations. While the procedures refer to "line managers," it should be noted that in the initial stages of employing staff, this role may be fulfilled directly by a designated Trustee or a committee of the Board, and the procedures should be interpreted accordingly.

5.1 Eligibility for Leave

To be eligible for unpaid parental leave, an employee must meet the following criteria:

- Have completed at least one year of continuous service with the charity.
- Have parental responsibility for a child who is under the age of 18.

5.2 Entitlement to Leave

In accordance with UK statutory requirements, an eligible employee's entitlement is as follows:

- A total of **18 weeks** of unpaid parental leave for each child. This leave must be taken before the child's 18th birthday.
- Leave must be taken in blocks of one week.
- A maximum of **four weeks** of parental leave may be taken for any one child in a single year.

5.3 Notice Requirements

An employee wishing to take parental leave must follow this procedure:

1. Provide a written request to their line manager (or a designated Trustee) at least **21 days** before the intended start date of the leave.
2. The written request must include the following information:
 - The child's full name and date of birth.
 - The proposed start and end dates of the period of parental leave.
3. The charity reserves the right to request evidence of entitlement, such as a copy of the child's birth or adoption certificate, when an employee requests parental leave for a child for the first time.

5.4 Postponing Leave

The charity may postpone an employee's request for parental leave under specific circumstances.

- Postponement is only permitted if the employee's absence would cause serious disruption to the charity's operations.
- Leave **cannot be postponed** if the employee has requested it to be taken immediately after the birth of their child or immediately after a child is placed with them for adoption.
- If a request is to be postponed, the charity must notify the employee in writing within seven days of receiving the request. This notification will state the reason for the postponement and propose a new start date for the leave, which must be within six months of the date originally requested.

5.5 Returning to Work

An employee taking parental leave is entitled to return to work with their employment rights protected.

- If the period of leave was for four weeks or less, the employee is entitled to return to the same job they had before the leave.
- If the leave was for more than four weeks, the employee is entitled to return to the same job unless it is not reasonably practicable for them to do so. In such a case, they are entitled to a similar job with the same or better status, terms, and conditions as their old job.

6.0 Roles and Responsibilities

A clear allocation of roles and responsibilities is critical for the effective and fair implementation of this policy. This section delineates accountability at all levels, ensuring that everyone involved in the parental leave process understands their specific part.

- **Future Employees:** Are responsible for understanding their entitlements and submitting leave requests in a timely manner, providing all necessary information as outlined in the procedures of this policy.
 - **Future Line Managers / Designated Trustee:** Are responsible for receiving and formally acknowledging leave requests, discussing any potential operational impacts with the Board if postponement is considered, maintaining accurate records of leave taken, and managing the employee's successful return to work. Until a formal management structure is in place, these duties will be carried out by a Trustee designated by the Board.
 - **The Board of Trustees:** Holds ultimate responsibility for this policy. This includes ensuring it remains compliant with UK employment law, formally reviewing it on an annual basis, and making final decisions on any complex cases or proposed postponements that could significantly impact the charity's operations.
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7.0 Implementation

This implementation plan ensures that the Unpaid Parental Leave Policy is properly integrated into the charity's governance framework and is ready for activation when the first employees are hired.

- **Formal Adoption:** This policy will be formally adopted and recorded by a resolution of the Board of Trustees.
 - **Future Staff Onboarding:** Upon its creation, this policy will form a core part of the charity's Staff Handbook and will be provided to all new employees as part of their induction process.
 - **Training:** Once the first staff member is hired, any individual with line management responsibilities will be briefed on this policy to ensure they fully understand their obligations regarding its fair and lawful application.
 - **Resources:** No immediate financial resources are required for the implementation of this policy, as the leave provided is unpaid.
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8.0 Monitoring, Review, and Evaluation

The regular monitoring and review of this policy is a core governance function. This process ensures that the policy remains legally compliant, effective, and fit for purpose as the charity evolves and as employment legislation changes.

- **Review Schedule:** The Board of Trustees will formally review this policy annually. A review will also be triggered by any significant changes to UK employment legislation concerning parental leave. This policy's review cycle will be tracked in the charity's central Policy Register to ensure timely updates and demonstrate a systematic approach to governance.
 - **Key Performance Indicators (KPIs):** As the charity currently has no staff, the primary KPI is the completion of the scheduled annual review to ensure a state of continued readiness and compliance. Once staff are employed, KPIs will be expanded to include tracking the number of parental leave requests and confirming that all procedural timelines (e.g., for notice and postponement) were met.
 - **Reporting:** The outcome of each annual review, including any proposed amendments, will be formally minuted at a meeting of the Board of Trustees.
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9.0 Related Policies and Documents

This policy is a component of a comprehensive governance framework being established by the Board to address previously identified gaps. It operates in conjunction with other

key documents, many of which are under development as part of this enhancement initiative:

- Staff Handbook (upon creation)
- Grievance Policy
- Disciplinary Policy
- Equality and Diversity Policy
- Data Protection Policy