



The Scottish Parliament
Pàrlamaid na h-Alba

Family Care Leave Policy

Poileasaidh Fòrladh Cùram Teaghlaich

10 September 2018



Introduction

The SPCB recognises that many members of staff have caring responsibilities and through this policy aims to assist staff in balancing the priorities of their employment with their family commitments. This policy incorporates the statutory right to Parental Leave. The statutory right to parental leave applies those with a child aged up to 5 years, a disabled child aged up to 18 years or an adopted child up to the 5th anniversary of the child's placement for adoption.

In acknowledging the broader categories of caring responsibility prevalent in modern society, the SPCB has, as good employment practice, extended the provisions of this policy to cover the care of children of any age and adult relatives. To reflect the wider scope of the policy, the term Family Care Leave is considered more appropriate for the SPCB's purposes than parental leave. Family Care Leave is not a contractual right and is unpaid.

This policy is supplemented by [Guidance for Managers and Staff](#).

If you wish to take Family Care Leave, please discuss this with your line manager at the earliest opportunity. Professional advice and guidance on the application of this policy to your particular circumstances may be obtained from the Human Resources Office on Extension 86500.

Eligibility

In order to qualify for Family Care Leave, you must have at least one year's continuous service with the SPCB and satisfy the following conditions.

If you have responsibility for the care of a child aged under seventeen years or a disabled child aged under eighteen years, you must:

- be the natural or adoptive mother or father of the child; and
- be named on the child's birth or adoption certificate; or otherwise
- have or expect to have legal parental responsibility for the child.

If you have responsibility for the care of an adult, you must:

- be married to, or be the partner or civil partner of the adult; or
- be a near-relative* of the adult; or
- live at the same address as the adult.

*Near-relatives include parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts or grandparents and step-relatives.

Family Care Leave must be taken in order to provide care for the individual concerned. It may not be taken for any other purpose.

Family Care Leave

You are entitled to a total of 18 weeks unpaid Family Care Leave for each individual for whom you have a caring responsibility.

Family Care Leave will generally be limited to four weeks in any leave year, and must be taken in blocks of one week or more except in cases involving a disabled child, where leave may be taken in single days.

In the case of multiple births your 18 weeks entitlement is available for each child (i.e. in the case of twins the entitlement is for 36 weeks).

For part-time members of staff, Family Care Leave is granted on a pro rata basis to normal hours worked.

Notification

If you wish to take Family Care Leave, you must normally give your line manager a minimum of 21 days' notice. Individual circumstances will be taken into account if these timescales cannot be met. This notice should normally be in writing, and should specify the dates on which you wish the leave to begin and end. The timing of the leave is at the discretion of your line manager and is subject to operational needs.

The SPCB aims to give leave when it is needed and wherever possible wants to avoid refusing or postponing leave, so you are encouraged to give as much notice as possible. Where it is operationally necessary, your leave request can be postponed by your line manager for up to six months from the date of the request.

Where you give notice of your intention to take leave from the time of the birth of a child or a child's placement for adoption, or immediately afterwards, your request for leave will be honoured. In such circumstances, however, it may be necessary to limit the initial leave to one week's duration.

Your Family Care Leave arrangements will be confirmed in writing, normally within 7 working days of receipt of your notification.



Impact on Terms and Conditions of Employment

During your period of Family Care Leave, you will continue to benefit from your normal terms and conditions of employment, excepting that you will not be paid your salary nor will employer pension contributions be payable. Family Care Leave counts towards a period of continuous employment for the purpose of statutory employment rights. You will continue to accrue your contractual annual leave entitlement while on Family Care Leave.

Pension contributions and pensionable service will be suspended during your period of Family Care Leave. On your return to work, your pension contributions and your pensionable service will recommence. If you wish to make additional contributions to make up for the period in which you were not paying any pension contributions, you should contact the Department for Work and Pensions for advice on making the necessary arrangements.

At the end of the period of Family Care Leave you have the right to return to the same job you had before.

Should you choose not to return to work after Family Care Leave, you must give notice in writing in accordance with your written statement of terms and conditions of employment.

Family Care Leave Policy (English only)

For further information contact:

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