

Work and Families Policy

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Part 1 – Maternity, Paternity and Adoption

Policy Summary

This policy applies to all school based staff.

This document is intended to provide a summary of employees' entitlements to maternity, paternity, adoption and parental leave. It is not a comprehensive summary of employees' legal rights and in any case of dispute on interpretation, the wording used in legislation, Conditions of Service Handbooks and in Local Agreements will take precedence. If you require further information or have specific queries, please contact HR.

This policy has been developed in recognition of the statutory requirements covering maternity, paternity and adoption provisions, as well as wider issues affecting working families i.e. parental leave provisions. It also recognises the importance of supporting employees with family friendly approaches to working, to enable them to achieve a greater work-life balance. Further information regarding family friendly policies can also be found in the Leave of Absence Policy.

The rights as described in this document apply to all employees, including those on temporary contracts. They also apply to full time and part time employees, irrelevant of the number of hours they work, but are subject to length of service.

The following definitions are used in this policy:

- 'Expected week of childbirth' (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.
- 'Qualifying week' means the 15th week before the expected week of childbirth for the purpose of SMP, and the 11th week before the expected week of childbirth for the purpose of OMP.

Guide to Maternity Provisions

Right to time off for Ante-Natal Care

All pregnant employees are entitled to paid time off in order to keep appointments for antenatal care, made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care includes:

- Appointments with the GP or registered Midwife
- Hospital appointments for scans or tests
- Other appointments made on the recommendation of the GP or registered Midwife
- Relaxation and Parent Craft classes

Employees are asked to inform the Head Teacher, as far in advance as possible, of the date and time of an appointment and the best estimate of the length of absence from work, including travelling time if significant. It would also be helpful in many cases if they could try

to arrange appointments at the beginning or the end of the day, although schools recognise this may not always be possible

Except for the first appointment, if requested by the Head Teacher, the employee must be prepared to show a certificate from a registered practitioner, midwife or health visitor confirming that she is pregnant and an appointment card, or some other document, showing that an appointment has been made, prior to the appointment taking place.

The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate provided they have complied with the above requirements.

There is no right for the partner of a pregnant woman to be given time off to accompany her to antenatal care appointments or classes. In exceptional cases, leave may be granted for this purpose on compassionate grounds (or subject to eligibility as outlined in paragraph 4.3.2)

Time off for IVF appointments

Employees do not have the right to paid time off for medical appointments and should refer to the school's Leave of Absence policy and procedure to request time off. However, when an employee becomes pregnant, she is entitled to the same time off for ante-natal care as outlined above.

It is good practice (though not a legal requirement) for you to treat sympathetically any request for time off for IVF or other fertility treatment. This could include allowing those staff who work all year round to take annual leave, or alternatively, allowing Term Time Only staff to take unpaid leave when receiving treatment

The Expected Date of Childbirth

The employee's midwife will provide a certificate stating the expected week of childbirth (MAT B1). This is normally issued after the 21st week of pregnancy. This certificate is required in order to claim Statutory Maternity Leave and Pay, if eligible.

As soon as the expected date of birth is confirmed on the MATB1 form, the earliest date for starting the period of maternity leave can be calculated, which is the beginning of the 11th week before the expected week of childbirth (EWC). To calculate this date employees should count back 11 weeks from the Sunday before the date of expected birth. Employees may commence maternity leave any time between this date and the expected date of birth. However, maternity leave will start automatically if employees are absent from work with a pregnancy-related illness during the 4 weeks before the baby is due, or if an employee gives birth their maternity leave will commence the following day.

Pension and Annual Leave

The contract of employment continues during maternity leave. The employee will continue to receive all contractual benefits for the full maternity leave period

For Teachers:

Pension: Any period when receiving pay during maternity leave (SMP or OMP) is regarded as pensionable service. When pay stops, the employee may not pay into the pension scheme. However, teachers may choose to protect their pension by buying additional pension to compensate. Employees should contact Teachers' Pensions for more information. (please note, continuity of service will not be affected). Payment for keeping-in-touch days will also be pensionable.

Annual Leave: Under the Working Time Regulations, from April 2009 Teachers have a statutory right to paid annual leave amounting to 28 days (5.6 weeks). However, in most cases, periods of school closure before and after the maternity leave period will more than equal the 28 day annual leave entitlement.

Please note, this is not an additional entitlement to annual leave on top of the current school closure arrangements.

For Support Staff:

Pension: Any period when receiving pay during maternity leave (SMP or OMP) is regarded as pensionable service. Employees can either opt to pay pension contributions for any period of unpaid maternity leave so that it then counts as a period of service or not pay any outstanding contributions and the unpaid period will not count for pension purposes (whichever option is chosen, continuity of service will not be broken). If the employee wishes to pay additional contributions, they should notify payroll within 30 days of the date of return to work, or the date of ceasing employment, whichever is the earliest. Payment for keeping-in-touch days will also be pensionable.

Annual Leave: Under the Working Time Regulations, from April 2009, Support Staff who work term time have a statutory right to paid annual leave amounting to 28 days (5.6 weeks). For support staff who work on a term time only basis, in most cases, periods of school closure before and after the maternity leave period will more than equal the 28 day annual leave entitlement.

Please note, this is not an additional entitlement to annual leave on top of the current school closure arrangements.

Support staff who work all year round will continue to accrue their normal annual leave entitlement throughout both ordinary and additional maternity leave. Time off in lieu will accrue in respect of Bank Holidays during the whole of the maternity leave. Any time taken as maternity leave will count towards qualifying service for the purpose of additional annual leave based on length of continuous service. Any leave entitlement so accrued must still be taken in the leave year which it appertains. Common practice is to take any outstanding annual leave at the beginning or the end of the maternity leave period depending where this falls in relation to the annual leave year. Employees should discuss their annual leave entitlement fully with their Head Teacher/Line Manager to ensure that they have the opportunity to take their entitlement either before commencing maternity leave or immediately prior to their return to work. Where an employee is planning not to return to work, she should be encouraged to plan to take any annual leave entitlement that she may be due, before commencing maternity leave. If the employee has taken more paid annual leave than entitled to at the date of resignation, then the overpaid portion must be repaid to the Authority.

All staff:

A woman resuming work after maternity leave is entitled to benefit from any general improvements to the rate of pay (or other T&Cs) which may have been introduced while she has been away. For teaching staff, the period of absence on maternity leave counts towards the service required to establish a “year of employment” for the purpose of incremental progression on the Main Pay Scale. A teacher who has passed through the threshold will not be disadvantaged in making progress within the Upper Pay Spine whilst on maternity leave. Progression on UPS should be based on guidance as set out in the School Teachers’ Pay and Conditions Document. Please consult your HR Business Partner for further guidance.

Maternity Leave and Pay

Maternity Leave

All women are entitled to 52 weeks’ maternity leave regardless of the number of hours worked or length of service. This is made up of two elements known as Ordinary Maternity Leave (OML) which is the first 26 weeks’ maternity leave and Additional Maternity Leave (AML) which is made up of a further 26 weeks’ maternity leave.

An employee must notify her employer at least 15 weeks, or as soon as reasonably practicable, before she intends to start her leave:

- that she is pregnant;
- when the Expected Week of Childbirth (EWC) will be and provide a MATB1, which will be issued by her midwife after the 21st week of pregnancy;
- when she intends to start her maternity leave

The employee will be required to notify her employer of her intention to take maternity leave by the 15th week before her EWC unless this is not reasonably practicable. A woman will be able to change her mind about when she starts her leave providing she tells her employer at least 28 days in advance (Support staff) or 21 days in advance (Teaching staff) - unless it is not reasonably practicable.

There is a requirement on employers to respond to an employee’s notification of her leave plans within 28 days. An employer will need to write to the employee setting out the date on which she is expected to return to work. Unless notified otherwise, Head Teachers/Line Managers should assume that the employee will be taking their full entitlement to maternity leave.

It is also the responsibility of the employer to carry out a written risk assessment with the employee, when the employee has notified that she is pregnant,

Commencement/Entitlement

Maternity leave should not commence any earlier than the 11th week before the Expected Week of Childbirth (EWC). However, it may be earlier in the following circumstances:

- If the baby is born before the maternity leave is due to commence, then maternity leave starts automatically on the day after the birth

Women may work after the 11th week before the EWC. A woman may remain at work up to the birth of her child, unless she is certified as medically unfit to do so. Maternity leave may be commenced earlier in the following circumstances:

- When an employee's absence from work for an illness which is partly or wholly due to her pregnancy after the beginning of the 4th week before the EWC, her maternity leave will automatically commence.

In accordance with statutory requirements, an employee entitled to maternity leave shall not work, nor be permitted by her employer to work, during the period of two weeks which commence with the day on which child birth occurs.

Maternity Pay

Maternity pay comprises Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP). Employees with 26 weeks' continuous service at the end of the 15th week before the EWC may be entitled to 39 weeks' SMP and employees with one year's continuous service at the 11th week before the EWC may be entitled to 39 weeks of SMP in addition to OMP (full entitlement outlined in paragraphs [2.4.19](#) and [2.4.20](#)).

Statutory Maternity Pay (SMP)

Women are entitled to SMP if they have been continuously employed by their current employer for 26 weeks up to and including the 15th week before the baby is due. If they are not eligible for SMP, they may be eligible to claim Maternity Allowance from Job Centre Plus depending on their NI contribution record and earnings rule.

Any employee who is entitled to receive Statutory Maternity Pay (SMP), will receive it for a maximum of 39 continuous weeks with the remaining 13 weeks' leave being unpaid.

SMP is paid whether or not the employee intends to return to work for her employer, providing she is still working for the employer at the 15th week before the EWC. Where staff are entitled to Occupational Maternity Pay, SMP is offset against OMP for the first 6 weeks of payment

For employees who inform the employer that they do not intend to return to work, payments during the subsequent 33 weeks shall be the employee's entitlement to SMP

SMP cannot start earlier than the start of the maternity leave period (i.e. the 11th week before the EWC, apart from in the exceptional circumstances listed in paragraph 2.4.6 above). SMP is not paid where the employee does any paid work after the birth in the paid

maternity period (excluding 'Keeping In Touch' days) or if she is in legal custody at any time during the maternity pay period.

Maternity Allowance

Women with at least one year's continuous service, with one or more Local Authorities at the beginning of the 11th week before the EWC but less than 26 weeks with Bradford Council by the end of the qualifying week will be entitled to OMP but not SMP. However, dependent on their National Insurance contributions they may be entitled to state Maternity Allowance (MA).

Occupational Maternity Pay (OMP)

OMP payments made to the employee during Maternity Leave are made on the understanding that the employee will return to work either at the school or within the Local Authority for a period of at least 3 months after the maternity leave period. The provisions for teaching staff and support staff differ and are paid in accordance with statutory and locally agreed terms and conditions, as outlined in the Burgundy Book (for teaching staff) and Green Book (for support staff).

Teachers: Payment of OMP to the teacher shall be made on the condition that she will return to her job for a period of at least 13 weeks from the date of return (this includes periods of school holidays). This period would extend, on a pro rata basis, if the employee was returning to work on fewer hours than they worked prior to maternity leave. Should the teacher not be available for work or decide not to return to her job for the required period, she shall refund the OMP payments made during her maternity other than those made during the first six weeks of leave. Payments made by the way of SMP are not refundable

Support Staff: payment of OMP to support staff shall be made on the understanding that she will return to local authority employment for a period of at least 3 calendar months, whether this be on a full time, part time or job share basis. Should the employee not be available for work or decide not to return to local authority employment, she shall refund the whole amount of half pay. Payments made to the employee by way of SMP are not refundable.

Teaching Staff:

	First 4 weeks	Next 2 weeks	Next 12 weeks	Next 21 weeks	Next 13 weeks
At least 1 year's continuous service at the 11 th week before EWC (with one or more Local Authorities) and at least 26 weeks' continuous service with Bradford	Full pay (inclusive of SMP)	90% of a week's pay (inclusive of SMP)	Half pay plus SMP (capped at normal salary)	SMP	No pay

Council by the end of the 15 th week before EWC					
At least 1 year's continuous service at the beginning of the 11 th week before EWC (with one or more Local Authorities) but <i>less than 26 weeks'</i> continuous service with Bradford Council by the end of the 15 th week before EWC	Full pay (inclusive of SMP)	90% of a week's pay (inclusive of SMP)	Half pay plus MA if eligible (capped at normal salary)	MA if eligible	No Pay
Less than 1 year's continuous service at the beginning of the 11 th week before the EWC (with one or more Local Authorities) and <i>at least 26 weeks'</i> continuous employment with Bradford Council	Higher Rate SMP (6 weeks)	Lower Rate SMP (33 weeks)	No Pay		
Less than 1 year's continuous service at the beginning of the 11 th week before the EWC (with one or more Local Authorities) <i>and less than 26 weeks'</i> continuous employment with Bradford Council by the end of the 15 th week before EWC	Statutory Maternity Allowance (MA) may be payable, dependent on National insurance contributions. Maximum 52 weeks leave				

Support Staff:

	First 6 weeks	Next 12 weeks	Next 21 weeks	Next 13 weeks
At least 1 years continuous service at the beginning of the 11 th week before the EWC (and intends to return)	90% of a week's pay (offset against SMP or MA)	Standard rate of SMP (if eligible) plus half pay (capped at normal salary)	Standard rate of SMP (if eligible)	No Pay
At least 26 weeks continuous service at the end of the 15 th week before the EWC	90% of a week's pay (offset against SMP or MA)	Standard rate of SMP (if eligible)		No Pay
Less than 26 weeks' continuous service at the beginning if the 11 th week before EWC	Statutory Maternity Allowance (MA) may be payable, dependent on National insurance contributions. (Maximum 52 weeks' leave)			

Contact During Maternity Leave

It is good practice for employees and Head Teachers/Line Managers to maintain reasonable contact during an employee's absence so that she will remain informed of developments and changes within the school, which will support her return to work. The mechanisms by which she wishes to do this, and the extent to which she wants to be informed, should be discussed with her Head Teacher/Line Manager prior to the commencement of maternity leave. This contact will normally be minimal and should neither be excessive or intrusive. This does not constitute "work" and would not count towards the KIT 10 day period (see below)

Keeping in Touch Days (KIT)

Keeping-in-touch days can also enable an employee and the Head Teacher/Line Manager to keep in touch during the maternity leave period to ease the return to work. Following agreement with her Head Teacher/Line Manager, the employee can undertake 10 days' work during her maternity leave without bringing her maternity period to an end.

For these purposes, 'work' is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch such as conferences, team meetings, training etc.

The provisions apply to the entire period of her maternity leave, except during the first 2 weeks after childbirth which is a period of compulsory maternity leave.

Working for any part of a day will count as one day towards the 10 KIT days, however employees will only be paid for the hours worked, at their contractual rate of pay (offset against SMP where payable)

Any work done during maternity leave must be by agreement. The employer cannot insist that an employee carries out any work and the employee is protected from suffering a detriment or being dismissed for refusing to do so.

An employee cannot insist on being given any work to do

Employees still qualify for SMP on up to 10 KIT days. If the employee exceeds the 10 days by only one day, the full week of SMP will be forfeited (where applicable).

Returning to Work

Right to Return

- a)** Subject to (b), the employee is entitled to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her had she not been absent. "Job" for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed. If the employee takes more than 26 weeks' leave (Additional Maternity Leave) they are also entitled to return to the same job on the same terms and conditions unless this is not reasonably practicable by reason of redundancy. If however there is some reason other than redundancy why it is not reasonably practicable for the employee to return to her original job, she is entitled to be offered suitable alternative work on terms and conditions no less favourable than the original job.
- b)** Where it is not practicable by reason of redundancy for the school to permit her to return to work in her job as defined in (a), the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable and appropriate to the circumstances, and that the capacity and place in which she is to be employed and her terms and conditions of employment are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed
- c)** Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (general reorganisation) which would have occurred if the employee had not been absent, necessitate a change in the job in which she was employed prior to her absence. The work to be done should be suitable and appropriate to the circumstances and the capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed

Exercise of the Right to Return

a) At the end of Maternity Period

Employees taking the full year's maternity leave entitlement are not required to give any further notification of returning to work, providing they intend to return on the date notified to the school

b) Before the end of the Maternity Period

Employees wishing to return before the end of the maternity leave period should notify the Head Teacher, in writing, at least 21 days before the day on which she proposes to return, if this is before the end of the Additional Maternity Leave period. Where the notice given is less than 21 days, the Head Teacher can delay the return until 21 days' notice has been received, or until the end of the 52 week maternity leave period (as notified) if this is earlier than 21 days.

Teachers: Where a teacher has not completed one year's continuous service by the beginning of the 11th week before the EWC with one or more local authorities), she must give the Head Teacher at least 8 weeks' notice in writing, of her proposed return date. Where the notice given is less than eight weeks, the Head Teacher can delay the return until 8 weeks' notice has been received, or until the end of the 52 week maternity leave period (as notified) if that is earlier than eight weeks.

Prevented from returning to work

Where an employee is unable to return on the expected day due to sickness, the absence will be covered by the occupational and statutory sick pay schemes in the normal way. For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes, or as soon as reasonably practicable thereafter.

Resignation

Where an employee, during her period of maternity leave decides not to return to work, contractual notice must be given to school. Contractual notice must also be given where an employee wishes to resign before her maternity leave commences, however it may be possible to determine a mutually agreeable termination date.

End of Contract during Maternity Leave

Should an employee's contract expiry date occur during her period of maternity leave, the school must comply with the normal fixed term contract termination process. The reason for non-renewal must not be maternity related.

Rubella

If in the early months of pregnancy employees are advised by an approved medical practitioner to absent themselves from school because of the risk of rubella, they will be granted full pay.

Miscarriage

Absence due to miscarriage prior to 24 weeks of pregnancy shall be treated as sickness absence provided it is covered by a doctor's certificate.

Still Birth

In the tragic circumstances of a still birth, which is defined as occurring after 24 weeks of pregnancy or of neo natal death, employees will be entitled to the same maternity leave and pay as if the pregnancy had reached full term. The return to work notification remains unchanged i.e. 21 days of proposed return to work

Protection Against Unfair Treatment Or Dismissal

Pregnant employees must not be treated any less favourably than any other staff and must not be dismissed from employment or selected for redundancy in preference to other comparable staff, for reasons of pregnancy

Employees are protected from dismissal regardless of hours/service:

- If the principal reason for the dismissal is pregnancy or any reason connected with pregnancy
- If dismissed during maternity leave and the principal reason is the birth or any reason connected with having given birth
- If dismissed and the reason is because the employee took maternity leave.
- If principal reason concerns health and safety issues, is pregnancy related and the employee is unable to do her job.

It will be automatically unfair to select an employee for redundancy for pregnancy, child-birth or maternity related reasons. Where there is a genuine and necessary reason, the employer must carry out a fair procedure as outlined below and as per the locally agreed Redundancy Policy and Procedure:

- a. Selection criteria should be objective, non-discriminatory and applied fairly
- b. When carrying out consultation, this should include any employee who is on maternity leave. They should be given information about proposed redundancies in the same way and at the same time as other employees where reasonably practicable to do so. Where there are practical difficulties, other arrangements should be made i.e. rearrange meetings or conduct them at the employee's home.
- c. Reasonable steps must be taken to find alternative employment for employees who may otherwise have been dismissed by reason of redundancy. An employee on maternity leave should be offered a suitable alternative vacancy (where one exists) before another employee. This is applicable to employees during periods of ordinary and additional maternity leave in addition to adoption and additional paternity leave. If a suitable alternative vacancy is offered and the employee unreasonably turns it down,

the dismissal will be fair and the employee would lose the right to a statutory redundancy payment.

- d. Where there is no suitable vacancy, the employee's employment would be terminated by reason of redundancy and will be entitled to a redundancy payment (where qualifying conditions are met), relevant notice period and written reasons for dismissal

Health and Safety

All employers have a legal obligation to protect the health and safety at work of all staff and others, including new, breast feeding and expectant mothers.

Risk Assessment

An employee should inform her manager that she is pregnant. A risk assessment of her working area and practices should then be carried out. Each individual expectant mother would require a specific assessment that will need to be reviewed as the pregnancy progresses. Further guidance can be found in the HSE booklet, New and Expectant Mothers at Work: A guide for employers.

Managers are responsible for ensuring that when carrying out risk assessments for workplaces and workstations etc. particular attention is paid to those risks that could affect the health or safety of new, breast feeding or expectant mothers or their babies. All reasonable practicable measures should be taken to prevent exposure to risks, through removal of hazards or implementation of controls.

If a woman believes there is a risk to her health or safety, or to that of her baby, which has not been considered in the risk assessment, she must bring the risk to the attention of her Head teacher/Line Manager.

Removal of Staff from Risk

If despite taking all reasonably practical measures, there is still a risk that could jeopardise the health or safety of a new, breast feeding or expectant mother or her baby then steps must be taken to remove the individual from that risk. This must be done as soon as the Head Teacher/Line Manager has been informed that an individual is pregnant. The steps to remove an individual from a risk are as follows:-

- To temporarily adjust the individual's working conditions and/or hours of work; or if it is not reasonable to do so, or would not avoid the risk:
- Offer her suitable alternative work if any is available; or if that is not feasible:
- Medical Leave of Absence from work for as long as necessary to protect her safety or health or that of the child.

Offers of Suitable Alternative Work

Where an employee is offered suitable alternative work, the work must be:

- Both suitable and appropriate for her to do in the circumstances; and

- On terms and conditions no less favourable than her normal terms and conditions.

Entitlements During Medical Leave of Absence

A woman on medical leave of absence is entitled to be paid remuneration at her full normal rate for as long as the suspension continues. The only exception to this is where she unreasonably refuses an offer of suitable (risk assessed) alternative work, (as per 3.2.2) in which case no remuneration is payable for the period during which the offer applies. During the period of medical leave of absence continuity of employment, pension rights and length of service payments are protected.

New and Nursing Mothers

Facilities for Breastfeeding and expressing/storing milk at school

The Workplace Regulations (1992) require employers to provide suitable 'rest' facilities for workers who are pregnant or breastfeeding. Although it is not a legal requirement, the Health and Safety Executive (HSE) encourages employers to provide a healthy and safe environment for nursing mothers to express and store milk. This could be provided in the suitable rest facilities.

Paternity/Nominated Carer's Leave

Introduction

Statutory Paternity Leave and Paternity Pay is available to fathers and the partners of mothers of children. The provisions apply whether the employee's service is full time or part time (irrespective of the number of hours), or is permanent or temporary, subject to the conditions of the scheme being met.

Employees (male or female) who are acting as the "prime or nominated carer" for the mother/child may request nominated carers' leave. They are subject to the same provisions as applied to employees requesting Paternity Leave.

There are potentially two schemes available including the provisions of Bradford Council's Contractual Paternity Leave Scheme and employee's rights under the Statutory Paternity Scheme.

The entitlement is an allowance of up to two weeks' absence (subject to eligibility as outlined below)

In order to apply for birth leave they will need to provide a copy of the MAT B1 or birth certificate along with a letter from the mother confirming they are the nominated person

Statutory Paternity Leave

To qualify, employees must:

- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, of the child's mother
- Have or expect to have responsibility for the child's upbringing
- Have been continuously employed for at least 26 weeks ending with the 15th week before the EWC; or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas); and
- Give proper notice and evidence to school of their intention to take Statutory Paternity Leave (see below)

Employees eligible for the statutory scheme have the right to choose to take one or two consecutive weeks' leave (not odd days). It cannot be taken before the birth (or placement) of the child and must be taken within 8 weeks of the birth (or placement). If the baby is born prematurely, the leave can be taken between the birth and eight weeks after the birth.

The employee must provide the Head Teacher/Line Manager with written evidence from either the GP, hospital or adoption agency that:

- His/her partner's pregnancy exists (or confirmation of being matched with a child)
- Shows the expected date of confinement (or child placement)

The employee must also live at the same address as his/her partner (except for below)

In order to apply for Nominated Carer's Leave, the employee must provide the Head Teacher/Line Manager with a copy of the MAT B1 along with a letter from the mother confirming they are the nominated person of choice. Employees must comply with notification requirements as set out below

An employee must notify his/her employer by the end of the 15th week before EWC, or as soon as reasonably practicable, that he/she intends to take paternity leave. The Inland Revenue Form 'SC3 – Becoming a Parent' (for births) or 'SC4 – Becoming an Adoptive Parent' (for adoptions) can be used to give notice of leave and to apply for Statutory Paternity Pay (SPP). The notice must specify the length of leave to be taken and the date the employee wishes the leave to commence

If the employee wishes to change the start date, they must give 28 days' notice, in writing if requested

Contractual Scheme:

To qualify, employees must:

- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, of the child's mother
- Have or expect to have responsibility for the child's upbringing
- Have been continuously employed for at least 1 year, with one or more local authorities, by the beginning of the 11th week before the EWC or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas); and
- Give proper notice and evidence to school of their intention to take contractual Paternity Leave

Employees eligible for the contractual scheme have the right to take up to two working weeks' leave of absence with pay. It can be taken as circumstances dictate, either as a block or in days. The leave may be taken at any time during the pregnancy and up to three months after child birth (or placement). If the employee chooses to take leave on the date of birth (or placement) and they are at work on that day, leave will begin the following day.

The employee must notify his/her Headteacher/Line Manager of intention to take leave as set out above

In the tragic circumstances of a still birth, which is defined as occurring after 24 weeks of pregnancy or of neo natal death, employees will be entitled to the same paternity leave and pay as if the pregnancy had reached full term.

Paternity Pay

If an employee is entitled to Statutory Paternity Pay and Leave, it will be paid at the weekly rate of Statutory Paternity Pay, or 90% of the employee's weekly earnings, whichever is the lowest

If an employee is entitled to the contractual paternity scheme, it will be paid at the employee's contractual rate of pay

If an employee who has met the above criterion has taken some paternity leave but then leaves the school's employment before the beginning of the 11th week, and at the date of leaving, has less than one year's continuous local government service then they will be required to repay the council the cost of the paternity pay received

Additional Paternity Leave

Government has introduced a right to Additional Paternity Leave and Additional Statutory Paternity Pay for fathers of babies due on or after 3rd April 2011, or matched for adoption on or after that date. Under this right, the mother (or other parent) who is returning to work will be able to transfer up to 26 weeks to the father (or adoptive father). Additional Paternity Leave can be taken between 20 weeks and 1 year after the child is born, or placed for adoption.

To qualify, employees must:

- Be the child's father/mother (or adopter) or the spouse or partner, same or opposite sex
- Have been continuously employed for at least 26 weeks ending with the 15th week before the EWC; or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas)

The employee must also still be employed with the school the week before they wish to take his/her leave

The employee must be taking the time off to care for the child and:

- the child's mother/father (or adopter) must have been entitled to one or more of Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Leave and Pay and;
- must have returned to work and ceased claiming any relevant pay, with at least 2 weeks of unexpired statutory pay period remaining

Additional Statutory Paternity Pay

The leave is for a maximum of 26 weeks and is paid at the statutory paternity pay rate or 90% of weekly earnings, whichever is the lowest.

Additional Statutory Paternity Pay is only payable during the period of the employee's partner's relevant statutory pay period

An employee must notify his/her employer at least 8 weeks before they intend to take Additional Paternity Leave. The Inland Revenue Forms 'SC7' (for births); 'SC8' (for UK adoptions) or 'SC9' (for overseas adoptions) should be completed. The notice must specify the length of leave to be taken.

The child's mother/father (adopter) must also sign a declaration stating:

- Their contact details and NI number
- Their entitlement to Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay
- That they have given notice of their intention to return to work; and
- The date they intend to return and the start date of their relevant statutory pay period

Extended Additional Paternity Leave

Employees may take an extended period of additional paternity leave in the unfortunate event that the child's mother (or adopter) who has taken leave for the child has died, before the child is one year old (or in the first year of placement). Extended additional paternity leave can last up to the child's first birthday (or one year after the child's placement). Employees may be entitled to Additional Statutory Paternity Pay which is paid during the 39 weeks that their partner would have received the relevant statutory pay.

Adoption Leave and Pay

Introduction

Statutory Adoption Leave is available to parents to prepare for adoption or to care for a newly placed adoptive child. The adoptive leave facilities will normally apply to women employees. Male employees who are married/living with non-council employees will instead have applied the paternity leave entitlements and conditions.

In recognition of the fact that single men may adopt children, the provisions for adoption leave will apply also to single male employees.

The employee will be subject to all other entitlements and conditions of the appropriate maternity scheme (as in paragraph in 2.4), including the obligation to return to work for a minimum of three months in order to retain the adoptive leave pay.

In cases where both parents are employed by the council, and assuming that both parents are eligible, the total leave entitlement (i.e. the post confinement leave aggregated with the two working weeks' adoptive paternity leave) can be combined and shared between the two employees at their discretion.

Pre-Adoption Leave

There is no statutory right to paid time off for pre-adoption leave. Employees who are adopters or partners of adopters would, in the first instance, be expected to arrange meetings and interviews outside of the working day or during school closure periods/annual leave. However, it is recognised that this is not always practical and as such, employees will be given reasonable paid time off.

Employees are asked to inform the Head Teacher as far in advance as possible, of the date and time of an appointment/meeting and the best estimate of the length of absence from work, including travelling time if significant. It would also be helpful in many cases if they could try to arrange appointments at the beginning or the end of the day, although schools recognise this may not always be possible

Employees must be prepared to show proof of appointment/meeting/interview

The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate provided they have complied with the above requirements.

If the employee is adopting a child from overseas, any visits to see the child pre-adoption should be taken during school closure periods or by using normal annual leave arrangements. Time off for this reason will not be granted.

Adoption Leave

An employee adopting a child is to be allowed comparable leave and pay arrangements as applies to natural mothers. Accordingly, an employee who satisfies the full criteria and conditions of the maternity scheme specific to his/her conditions of service, will be entitled to:

- a) All employees are entitled to ordinary adoption leave of 26 weeks duration
- b) Employees who have 26 weeks' continuous service ending with the week in which they are notified of being matched with a child for adoption are entitled to a further 26 weeks of additional adoption leave, a total of 52 weeks' adoption leave.
- c) Both ordinary and additional adoption leave is to be taken in one block within a twelve month period from the date of placement unless otherwise agreed with the school
- d) Be subject to all other entitlements and conditions of their maternity scheme

Adoption leave will begin on the placement date or up to 14 days before the placement date. Where employees choose to begin leave on the placement date and they are at work on that date, leave begins the following day.

The employee will be required to notify school of his/her intention to take adoption leave. Correspondence must be sent from the adoption agency confirming the adoption/placement and the employee should inform their employer no more than seven days after the date of being told by the adoption agency that they have been matched with a child in writing, or as soon as is reasonably practicable, that they will be absent from work due to adoption and whether they intend to return to work

There is a requirement for employers to respond to an employee's notification of his/her leave plans within 28 days. An employer will need to write to the employee, setting out the date on which they are expected to return to work if the full entitlement to adoption leave is taken. Adopters who intend to return to work at the end of their full adoption leave will not have to give any further notification to their employer and unless otherwise notified, Head Teachers/Line Managers should assume that the employee will be taking his/her full entitlement to adoption leave

Adoption Pay

Payments for employees who have less than one year's continuous service at the beginning of the 11th week before the week of the baby/child's placement shall be the employees' entitlement to Statutory Adoption Pay (SAP)

Statutory Adoption Pay will be paid for 39 weeks, or if earlier, until the date the employee returns to work., or for eight weeks after the end of the week the placement is disrupted

The contract of employment continues during Adoption Leave. The employee receives all contractual benefits during the full period of Adoption Leave.

Employees are subject to all other entitlements and conditions of their appropriate Maternity Scheme, (as outlined in section 2.0) including the obligation to return to either his/her 'job' or local authority employment for a period of at least three months in order to retain the occupational pay element.

An employee shall not be entitled to Statutory Adoption Pay (SAP) in the case of:

- Private adoption (Private adoption refers to any adoption not arranged by an agency or organisation i.e. when the adoptive parents find a birth mother or baby or child privately)
- The adoption of a step-child by a step-parent
- The adoption of a foster child by a foster parent
- Those who become parents through arrangements with a surrogate mother (except in accordance with the provisions set out in paragraph 5.6)

Adoptive Paternity Leave and Pay

Statutory Paternity Leave for Adoption is absence from work for the purpose of caring for a newly placed adoptive child or to support the main adopter. The Paternity Leave provisions set out in paragraph 4 will apply to employees who:

- are adoptive fathers
- the spouse or partner of the main adopter
- will have responsibility for the child's upbringing,
- has been continuously employed for at least 26 weeks ending with the week the child's adopter is notified of the match;
- have given notice and evidence to their Head Teacher/Line Manager (as set out in paragraph 4.2)

Surrogacy

An employee who becomes a parent through surrogacy arrangements is not entitled to Statutory Adoption Leave and Pay

Employees will instead be entitled to unpaid parental leave upon becoming a parent (as detailed in paragraph 6), providing that:

- they intend to apply for a parental order when the child is living with them (where one parent is genetically related) or adopt the child (where there is no genetic relationship)
- they meet the qualifying conditions outlined in paragraph 6.2

The father of a child born through surrogacy arrangements (provided he is registered as the father) and fulfils eligibility criteria and provisions outlined in Paragraph 4, will be eligible to take paternity leave and additional paternity leave.

Female employees acting as surrogates are entitled to full maternity leave, pay and provisions as any other pregnant employee and outlined in paragraph 2.4

Part 2 - Parental Leave

Introduction

The right to parental leave is contained in the Maternity and Parental leave etc Regulations 1999, made under the Employment Rights Act, as amended by the Employment Relations Act 1999. It offers qualifying parents the right to take a period of unpaid time off work to look after a child or to make arrangements for the child's welfare. Parents can also use it to spend more time with their children.

Employees are entitled to a total of 13 weeks' leave for each qualifying child. Parents of disabled children are entitled to a total of 18 weeks' leave. Parental leave is for each child therefore if an employee has twins the leave is doubled. Where the child has been adopted, the leave can be taken during the first five years after the child is placed with the family (or the child's 18th birthday if that comes sooner). This is extended to the 18th birthday for disabled children.

For the purposes of parental leave, a disabled child is one for whom disability living allowance has been awarded

*Please note – from the 8th March 2013, parental leave entitlement will increase from 13 weeks to 18 weeks, to comply with the revised Parental Leave Directive. Further changes are expected in 2015.

Employees can take a maximum of 4 weeks per year per child, which can be taken in blocks or multiples of one week (except in the case of parents of disabled children who can take leave in blocks or multiples of one day)

Qualifying Conditions

Parents (or adopters) of children under the age of 5 (or age 18 if the child is disabled) may have the right to parental leave. To qualify, employees must:

- Have one year's continuous service; and
- Be named on the child's birth or adoption certificate

If employees are separated from the spouse or partner and don't live with their child (or children) they maintain the right to parental leave if they keep formal parental responsibility for the child (or children). Foster parents do not have the right to parental leave but may be able to request a flexible working pattern (see separate guidance).

Parental Leave is an individual right and cannot be transferred between parents

Requests for Parental Leave

Employees wishing to request a period of Parental Leave, must give their Head Teacher/Line Manager at least 21 days' notice. This request should be put in writing stating the dates on which the leave is to begin and end.

An employer can ask to see evidence to confirm that the employee is the parent or the person legally responsible for the child; evidence might take the form of information contained in the child's birth certificate or adoption papers etc.

An employer can postpone the leave for up to six months where the business (school) would be particularly disrupted if the leave was taken at the time requested but it cannot be postponed so that the leave ends after the child's fifth birthday (or 18 in the case of adopted or disabled children).

However, the employer will notify the employee of the decision, including the reason for postponement and alternative dates during which the parental leave can be taken

An employee may elect to take a period of Parental Leave from the date of child birth or from the date of adoption, in which case the Employer cannot delay the date of the leave. The employee must give 21 days' notice before the EWC, or 21 days before the week in which adoption placement is to occur, (following the guidance as per 6.1.9)

If a woman wishes to take a period of Parental Leave immediately following her maternity leave, she should also ensure that she makes the request to the Head Teacher/Line Manager giving at least 21 days' notice

Returning to Work

At the end of Parental Leave period, the employee is entitled to return to the same job as before, if the leave was for a period of 4 weeks or less. The employee is also entitled to benefit from any improvements to the rate of pay (or other employment terms and conditions) which may have been introduced while he/she has been away.

If the Parental Leave period was more than 4 weeks, the employee is entitled to return to the same job, or if it is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the previous job.

Part 3 – Flexible Working Policy

Introduction

The school believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity.

From 30 June 2014, all employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by school. Employees who make a request to work flexibly before 30 June 2014 must do so under the school's policy that is applicable at that time.

Requests for flexible working

A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.

All requests must be made in writing by filling in the requisite application form, which is available from school. Any request made under this policy must include:

- the date of the application;
- the changes that the employee is seeking to his/her terms and conditions;
- the date on which the employee would like the terms and conditions to come into effect;
- what effect the employee thinks the requested change would have on the organisation;
- how, in his/her opinion, any such effect might be dealt with;
- a statement that this is a statutory request;
- whether or not the employee has made a previous application for flexible working; and
- if the employee has made a previous request, when the employee made that application.

Where the request is being made by a disabled person as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application.

School should not reject out of hand a request that does not contain the required information. The employee's line manager should explain to the employee what additional or amended information he/she needs to provide and ask the employee to resubmit the request.

Meeting to discuss a flexible working request

Once the Headteacher receives the request, it will be dealt with as soon as possible, but no later than the deadline set out below. The Headteacher will usually arrange a meeting to deal with the request. Where a request can be approved without further discussion in line with the terms stated in the employee's written application, a meeting will not be necessary. An employee should be given the right to be accompanied by a work colleague or a trade union representative at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and school.

Outcome of a flexible working request

After the meeting, the Headteacher will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the school against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not upheld or is upheld in part.

Reasons for turning down a flexible working request

The Headteacher/Directors will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

The Headteacher/Directors must not reject a request for any other reason.

Flexible working requests that are granted

If the request is upheld, the employee and the Headteacher will discuss how and when the changes will take effect. Any changes to terms and conditions will be put in writing and sent to the employee as an amendment to his/her contract of employment/written statement of terms and conditions of employment as soon as is reasonably practicable.

Timescales

All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal. The Headteacher should hold the meeting within [28 days] of receiving the request and notify the decision to the employee within [14 days] of the meeting, so that there is enough time for any appeal to be concluded. Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within [14 days] of the notification, with the appeal to be heard within [14 days]. The employee will be informed of the outcome of his/her appeal within [14 days] of the appeal meeting. These time limits may be extended where both the employee and school are in agreement. For example, the Headteacher and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

Problems with a flexible working request

If an employee is dissatisfied or unclear at any stage throughout the process, he/she should seek clarification from the Headteacher. If an employee is dissatisfied with the way in which his/her request has been handled, he/she can raise a grievance under the school's grievance procedure.

Headteachers who receive a request will have regard to the school's equal opportunities policy when considering the request.

If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

Part 4 - Staff Leave of Absence and Time off work

Policy Statement

The Trust regards the excellent attendance of both pupils and staff as integral to the success of the school.

The Trust recognises that the effectiveness of the school depends on the commitment of all staff. We also acknowledge that a fair and balanced policy on leave of absence and time off work contributes to the maintenance of staff morale and thereby to the success of the school.

The Trust recognises that absence from duty by staff may be unavoidably required for a wide variety of reasons including compassionate grounds, jury service or for other family, personal, religious and professional reasons.

High levels of absence among teaching and support staff can pose a serious problem for school in terms of disruption to teaching programmes, pupil's learning and other areas of the schools work. Absence of any staff employed in schools during term time means some impact on the children's education. Therefore, requests from any employee to be taken during term time must be regarded by all as the **exception**. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will **not** be granted.

The Trust expects that teachers and term time support staff will arrange their holidays during school closure periods. It is also expected that staff will consider for all absences how these may be arranged to cause the least inconvenience for the school. Whilst all requests for leave of absence will be considered in a balanced way, other than in exceptional circumstances or on compassionate grounds, leave of absence will not normally be approved in term time except as covered in conditions of service agreements or statute.

The Trust will observe the relevant conditions of service agreements and its statutory obligations regarding leave of absence.

Procedure for considering requests for planned leave of absence

Requesting Leave of Absence

Requests for planned leave of absence should be made in writing using a "Leave of Absence Request Form" or via Carval for Carval users. This should be submitted to the Headteacher, and should include the full reasons for the request which make clear why the leave cannot be taken during a normal school closure period, and the dates and length of the period of leave of absence requested.

The same process will be used by the Headteacher except that the request should be submitted to the Chair of Directors.

The request should be made **with as much notice as possible** so that proper consideration can be given to the request and to enable appropriate cover to be arranged in

the event of the absence being approved. Other than in cases of emergency, a minimum of two week's notice should be given for any requests for leave of absence for periods of up to 5 working days, and for longer periods a period of notice (excluding the summer break) equivalent to twice the length of the period of leave being requested. Prior notice of more than three months is not required but would be helpful to the school for planning purposes.

Staff should not under any circumstances make arrangements (bookings, flights etc.) until approval for the absence has been given.

Deciding on Leave of Absence requests

Requests for leave of absence will be considered taking into account

- The principles of this policy
- The best interests of the children and the school
- Treating staff in a fair, reasonable and consistent way
- National and local terms and conditions of employment

The Headteacher shall normally decide on requests for discretionary Leave of Absence on a paid or an unpaid basis, having regard to the relevant conditions of service and the policy of the Trust. In the case of extended leave and other exceptional circumstances the Headteacher will make the decision.

The Headteacher will approve all requests for non-discretionary absence (e.g. Jury Service, paternity leave etc) in accordance with legislative and conditions of service requirements, and irrespective of the length of the absence. Where a non-discretionary absence amounts to more than 5 days the Headteacher will inform the Chair of Directors of the length of the absence and the reason for it.

The Chair of Directors will decide on all requests for leave of absence made by the Headteacher.

All decisions will be confirmed in writing. In the case of refusal, reasons will be given.

If the request is refused, the employee may appeal to the School's Appeals Committee. The appeal should be made in writing within 10 working days of the original decision being given, stating the grounds for the appeal. The school grievance procedures will be used. There is no further level of appeal.

NOTE: All parties need to be mindful of the time that could be required for the decision making process, including any potential appeal.

Unpaid leave

The methods to be used for the calculation of adjustments to pay during periods of leave of absence without pay are contained in the relevant conditions of service, applying to teachers (STP&C) and other staff (Conditions of service)

Employees are not covered by the sickness absence scheme whilst on unpaid leave and therefore, are not entitled to receive occupational sick pay. Employees may be entitled to

Statutory Sick Pay (SSP) and so should submit any medical certificates direct to the Payroll Team.

Unauthorised leave of absence

The taking of unauthorised leave of absence is automatically unpaid and may lead to disciplinary action resulting in a formal warning being issued, or dismissal where the circumstances would justify such action.

Overstaying and late returns will be considered as unauthorised leave of absence. Staff **must** preserve any documentary evidence, which shows that a late return was unavoidable (tickets, sick-notes etc).

Guidance on Contractual and Statutory Entitlements to leave of Absence

Time off to accompany a colleague to a discipline, grievance or flexible working hearing Employment Rights Act 1999)

Employees have the legal right to take paid time off work to accompany fellow employees of the same employer to certain disciplinary and grievance hearings.

Time off for job hunting or to arrange training when facing redundancy (Employment Rights Act 1996)

An employee who is being made redundant is entitled to take reasonable time off with pay to look for another job, or to arrange training for future employment. The employee, who must have at least 1 years' continuous service (at the date the redundancy will take effect), can take time off within working hours while under notice.

Time off for Trade Union duties (including Union Learning Representatives) and for Safety Representatives (Employment Act 2002)

Employees carrying out these roles are entitled to reasonable paid time off work to undertake those duties and to undergo training. See Local Conditions of Service.

Time off for occupational pension scheme trustees and directors of trustee companies (Employment Rights Act 1996)

Employees who are trustees of an occupational pension scheme or directors of Trustee companies are entitled to reasonable time off with pay to carry out any of their trustees' duties or to be trained for those duties.

Study Leave and Attendance for Examinations (discretionary and non-discretionary) (see relevant conditions of service)

For courses of training and study that are not directly related to the employee's job, or have not been specifically approved by the Trust, leave may be granted at the school's discretion with or without pay.

For courses of training and study approved by the Trust, leave with pay will be granted as necessary. Conditions of Service for Support staff additionally allow half a day's leave to prepare for each examination. Any leave agreed to prepare for examinations will be approved subject to any practical and organisational constraints affecting the school.

Bad Weather Conditions

There may be circumstances when the employee is unable to attend work due to bad weather, but the school remains open as usual. All reasonable efforts should be made to attend work. Alternative arrangements may be agreed with the Headteacher, eg. Working from home or at a different location. Where this is not possible, non attendance will normally be treated as unpaid leave, but exceptional circumstances may warrant paid leave.

Attendance at Court Proceedings

(see Juries Act 1974 and relevant conditions of service)

Jury Service

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to the schools payroll team. The certificate will be returned to the employee completed to show to what extent the salary will be stopped during their absence. The amount will then be claimed from the court.

Witness summonses and subpoenas

Staff subject to a witness summons or subpoena should be allowed paid time off work to attend court

Time off for Medical Appointments

(see relevant conditions of service)

Where possible, school employees are expected to make appointments out of school time or as close to the start or end of the school day as possible. Routine GP or Dentist appointments will be unpaid; any time off for hospital appointments and blood donor sessions will be paid. All time off for appointments should be requested as far in advance as possible. An appointment letter/card or some other document showing that an appointment has been made should be shown to the Headteacher.

N.B Employees covered by the Equality Act 2010, do not have a specific right to take reasonable time off to attend medical appointments, however employers have a duty to make reasonable adjustments where appropriate, which can include appropriate time off to attend medical appointments. What is reasonable for the employer to do will depend on the circumstances of the particular case. Please contact HR for more specific advice.

Time off for Dependants

(Employment Rights Act 1996, as amended by the Employment Relations Act 1999)

Employees have a right to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. The emergency must involve a dependant of the employee. According to the regulations, a dependant is the husband, wife, child or parent of the employee. It also includes someone who lives in the same household as the employee. For example, this could be a partner or an elderly aunt or grandparent who lives in the household.

In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only one who can help in an emergency; for example an aunt who lives nearby who the employee looks after outside work falls ill unexpectedly, or an elderly neighbour living alone who falls and breaks a leg, where the employee is closest on hand at the time of the fall.

The right to time off does not extend to time off for domestic emergencies such as a breakdown of a heating boiler and unpaid time off for incidents of this kind is at the Headteacher's discretion.

The regulations do not give the right to paid time off for dependants. However, the Trust provide for up to 2 days discretionary paid leave per year to care for members of the immediate family in the case of sickness. Before requesting such leave staff are asked to consider whether there are any alternatives to taking time off work, including whether the need for time off to care for children is being fairly shared by any partner.

Time off for Religious Observance

(see Teachers' Conditions of Service and Code of Practice on Religious and Cultural Needs 1996)

The Trust follows the LEA's recommendation that teachers and support staff on term time contracts may take up to three days leave with pay for this purpose in each academic year. This is a special arrangement for those staff who do not have a holiday entitlement other than during the school closure periods. The days can be taken only for the purpose of attendance at a religious ceremony or for observation of a religious festival, which the employee is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order.

The Council's arrangements do not provide for paid time off to prepare for festivities or days which may be used as family celebrations which are not the specified dates for the religious event.

If the religious ceremony or festival falls at a weekend the time off is not transferable to the following working day.

Staff who are on all year round contracts must use their normal holiday entitlement for the purpose of religious observance.

The Trust's policy on the extended leave needed for Hajj is included at Appendix 1 to this document. Other requests for substantial religious leave will be considered on the same basis.

Time off for public duties and activities

(Employment Rights Act 1996 and relevant Conditions of Service)

Subject to the needs of the school, employees are entitled to reasonable time off in order to carry out public duties and activities.

For Teachers, the time off is on a paid basis to a maximum of 20 days or 40 half days (some re-imbursment is available from the LEA).

Full time support staff are entitled to 208 hours (approximately 28 days) paid leave for public duties each financial year, with entitlement for part-timers being pro-rata.

Bereavement leave

(see relevant Conditions of Service)

All requests for bereavement leave will be treated sympathetically and, although granted at the discretion of the Headteacher or Chair of Directors, will not normally be refused without good reason.

Employees are allowed up to 2 days with pay for immediate family (with extra travelling time of up to 3 days if necessary) see Appendix 2.

For all staff the leave need not be taken continuously and can be taken in accordance with the practical needs and circumstances of each case.

Time off to visit relatives abroad – Extended leave

It is recognised that some employees have close relatives abroad whom they may wish to visit for an extended period. In such circumstances, an employee may apply to take an extended period of unpaid leave. All requests will be considered taking into account both the needs of the staff member and the needs of the school. Staff are requested to arrange any extended leave to coincide with the main periods of school closure. If the period of leave would cause particular difficulty for the school the request may be refused or the staff member asked to reconsider the period for which leave has been requested.

Support staff on all year round contracts may accumulate leave for the purpose of extended absence (see conditions of service).

It is the policy of the Trust that permission to take extended leave to visit relatives abroad would not normally be granted more frequently than once in every five academic years although compassionate grounds will be taken into account.

Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.

Secondments, extended leave of absence, career breaks and extended study leave

In the event that a employee requests an extended period of unpaid leave the Committee of the Trust Board of Directors will consider the request taking into account any financial, organisational or educational effects on the school, and the circumstances and reasons given by the individual.

The Trust will not normally approve absences of more than two years in length and may require that the dates of commencement and ending are consistent with the practicalities of recruiting temporary cover staff.

Right to Request Training

(Section 63D of the Employment Rights Act 1996)

Employees with at least 26 weeks service on the date that they make their request have a statutory right to request time off to train. If the employer accepts the request for time off for training (either in full or part), there is no duty to pay the employee for the time they are absent from work to undertake the training and no duty to meet the cost of the training or qualification. For more information please refer to the school's Right to Request Training policy.

Appeals

Appeals will be considered under the Trust's grievance procedure.

Hajj Policy

Any request made for a substantial period of leave in order to carry out religious obligations for members of any religion will be considered on the same basis as set out in this policy.

Aims of Policy

The purpose of this policy is to set a framework for the Trust to manage and administer requests from Muslim staff wishing to perform the obligatory pilgrimage of Hajj.

Policy Statement

The Trust recognises the difficulty, which results from the academic year following the Gregorian and not the Hijri calendar, which means that Hajj can fall during times when the school is in session. The school respects that Hajj is one of the five pillars of Islam and is an obligation upon Muslims once in their lifetime, financial/health conditions permitting. The school is committed to providing high quality education whilst having a balanced approach to the religious needs of its staff. Staff requests for leave for Hajj will be considered according to the following criteria:

In order to minimise any possible disruption to colleagues and students, staff wishing to apply for the obligatory Hajj leave will notify the Chair of Directors and the Headteacher in writing by the end of Ramadan for the following Hajj.

Staff wishing to perform the obligatory Hajj may apply for a maximum of three weeks unpaid leave (see "Unpaid Leave" for advice where school holidays are included).

In order to balance the needs of students and the need for staff to make the obligatory Hajj pilgrimage, Muslim staff will be granted Hajj leave subject to the school's ability to release staff without an adverse impact on service delivery.

All Muslim staff will be considered with fairness irrespective of their professional status within the school. Applications will normally only be considered for the obligatory (first) Hajj. In exceptional circumstances requests made on compassionate grounds may also be considered by the Trust.

Permissions / requests for Umrah or non-obligatory Hajj will not be considered during school term time except in exceptional compassionate grounds.

When making a request to undertake Hajj staff are asked to consider the effect their absence might have on the students with whom they work.

The initial decision on whether or not to grant exceptional leave for Hajj will be made by the school's staffing committee which will consider the written application made by the staff member. Any appeal against the decision of the staffing committee will be heard by the Trust's appeals committee. The staff member may put his or her case in person to the Appeals Committee, assisted by a trade union representative or a work colleague. The Headteacher (or appropriate manager) may present the management case to the Committees at the first hearing and at the appeal hearing.

In accordance with the school's overall policy on leave of absence, staff should not book tickets etc. before the Hajj leave has been approved.

Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.

Leave of Absence Schedule (Teachers Pay & Conditions) and includes Support Staff

Teachers' Conditions of Service stipulate that leave will normally be granted in accordance with the following schedule. Discretion lies with the Trust except where it is indicated that the discretion resides with the Headteacher.

Schedule for leave of absence

Reason for absence	Maximum period of absence (school days)	With or without pay	Action
1 Death of member of immediate family (defined below)	2 days (with extra travelling time of up to 3 days if necessary) and any additional days	With pay (5 days max) and Without pay	Notify Headteacher
2 Wedding of any member of immediate family* OR Wedding of member of family (other than immediate family) [Also agreed for Support Staff at the discretion of the school]	1 day	With pay	Request in advance, in writing
3 Holiday of wife, husband or child	10 days	Without pay	Request in advance, in writing
4 Jury service	See conditions of service	With pay (employee must claim an allowance from Court)	Notify Headteacher
5 Attendance at interviews – posts connected with education Attendance at interviews – others [Also agreed for Support Staff at the discretion of the school]	School to retain discretion	With pay	Request in advance, in writing
6 Attendance at meetings of Examiners for GCSE or other approved examinations	As necessary	With pay	Notify Headteacher
7 Attendance at courses (and for examination study and for examination) approved by the Board (or relevant manager for centrally employed teachers)	As necessary	With pay	Notify headteacher

8	Other examination leave and study where not directly related to the teacher's job.	As approved by the Headteacher's recommendation.	Without pay	Request in advance, in writing
	Attendance at annual camp as volunteer member of TAVR and the like where this is clearly avoidable	Up to 5 days And Remainder	With Pay And Without Pay	Request in advance, in writing
9	Attendance at a religious ceremony or observation of religious festival which the teacher is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order [Also agreed for Support Staff at the discretion of the school]	Up to 3 days per year (1 day per religious ceremony or observation unless additional time agreed at the discretion of the Headteacher)	With pay	Request in advance, in writing
10a	Removal of home by teacher joining this Authority [Also agreed for Support Staff at the discretion of the school]	1 day and up to a further 2 days for travelling at the discretion of the headteacher	With pay	Notify Headteacher
10b	Removal of home by teacher moving house within the district [Also agreed for Support Staff at the discretion of the school]	1 day	With pay	Notify Headteacher
11	Representatives of trade unions attending annual conferences and taking part in formal consultations with representatives of this Authority or at national or provincial level	See conditions of service	With pay	Notify Headteacher
12	Illness of member of immediate family [Also agreed for Support Staff at the discretion of the school]	2 days (also see dependants/parental leave)	With pay	Notify headteacher
13	Hospital attendance of self And Of immediate member of family with the exception of grandparents and grandchildren (GP and dental appointments should be made outside normal working hours)	1 day and 1 day	With pay	Notify Headteacher
14	Attendance at University Graduation Ceremony etc. where self or member of immediate family is receiving a degree, diploma or certificate [Also agreed for Support Staff at the discretion of the school]	1 day	With pay	Request in advance, in writing

15	Other urgent or private family business [Also agreed for Support Staff at the discretion of the school]	Up to 1 day	Without pay	Notify Headteacher
16	Attendance of husband at the birth of his child NOTE: this leave is only applicable to a teacher who does not qualify for paternity leave.	Up to 2 days at the discretion of the headteacher	With pay	Request in advance, in writing (part of Paternity leave procedures)
17	Special Circumstances. School employees that have reasons for requesting leave other than those explained, should make such requests in writing.	Discretionary	Discretionary	Request in advance, in writing

NOTES:

Definitions of "immediate family"

For the purpose of this scheme "immediate family" shall include:

Wife	Father	Mother-in-law	Partner
Husband	Brother	Father-in-law	Stepfather
Son	Sister	Grandmother	Stepmother
Daughter	Guardian	Grandfather	Stepbrother
Mother	Ward	Grandchild	Stepsister
			Stepchildren

* EXCEPT for "Wedding of any member of immediate family" where immediate family does not include:

Self, Grandparents, Parents-in-law and Grandchildren