The Parkside School
learn grow thrive

Leave and time off policy

Approved by	Mrs C Ellis-Gage Head Teacher	**Date** January 2026
Signed		
Next review due by	Mrs C Ellis – Gage Head Teacher January 2027	

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1. Introduction

Every employee will, from time to time, need to take time off work. This model policy provides opportunity for schools to establish a clear framework within which employee entitlements and employer discretions relating to leave and time off can be clear.

Through the implementation of this policy, the Governing Board/Trust will be mindful of the employer obligation to seek to maintain and protect the mental health and wellbeing of all staff as far as is reasonably practicable.

2. Equal opportunities and scope

2.1 The school expects employees to adhere to this policy in line with the school's obligations under equality legislation. Headteachers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

2.2 Through the implementation of this policy, the Governing Board will be mindful of the employer obligation to seek to maintain and protect the mental health and wellbeing of all staff as far as is reasonably practicable.

3. Record keeping

Clear records of all leave granted and taken must be kept by the school including copies of any related authorisation and details of the type of leave.

4. Impact on pay

Wherever an employee is taking time off and there is an impact on pay (e.g. for unpaid leave situations or those periods of leave that may attract loss of earnings compensation), the Headteacher must ensure that the Payroll Team is notified using the appropriate form. Details of appropriate forms are given in the text of this document.

5. Abuse of this policy

Any employee found to have abused the provisions of this policy will be investigated under the Disciplinary procedure with appropriate action being taken.

6. 'Rarely cover'

When considering how to cover periods of employee absence, consideration must be given to the requirement introduced through the 2009 School Teachers' Pay and Conditions Document that teachers (other than those employed for the purposes of providing cover) should cover the absence of teacher colleagues 'only rarely and in circumstances that are not foreseeable'. The introduction of this requirement was part of the package of contractual change set out in the National Agreement on Raising Standards and Tackling Workload.

Note: "Rarely cover" is built into the School Teachers' Pay and Conditions Document. It is therefore a statutory requirement for all schools.

7. Annual leave

7.1 Teaching staff

There are no specific provisions for annual leave for teaching staff.

Under the School Teachers' Pay and Conditions Document, the number of directed hours within which a teacher employed full time shall be available is 1265 in any school year, with the number of days on which teachers shall be available for work in any school year is 195, with five of those days being days on which the teaching of pupils is not required. Teachers cannot therefore be directed to undertake duties on any other days not specified as working days by the employer, including public holidays and weekends (except where their contract specifies weekend working).

The 1265 annual directed time limit does not apply to Headteachers, Deputy Headteachers, Assistant Headteachers or Lead Practitioners. The School Teachers' Pay and Conditions Document does not specify either maximum weekly hours or maximum annual hours. The document does, however, specify that the employer (in the case of a Headteacher, this would be the Governing Board) has a responsibility to ensure a work life balance exists for these categories of employee. One inference from this is that these categories of employee should benefit from reasonable periods of leave during the year. It is clear that these employees cannot be instructed to work on any Saturday, Sunday or public holiday (unless their contract of employment expressly provides for this).

Note: The requirements of the School Teachers' Pay and Conditions Document are statutory for all schools.

7.2 Contracted support staff

Annual leave entitlement varies according to grade and length of service. The table below shows the leave entitlement that employees covered by Norfolk's MRS local agreement are entitled to.

Up to 31 March 2023:

Spinal Column Point	Length of continuous service in complete years immediately prior to commencement of leave year		
	Below 5 years	5 or more but less than 10	10 years or more
Scale E or below	24 days	29 days	29 days
Scale F – G	25 days	29 days	29 days
Scale H – M	27 days	29 days	30 days
Scale N and above	28 days	29 days	31 days

From 1 April 2023:

Spinal Column Point	Length of continuous service in complete years immediately prior to commencement of leave year		
	Below 5 years	5 or more but less than 10	10 years or more
Scale E or below	25 days	30 days	30 days
Scale F – G	26 days	30 days	30 days
Scale H – M	28 days	30 days	31 days
Scale N and above	29 days	30 days	32 days

The annual leave period runs from 1 April to 31 March each year. Part-time employees and those employed on temporary and fixed term contracts, receive annual leave on a pro-rata basis.

Those employees who work 'all year round' will take annual leave from their normal working hours. Employees must make requests for annual leave to the Headteacher in advance. Only annual leave which has been approved by the Headteacher can be taken. Normally, 'all year round' employees will be required to take their annual leave during school closure periods, but this can be varied at the discretion of the Headteacher. In

exceptional circumstances, and by mutual agreement, annual leave can be carried forward to the next year (normally a maximum of five days). The school will monitor 'all year round' employees annual leave and remind employees, giving sufficient notice, that if they do not take their entitlement it will be lost or subject to the carry over limits described in this policy.

For employees who do not work all year round and are paid an average salary, the average salary calculation includes payment for the appropriate number of annual leave days. Leave is effectively taken during weeks when the employee is not expected in school. This also takes into consideration any public or bank holidays owed. Salary is paid in 12 equal monthly instalments to avoid lengthy gaps in payment during long school closure periods.

When any support staff employee leaves employment, entitlement to outstanding leave will be calculated. Any leave owed should be taken before the termination date but where this is not possible, pay in lieu of the remaining leave entitlement will be paid.

Those support staff employees who work less than all year round and who leave at the end of the summer term (provided they have worked the full school year) will remain on the payroll until 31 August, in order that they receive all of the salary to which they are entitled through the averaged (over a year) salary arrangement.

7.2.1 Annual leave and sickness absence (all year round support staff)

Employees who are due to take annual leave but become sick, or are sick whilst on annual leave, may reclaim their annual leave and claim sick leave instead. If this is the case, they should inform the school, using normal sickness absence reporting procedures, at the earliest opportunity, as laid out in the staff/school handbook.

Employees must provide appropriate medical certification.

7.2.2 Annual leave whilst on long-term sickness absence (all year round support staff)

Employees continue to accrue annual leave while they are absent due to sickness absence.

Employees may request to take annual leave during a period of long term sickness absence. This will only apply to their statutory holiday entitlement (5.6 weeks). However, they are not obliged to do so. An employee can only take their accrued statutory annual leave entitlement whilst off sick.

During the requested annual leave the absence will be recorded as sickness absence and appropriate medical certification will be required. Moving between sick leave and annual leave will not 'break' the sickness, i.e. the period of sick leave will be continuous if it relates to the same sickness or injury prior to the period of annual leave. Taking annual leave during a period of sick leave does not trigger a new entitlement to sick pay or extend the length of time sick pay is paid. Where an employee takes annual leave during sick leave, statutory sick pay (SSP) will be offset against holiday pay. This means that any SSP due will count towards the holiday pay received.

Headteachers should confirm the arrangements in writing to the employee, including the dates of the annual leave, and ensure the payroll provider are informed so that correct payments are made.

Strategy consideration - Schools whose payroll provider is NCC can use the *Staff absence return form F213o* on InfoSpace for this purpose.

7.2.3 Annual leave entitlement on return from long term sickness absence

On returning from long term sickness absence (or if an employee is not able to return to work from long term sickness absence and is leaving the employer) employees are entitled to take any contractual annual leave owed for the current leave year.

If there is not the opportunity to take the annual leave (i.e. they have just returned and there is not enough time in the current school year) employees have the right to carry over any outstanding statutory entitlement to annual leave. In many cases for teaching staff and support staff (who work less than all year round) any outstanding statutory leave can be managed by carrying forward the entitlement into the following year, and therefore be covered by school closure periods.

Any bank holidays that happen during the absence will not be reimbursed unless they form part of an employee's statutory entitlement, i.e. they only have a contractual entitlement to 24 days and failure to reimburse for bank holidays will mean they do not receive the statutory entitlement.

In some cases, there may be difficulty in accommodating all of the carry-over of annual leave in one annual leave year so Headteachers should discuss this with their HR provider and the employee to identify and agree how this will be managed. Education**HR** can be contacted by telephone on 01603 307760 and by emailing EHRenquiries@norfolk.gov.uk.

Note: The MRS agreement is a collective agreement that applies to all Norfolk County Council Schools (i.e. Community and VC Schools) and to all other schools who signed up to the agreement when it was introduced.

Those schools must follow these provisions. The provisions will also apply to academy employees who were protected by TUPE legislation at the time of transfer and were covered by the provisions of the MRS agreement immediately prior to the transfer. Any school not signed up to the MRS agreement must make provision for employees that is at least consistent with the annual leave entitlements in the Green Book (i.e. the national agreement) and the statutory annual leave requirement.

Funding consideration – There are no additional costs associated with annual leave. It is part of normal salary for contracted employees.

7.3 Casual support staff employees

Historically, casual support staff employees (i.e. those paid on a monthly claims basis) received entitlement to leave through enhanced salary payments called "rolled up holiday pay". Legislation removed this method of payment and now requires that leave entitlement is identified and taken as leave. Special arrangements were therefore introduced for these employees in September 2009. Further guidance can be obtained via Education**HR**.

Funding consideration – Annual leave entitlement for casual support staff will be funded from the same budget that the individual's salary is funded from.

8. Additional bank holidays

Term time only (TTO) support staff employees:

8.1 TTO employees are entitled to a pro-rata allocation of public holidays that occur during the leave year. This entitlement is unaffected by whether the public holiday occurs on a normal working day for the employee. This is accounted for in their pay calculation.

8.2 If the Government announces an additional public holiday(s), a TTO employee's pay will reflect the additional public holiday. Alternatively, the school can choose to offer an additional period of paid leave during term-time. In such circumstances the school will make all employees aware of the suggested date of leave.

All year-round support staff employees

8.3 Employees who work all year round will either benefit directly from the additional bank holiday (if they would normally have worked on the day that has been declared a bank holiday) or will be provided with the opportunity to take an additional period of paid leave during the working

year in lieu of the additional bank holiday (if they would not normally have worked on the day that has been declared a bank holiday).

Teachers

8.4 The number of hours of directed time and the numbers of days that they are required to work will be adjusted to reflect the bank holiday either as part of the School Teachers' Pay and Conditions Document or in supplementary statute.

8.5 Provided the school manages each teacher's directed time in accordance with the total days/hours published in the School Teachers' Pay and Conditions Document (or supplementary statute), the appropriate benefit will be gained.

9. Disability leave

9.1 Disability leave is reasonable paid time off work for a reason related to an employee's disability. It can usually be planned in advance and is for a fixed period of time. Employees should make appointments outside working hours but where this is not possible disability leave may be an option. A failure to allow reasonable time off could be deemed discriminatory.

Examples of disability leave include:-

- Hospital or doctor appointments
- Hearing aid tests
- Training with a guide or hearing dog
- Counselling/therapeutic treatment
- Recovery time after a blood transfusion or dialysis treatment
- Physiotherapy
- Servicing of necessary equipment or disability aids
- Cancer treatment
- Other reasons connected with rehabilitation, assessment and treatment
- While reasonable adjustments are made in respect of the individual's disability it is not appropriate for an employee to remain at work or be redeployed. This decision will be based on medical advice. (The time off will not be taken into account when considering possible dismissal on the grounds of medical incapability)
- A reasonable extension to a phased return period based on medical advice.

Disability leave is an example of a reasonable adjustment under the Equality Act 2010. The intention is to avoid employees taking annual leave due to their disability or having a poor attendance record. Not all disabled employees will need to take disability leave.

Disability leave is not sickness absence that is related to a disability. When an employee is not well enough to attend work, this **must** be recorded as sickness absence.

9.2 Eligibility

Employees who consider that they have a disability as defined by the Equality Act can apply to their Headteacher for disability leave when they need it by using the *Disability leave record form F201c* on InfoSpace.

The Equality Act defines disability as "a physical or mental impairment, which has a substantial and long-term adverse effect on ability to carry out normal day-to-day activities". Substantial and adverse means more than minor or trivial, and long-term means that is has lasted or is likely to last for at least a year or for the rest of the life of the person affected. Normal day-to-day activities include everyday things like eating, washing, walking and going shopping. A normal day-to-day activity must affect one of the "capacities" listed in the Act, which includes mobility, manual dexterity, speech, hearing, sight and memory.

Read more information on the Equality Act 2010 on the ACAS website.

9.3 Notification

Employee responsibilities:-

- Discuss the request for disability leave with the Headteacher, wherever possible in advance.
- Complete *Disability leave record form F201c* and give to the Headteacher.

Headteacher responsibilities:-

- Explain the availability of disability leave when informed of the employee's disability.
- Assess whether any request is reasonable. This will depend on the circumstances (e.g. the nature of the disability, personal management strategies, available appointments, etc).
- Explore other reasonable adjustments with the employee that may be necessary.
- Inform the Payroll Team of the disability leave using the usual leave notification process i.e. completing the *Staff absence return form F213o.*

Note: Under the Equality Act, disability leave can be deemed a reasonable adjustment for an employee with a disability. All employers therefore have a statutory duty to make provision for disability leave in appropriate circumstances. Disability leave will always be with normal pay.

Funding consideration – Any additional costs associated with cover will be met by the school budget.

10. Emergency dependant leave

10.1 A statutory entitlement exists for all employees to have the right to take reasonable time off work to deal with an emergency involving a dependant. There is no qualifying period - employees have this entitlement from their first day of employment.

The statutory entitlement only provides time off and such time off cannot be denied. There is, however, no requirement for emergency dependant leave to be with pay.
Parkside pays the first day of emergency dependant leave only and a maximum of three days over a year.

Employees should appreciate that emergency dependant leave can be difficult to cover and will have an impact on the smooth running of the school. It should therefore only be used in genuine emergency situations.

10.2 Taking time off

Employees can use emergency dependant leave to deal with an unexpected or sudden problem and make any necessary longer-term arrangements:

- if a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically;
- to make longer term care arrangements for a dependant who is ill or injured;
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant, for example, when the child-minder or nurse fails to turn up;
- to deal with an incident involving their own child during school hours, for example, if the child has been involved in a fight or is being suspended from school.
- when a partner is having a baby;
- to deal with the death of a dependant, for example, to make funeral arrangements or to attend a funeral.

It should be noted that certain circumstances, including some of those listed above, may be covered by other provisions of this policy. Emergency dependant leave provides a statutory entitlement for employees (without pay) whereas those other provisions will require a request from the employee

and authority from the Headteacher but may provide leave *and* pay, and potentially for longer periods.

10.3 Definition of dependant

A dependant is the partner, child or parent of an employee, or someone who lives with an employee as part of their family. For example, this could be an elderly aunt or grandparent who lives in the household. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, for example, a live-in housekeeper.

In cases of illness, 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 person who can help in an emergency.

10.4 Amount of leave

There is no set limit to the amount of time off which can be taken. In most cases, the amount of leave will be one or two days at the most, but this will depend on individual circumstances, although employees may be able to take longer periods of leave under other arrangements (see Compassionate leave for bereavement and Parental leave). However paid is only the first day and a total of three over a year.

For example, if a child falls ill, the leave should be enough to help the employee cope with the crisis - to deal with the immediate care of the child, visiting the doctor if necessary and to make longer term care arrangements. It does not mean that the employee may take two weeks leave to look after a sick child.

10.5 Notification

Employees must tell their employer, as soon as is practicable, the reason for their absence and how long they may be away. There may be exceptional circumstances where an employee returns to work before it was possible to contact the employer, but they should still tell the Headteacher the reason for absence immediately on returning. It is not necessary to give notice in writing but there is a sample form on InfoSpace, which can be used *Time off for dependants record form F201a.*

10.6 Protection from dismissal and detriment

Employees are protected from being penalised or dismissed because they have taken, or have sought to take, time off under this right. For example,

someone who is moved to a lower salary grade because they have exercised this right would be able to make a complaint that they have suffered a detriment. It is unfair to dismiss or select for redundancy any employee on the basis that they have taken, or have sought to take time off under this right.

If an employee is unreasonably refused time off under this right, suffers a detriment or is dismissed for taking, or seeking to take, time off under this right, the matter should be considered under the school's grievance procedure.

11. Compassionate leave on bereavement

11.1 The time immediately after the death of a close relative will be difficult for most employees. The closer the relationship between the employee and the person who has died, the greater the need for the relevant managers to adopt a sensitive approach. Compassionate leave for bereavement may be granted at the discretion of the Headteacher to employees who have suffered the death of a close relative.

11.2 The following factors should be considered:-

- The relationship of the employee to the person who has died - a formal family relationship is not necessarily an accurate reflection of the closeness of a family tie.
- Personal responsibilities - for example, the employee may have responsibility for arranging the funeral, as executor for the will, etc.
- Geographical location of the funeral and the travelling time involved.
- The recovery time needed before the employee can cope with the demands of their job.

11.3 Notice

Employees will notify their line manager of their need to take leave as soon as possible or, at the latest, on the first day of absence. An employee's next of kin or family member can notify the employee's line manager on their behalf.

11.4 Standard discretionary entitlement – NB these are recommended, please take note of paragraph 11.2 above when determining the amount of time in each individual case. Please also note section 12 below states specific leave entitlement for parents who have lost a child.

- One day of paid leave to attend the funeral of a spouse, partner, parent, guardian, child, brother, sister, grandparent or grandchild.

- Half a day of paid leave to attend the funeral of an aunt, uncle, cousin, mother/father-in-law or brother/sister-in-law.

11.5 Further possible discretionary entitlements

Up to an extra four days paid leave can be granted by the Headteacher depending on the circumstances outlined in 11.2 above. Any leave approved beyond this would be unpaid except in the most exceptional circumstances, when the Headteacher has discretion to authorise paid leave for a further five days maximum.

If the employee is unable to return to work beyond the allowed compassionate leave period because they are unfit to do so, absence should be deemed sick leave and the relevant parts of the *Absence management policy and procedure P313* should be followed.

Employees may request leave to accommodate religious observances following bereavement. This can require extended periods of leave or leave to be taken at very short notice. Requests should be viewed sympathetically although there is no provision in the policy for such leave to be with pay.

11.6 Culture and diversity

Different cultures respond to death in significantly different ways. Therefore, line managers will check whether the employee's religion, belief or culture requires them to observe any particular practices or make special arrangements which would require them being off work at a particular time. Employees should not assume that their line manager is aware of any such requirements and should draw this to their attention as soon as possible.

12. Compassionate leave - Parental bereavement

12.1 Entitlement

Leave

The Parental Bereavement Leave and Pay Regulations 2018 (effective from 6 April 2020) gives a statutory right to two weeks' leave to all employed parents if they lose a child under the age of 18 or have a stillbirth from the 24th week of pregnancy. This right applies from day one of employment.

Pay

The proposed policy is that the two weeks will be paid at full pay and applies from day one of employment.

Note: This is subject to agreement by School's Forum. We will update this policy as soon as agreement is confirmed.

12.2 Application guidance

The entitlement is available to 'parents in fact' which means it applies to birth parents and also adults with parental responsibility e.g. adoptive parents, foster to adopt parents, legal guardians and foster parents (emergency foster care may not be covered).

The two weeks' can be taken as either a single block of two weeks, or as two separate blocks of one week each taken at different times during 56 weeks after the child's death. This means the parent could use their leave at the time they feel they need it most e.g. the anniversary of the child's death.

If more than one child has passed away the parent is entitled to separate entitlements for each child.

12.3 Informing payroll

Note: For schools who use NCC payroll, the school will record the absence on the *Staff absence return form F213o* as parental bereavement leave. Payroll will then record the absence in the correct way.

12.4 Notice

If the parent takes the leave within the first 56 days of their bereavement there is no need to give notice, other than as soon as they are able, preferably no later than when they are due to start work on the first day of leave. Where leave is required more than 56 days after the bereavement a week's notice to the Headteacher/line manager is required. However, Headteachers and Line managers will keep in mind the sensitivity of the situation when less notice is given.

12.5 Cancelling leave

Where the parent wishes to cancel the leave, if this is within the first 56 days of the bereavement no notice is required other than as soon as they are able. If it is more than 56 days after the bereavement, a week's notice of cancellation to the Headteacher/Line manager is required. However, Headteachers and line managers will keep in mind the sensitivity of the situation when less notice is given.

12.6 Returning to work

An employee will have the right to return to the same job unless the bereavement leave follows immediately on from maternity, adoption, paternity or shared parental leave (taken in related to a child who has passed away) and their total time on leave is greater than 26 weeks. In these circumstances, the employee will have the right to return to the same job, unless it is not reasonably practical. If it is not reasonably practicable the employee will have the right to return to a suitable and appropriate job on the same terms and conditions.

This rule also applies if your leave includes more than four weeks of ordinary parental leave (taken in relation to any child) regardless of the length of the leave.

Note: The right for an employee to take time off for parental bereavement leave is a statutory right arising from the Parental Bereavement Leave and Pay Regulations 2018. The statutory right is two weeks' leave from day one and, two weeks' statutory pay after 26 weeks of service and normal weekly earnings in the eight weeks up to the week before their bereavement of at least the lower earnings limit for national insurance contribution purposes. However, NCC have implemented a policy which entitles all employees taking parental bereavement leave to two weeks' full pay from day one, it is suggested that schools follow the NCC policy and therefore this model policy reflects that.

Funding consideration: Subject to agreement – Funding is available centrally agreed through Schools Forum and managed by the Local Authority, to pay for the costs of time off for parental bereavement leave. It is therefore expected that time off for parental bereavement leave in schools will be with pay.

13. Other compassionate leave

13.1 Medical appointments

Wherever possible, employees should make medical/dental appointments for themselves or their dependents outside of school hours (normal working hours – outside of directed hours for teachers) or in school closure periods.

There is no legal requirement to grant time off for medical appointments including surgery and fertility treatment. Where the surgery or fertility treatment is available and recommended by the NHS the Headteacher should grant leave of absence with pay (this does not mean the employee

has to have the procedure on the NHS, they could choose to go private). For non-NHS recommended procedures, the Headteacher should grant leave of absence without pay. Please note if the employee concerned is deemed to have a disability covered by the Equality Act, it will be appropriate to consider whether time off for medical appointments should be treated as disability leave (see section 9 above).

Where possible, the employee should ensure there is sufficient time outside school hours or in school closure periods to allow for recovery. If the Headteacher is satisfied that this has not been possible, the usual sick leave and sick pay arrangements will apply provided the school's sickness absence procedure is followed. If the employee is unfit to work due to complications resulting from surgery/treatment, or the surgery/treatment results in injury, the usual sick leave and sick pay arrangements will apply provided the school's sickness absence procedure is followed.

13.1.1 Transgender procedures

The Equality Act 2010 makes it unlawful for an employer to discriminate against an employee, job applicant, or contractor on the grounds they propose to start, or have completed a process to change their gender. An individual does not need to be undergoing medical supervision to be protected by the Act, nor do they have to complete the process of changing their identity. The individual cannot be treated any less favourably than someone who is absent for some other reason. Employers have a duty to ensure that an employee in these circumstances does not suffer harassment once they return to work. Confidentiality is therefore important and the Headteacher should discuss with the employee what information will be given to colleagues about the reason for absence.

13.1.2 Discrimination and fertility treatment

Employers are not legally obliged to allow employees time off from work to undergo fertility treatment. Women who are undergoing fertility treatment are, however, protected under the Equality Act 2010. If they are dismissed or treated differently because they are undergoing surgery or other treatment, or have undergone fertility treatment, this is likely to constitute unlawful discrimination.

If an employee is ill as a result of treatment, e.g. if they suffer from stress or some other complication, then they will be entitled to take sick leave, and receive sick pay if they are unfit for work.

13.1.3 Further information

Occupational Health will be able to advise on specific cases. Advice regarding medical appointments can also be accessed through Education**HR**. Please note there are statutory entitlements for employees with pregnancy related absence. Please see the relevant maternity scheme on InfoSpace.

Note: There is no entitlement to leave or time off for medical appointments, including surgery, fertility treatment or transgender procedures. Any leave or time off would be discretionary. Individual schools can determine their own policy and levels of discretion in this area. Please note care should be taken to separate out periods when an individual is not fit for work as a result of treatment or procedures as such time is likely to be sick leave with accompanying sick pay.

Funding consideration: Any costs associated with covering the absent employee will be met from the local school budget.

Parkside will paid for 6 hours to each staff member over an academic year to use for things such as medical appointment & children nativity.

13.2 Other personal leave

Paid leave of absence can be granted for a reason the Headteacher supports such as moving house, representing county or regional teams in sporting or cultural events, examination/study leave, service as an examiner and meetings of examination panels. There may be other reasons leading to paid leave which the Headteacher/Governors support.

Some occasions may lead to the Headteacher allowing a day's unpaid leave. These would include graduation/public honour of self, spouse or child or the reading of a will after death (more likely where the deceased is a friend and not a family member in which case leave is likely to be granted under section 11). There may be other reasons leading to unpaid leave which the Headteacher/Governors support.

The Green Book details additional decisions for Headteachers with regards to further provisions for support staff. This is in terms of time off for dependants. Headteachers have the discretion to decide whether to grant additional leave with or without pay. Headteachers should give particular consideration to granting reasonable paid time off for dependants as defined under the Employment Relations Act 1999[1]. This could be to settle an elderly relative into a care home or to attend a hospital appointment or planned operation with a child/partner.

[1] Schedule 4 part II defines dependant please see http://www.legislation.gov.uk/ukpga/1999/26/schedule/4

Note: There is no general statutory provision around compassionate leave for other personal reasons nor any entitlements under national or local agreements. This is an employer discretion and individual schools can determine their own policy and levels of discretion in this area. Most employers would want to have provision to allow reasonable time off for the types of life events listed above. Where other specific personal leave is agreed, this should be clearly defined within the school's policy, to ensure consistency for employees.

Funding consideration: Any costs associated with covering the absent employee will be met from the local school budget.

13.3 Compassionate leave for other domestic circumstances

There may be some circumstances where emergency dependant leave would normally apply but where the Headteacher believes it is appropriate to allow time off with pay. Where this is the case, the Headteacher has discretion to the limits outlined for compassionate leave on bereavement under section 11.

All leave of absence on compassionate grounds should be minimised and, wherever possible, timed to be outside school hours or in school closure periods.

Note: There is statutory provision for emergency dependants' leave – leave without pay – as outline in section 10 above. Anything beyond that statutory emergency dependants' leave provision is discretionary and can be determine locally by the school but it is good employment practice to have a clear framework for compassionate leave and to apply this consistently.

Strategy consideration: See strategy comment under Emergency dependant leave above.

Funding consideration: Any costs associated with covering the absent employee will be met from the local school budget.

14. Time off for religious observance

Many religions or beliefs have special festival or spiritual observance days. Those employees with annual leave entitlements may request annual leave in order to celebrate festivals or attend ceremonies. Some employees in schools do not have an annual leave entitlement to use in the same way and even for those with an annual leave entitlement, there is an expectation that leave will be taken during school closure periods.

Whilst there is no legal obligation to approve such requests for time off for religious observance, Headteachers should give due consideration where it is reasonable and practical for the employee to be away from work.

Read detailed guidance on religious festivals on the ACAS website. Consideration for religious observance may not be limited to time off and some employees may wish to worship or pray at particular times of the day or fast for periods of time. All reasonable steps should be taken to accommodate such wishes. Again, further information can be found through ACAS but in most situations a meaningful discussion between the employee and the Headteacher will achieve a satisfactory arrangement for employee and employer.

15. Travel difficulties in bad weather

The Headteacher may authorise staff not to attend school when adverse weather conditions make travelling difficult or dangerous. Headteachers should ensure that communication methods are robust to ensure that all staff and pupils are aware of the decision to open or close the school. Please see InfoSpace for advice on employee and pupil health and safety during bad weather.

Where such absence is authorised, the employee would receive normal pay but the Headteacher will be entitled to allocate work that the employee can carry out at home during this time.

If an employee is absent without the necessary authority from the Headteacher, it will be treated as unpaid leave.

Note: There is no statutory entitlement to time off because of inclement weather. In most situations, a decision will be made as to whether the school will be closed because of bad weather. If the school remains open, staff should make all reasonable efforts to get to work.

Funding consideration – Any costs associated with providing cover for an employee absent as a result of inclement weather will be met by the local school budget.

16. Time off for interviews

An employee will be allowed reasonable time off with pay to attend interviews.

The employee must provide as much notice as possible to the Headteacher of their wish to take time off to attend an interview process and, wherever possible, should mitigate the amount of leave required.

The Headteacher may limit the amount of time an individual takes for interviews, particularly if the number of days lost is significant and the ability for appropriate cover to be found is limited.

An employee who has been given notice of dismissal on the grounds of redundancy will be allowed reasonable time off for interviews. If they have continuous employment of two or more years, they will also be entitled to reasonable paid time off to look for other employment or to arrange training for future employment. Refer to the *Staffing adjustment policy and procedure* P318 for further guidance.

Note: There is no statutory entitlement to time off to attend interviews in normal circumstances. The school will need to determine whether they allow time off. Because most employers are keen to have potential candidates attend for interview during the school day, it is normal practice to allow paid time off for interviews to encourage a reciprocal arrangement and to allow movement in the school sector.

17. Time off work for public duties

17.1 Under current employment legislation employers are required to grant reasonable time off to employees engaged on certain public duties. A reasonable amount of time off must be allowed to employees who are:

- Justices of the Peace (Magistrates);
- members of a Family Health Service Authority;
- members of Local Authorities & Police Authorities;
- member of Strategic Health Authorities;
- members of Statutory Tribunals;
- members of a National Health Service Trust;
- members of School Governing Bodies, Academy Trusts, Higher Education Corporation or Local Authority Education Establishments;
- members of the Environment Agency;
- members of the Broads Authority;
- members of a Board of Visitors, or a Visiting Committee for Prisons, Remand Centres and Young Offenders Institutions;
- members of a panel of lay observers (volunteers who monitor condition for prisoners under escort and in court custody);
- members of visiting committees (these committees monitor the immigration detention estate);
- members of Visiting Committees appointed to monitor short-term immigration holding facilities (e.g. at airports)
- independent prison monitors in Scotland.

The 'reasonable time off' is to allow attendance at meetings of the body or any of its committees or sub-committees, or, performance of duties which

have been approved by the body and which are necessary for carrying out its functions.

It is not legally permissible for a Norfolk County Council employee to serve as an elected Member on Norfolk County Council, but they may serve as managers or governors of educational establishments. Additionally, employees who hold posts designated as politically restricted under the Local Government and Housing Act, 1989, are prevented from becoming a candidate for election to a local authority, the House of Commons or European Parliament and also from undertaking certain other political activities. A local authority in this context includes county councils, district councils and the Broads Authority.

17.2 There may be other public organisations not specifically covered by the legislation for which paid time off will be considered. The Headteacher may seek advice from Education**HR** before making a decision on this.

17.3 Reference has been made to allowing reasonable time off. The legislation sets out various criteria for determining reasonable time off under these circumstances.

These are:

- how much time off is required for the performance of the office or as a member of the body in question, and how much time off is required for the performance of the particular duty;
- how much time off the employee has already had in respect of these duties and any other permitted time off (e.g. for trade union duties).
- the circumstances of the employer's business and the effect of the employee's absence on the running of the business.

The Local Government and Housing Act, 1989, however prescribes an absolute maximum of 208 hours per year which local authority employees may be paid to undertake duties as a member of a county, district or parish council (unless the office of Chairperson of the Council is held).

17.4 In view of the legislative requirements and in order to ensure equitable treatment for employees, the following process will be followed to consider requests from employees for paid leave to undertake public duties:-

As a first step, the employee should advise the Headteacher that they are intending to become involved in the public duty covered by the guidelines.

Once the employee has been appointed to the particular office, the Headteacher will take steps to identify how much time off is likely to be required. This would be through discussion with the member of staff and by

contacting external sources if appropriate for guidance, e.g. Clerk to the Justices.

It is not possible to be overly prescriptive about the amount of time off involved as this will vary depending on the role undertaken and the nature of the commitment at any particular time. Each case will be considered individually. In determining an appropriate amount of time off, account will be taken of the employee's other commitments in respect of such activities as trade union/health and safety activities. Having considered all these factors, a time off allowance can then be agreed. Headteachers have discretion to agree a paid time off allowance of up to 18 working days per annum. Notwithstanding these arrangements some members of staff may, of course, prefer to use annual leave instead of paid time off. Unpaid leave may also be an option to be considered.

The Headteacher will then notify the employee formally of the limits of time off agreed.

17.5 Part-time employees have the same legal entitlement to time off as their full-time colleagues. While part-time employees may themselves ask to rearrange their working hours to fit in with the requirements of their public duties they must not be required to do so.

17.6 No time off, paid or unpaid, other than annual leave (where it is an option) will be allowed to employees standing for election to district or parish councils for the purpose of campaign or other pre-election duties. Annual leave (where it is an option) will only be allowed in these circumstances where it can be managed without negative impact on the school.

17.7 For any employees in community or voluntary controlled schools who do not hold a politically restricted post, leave of absence without pay will be granted for a period or periods not exceeding four weeks in total in the period immediately preceding an election, up to and including the day of the poll. In the event of an employee being elected as a Member of Parliament, neither Norfolk County Council nor the Governing Board of the school would keep the individual's job open but the County Council would be willing to seek to re-employ such an employee if they had at least ten years previous service with the County Council and if a return to employment with the County Council is sought within a period of five years after the election. No commitment to either the success of this exercise or to the nature of employment and salary level can be given.

For employees of foundation or trust schools who seek leave of absence as a parliamentary candidate, the decision is for the Governing Board.

17.8 In all cases of time off for public duties members of staff should, in conjunction with the Headteacher, be expected to ensure that their work as an employee of the school is interfered with as little as possible and that their absence is not to the detriment of the efficiency of the school.

17.9 Public service of some types carries with it entitlement to allowances of various kinds. Allowances relating to subsistence, travel expenses etc are not usually of concern to the school unless they duplicate expenses already paid to the member of staff. Employees who are able to claim an allowance for loss of wages and salary should either voluntarily forego such allowances or provide evidence of the amount of allowance claimed in order that the school can arrange for the appropriate deductions to be made from the employee's earnings.

Note: The right for an employee to take time off for public duties is a statutory right arising from the Employment Rights Act. The statutory right is to time off work, not to paid time off. The employer can therefore choose the extent to which paid time off is allowed. Because funding is held centrally to meet any additional costs in schools arising out of time off for public duties, it is expected that schools will continue a policy of allowing time off with pay for this purpose.

Funding consideration – Funding is available centrally, agreed through Schools Forum and managed by the Local Authority, to pay for the costs of time off for public duties. It is therefore expected that time off for public duties in schools will be with pay.

18. Jury service

18.1 All employees are entitled to paid time off to undertake jury service. All employers have a legal obligation to allow an employee to serve as a juror, if they are called up, for as long as is necessary.

The employer will continue to pay the employee. The employee must claim juror's allowance from the court and this will then be deducted from their pay. The juror's allowance compensates for the employee's loss of earnings. Therefore, if the employee attends court for longer than their normal working hours no additional payment will be made.

During the period of jury service, the employee may be released early. If this happens, the employee should contact the Headteacher to discuss whether it is practicable to return to work for the rest of the day.

18.2 Notification

Employee responsibilities:-

- Notify the Headteacher of dates as soon as the jury summons is received.
- Complete the *Jury Service/Compulsory Court Attendance notification form F201d* and loss of earnings certificate form when the summons is received.
- Complete *Jury Service/Compulsory Court Attendance confirmation form F201e* once the jury service has been completed or if it is cancelled.
- Claim juror's allowance.
- Contact the Headteacher concerning working arrangements if released early during jury service.

Headteacher responsibilities:-

- Agree working arrangements whilst the employee is absent.
- Ensure that the confirmation form is completed.
- Access funds to support the cost of cover.

Note: Individuals are required by law to undertake jury service if called and employers are required by law to allow paid time off for employees who are called.

Funding consideration – Employees are entitled to claim loss of earnings from the court and must do so. The employee will continue to receive normal pay throughout their jury service, but this will be adjusted in light of any monies received from the court as detailed above. The cost of any cover for an employee on jury service will be met by centrally held funds managed by the Local Authority.

19. Court attendance

19.1 Court attendance related to the employment

If an employee is called as a witness on behalf of the employer, they will be paid as normal to attend court. The employee may be able to claim the appropriate allowance for loss of earnings from the court and follow the process as outlined at 18.1. That amount will then be deducted from their pay. If the court sits outside of the employee's normal working hours the Headteacher will discuss how that should be managed. The Headteacher may, for example, approve time off in lieu, work to rearrange working days or agree to be paid additional hours.

19.2 Compulsory court attendance not related to the employment

If an employee is called as a witness and this is not related to their work, they will be granted paid leave to attend court. They may be able to claim the

appropriate allowance for loss of earnings from the court and follow the process as outlined in at 18.1. That amount will then be deducted from their pay. If the employee attends court for longer than their normal working hours, the school will not make any additional payment.

19.3 Voluntary court attendance

Where attendance at court is of a personal matter to the employee and is voluntary, the Headteacher will seek to accommodate time off through the use of annual leave (where it is an option), time off in lieu (where it is practicable) or unpaid leave.

Note: Individuals who are summoned to appear as a witness are required by law to do so and employers are required by law to allow paid time off for employees who are summoned. This does not apply to voluntary court attendance.

Funding consideration – Employees are entitled to claim loss of earnings from the court and must do so. The employee will continue to receive normal pay throughout their service as a witness but this will be adjusted in light of any monies received from the court as detailed above. The cost of any cover for an employee appearing as a witness will be met by centrally held funds managed by the Local Authority.

20. Volunteer reserve forces

20.1 The British Volunteer Reserve Forces (VRF) makes a valuable contribution to our defence, our communities and the workplace. The VRF consists of the Royal Naval Reserve, the Royal Marines Reserve, the Territorial Army, and the Reserve Air Forces.

Reservists may be called up and 'mobilised' to support defence strategy in conflict operations and to assist in disaster relief across the globe.

20.2 Mobilisation is the process of calling reservists into full-time service with the regular forces, in order to make them available for military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation and is typically no longer than 12 months.

This section outlines to employees and managers what happens when employees require time off to fulfil reservist duties.

20.3 Eligibility

There are two main types of reservist covered by the relevant legislation:-

- Standard volunteer reservists – individuals recruited into the VRF.

- Regular reservists - ex-regular servicemen who retain a liability to be called up and mobilised.

20.4 Entitlement

Once a call-up notice to mobilise a reservist has been issued, the employer is legally required to comply with it under the Reserve Forces Act 1996, subject to deferral, revocation and certain exemption provisions.

Under the Reserve Forces (Safeguard of Employment) Act 1985, reservists have a statutory entitlement to be reinstated within six months of the end of their military service. This should be to the same role and on terms and conditions no less favourable than those if had they not undertaken the period of service. If reinstatement is not possible, for example where there has been a reorganisation of the business, then the employee should be offered the most favourable terms and conditions possible in the circumstances.

A reservist cannot be made redundant on the grounds of their military duties or their liability to be mobilised. Reservists can be included in the redundancy pool if this is necessary due to a closure or restructure of a department or team. All employees, however, should be treated consistently and redundancy criteria should not discriminate against reservists on the grounds of their reserve service or call-up liability.

20.5 Process - mobilisation and reinstatement

The employee must inform the Headteacher, who should also receive a formal notice from the Ministry of Defence (MoD). The notice will include the call-out date (first day of mobilisation) and the anticipated timeline.

20.6 Responsibilities

The employee:-

- Inform the Headteacher as soon as a copy of the call out notice is received.
- Ensure the Headteacher is kept up-to-date with a suitable contact address for correspondence.
- Write to the Headteacher within one calendar month from returning from whole-time service to agree a date to return to work.
- If their post has been made redundant, engage in the redeployment process.

20.7 The Headteacher:-

- Sign and return the mobilisation acknowledgment slip as instructed on the notice.
- Meet with the employee to discuss handover arrangements and confirm what the employee's terms and conditions will be when they are absent. Ensure that arrangements are made in respect of childcare vouchers etc. Where an employee has outstanding payments to be made on the Cycle to Work scheme contact Education**HR**.
- Notify Education**HR** of termination through WorkSpace to ensure that the employee is paid correctly (on mobilisation) and write to them confirming the arrangements.
- Consider whether, due to the anticipated length of absence and role, it is necessary to treat the employee as a leaver thereby ensuring appropriate access is removed and equipment is returned. *See Leavers checklist C103 on InfoSpace.*
- Consider the resourcing options available to cover the absence. This will depend on the employee's role and anticipated length of absence. A permanent appointment to the post *cannot* be made due to the reinstatement entitlement of the reservist.
- Seek financial assistance to cover the additional costs of replacing the employee by completing the claim form (provided in the mobilisation pack) and providing necessary evidence.
- Ensure that reminder systems are in place, to enable preparation for their return.
- Ensure the employee's position and absence is taken into account if any changes are proposed at a later date to staffing structures or other organisational arrangements.
- Inform the employee in writing of any significant changes to their employment whilst they are mobilised. For example, a restructure or TUPE transfer. Any correspondence must be sent to the employee's home address.
- Re-employ the reservist as soon as reasonably possible from the date stated in the reinstatement letter. Ensure appropriate safeguarding checks are made before return where necessary.
- Meet with the employee on their return to discuss their experiences – the employee may have new skills that they can offer. Provide an update on changes and developments in the organisation and offer specific training and support where needed.
- Ensure that Education**HR** are notified of the employee's return, through WorkSpace, so that the employee is paid correctly.

20.8 Terms and conditions of employment during mobilisation

The contract will cease via mutual agreement between the employer and the employee. This will not in any way affect the employee's right to reinstatement.

20.8.1 Continuous service

The period of continuous service will not be broken as outlined by the Employment Rights Act (1996). However, the period of military service will not count towards the calculation of continuous employment.

20.8.2 Pay and contractual benefits

The employer will not continue to pay the reservist's salary or contractual benefits.

20.8.3 Annual leave

Reservists should be encouraged to take any accrued annual leave (where applicable) before mobilisation. Where this is not possible the normal rules of carry-over are applicable. Annual leave is not accrued during the period of mobilisation.

20.8.4 Pension

Teachers' Pension scheme

Where the employee is a member of the Teachers' Pensions Scheme, they should contact Teachers' Pensions direct to discuss the implications to their pension and ascertain whether there is a requirement to take any action in this respect.

Local Government Pension Scheme

Where the employee is a member of the Local Government Pension Scheme (LGPS) the following conditions will apply.

If the pay that the employee receives from the Reserve Forces is equal to or exceeds the pay they would normally have received, the employee will continue to make contributions on the pensionable pay received from the MoD and the service will count in full for pension purposes.

If, however, the Reserve Forces pay does not exceed the pay normally received, the pension contributions (and any additional contributions to

purchase added years) are simply deemed to have been paid. The employee will not have to make any contributions (other than any Additional Voluntary Contributions that they wish to pay) and the service will count in full for pension purposes.

The employee can opt not to be covered by the above pension provisions and any such election would have to be submitted within 12 months of the end of the reserve forces leave.

20.9 Training commitments

Training commitments will vary between the different elements of the Reserve Forces. The vast majority of this training takes place in the employee's spare time at evenings and weekends. There is a, however, continuous training period, often referred to as annual camp but this normally takes place during school closure periods.

20.10 Process - annual camp

Employee responsibilities:-

- Confirm in writing the date of the annual camp training to the Headteacher as soon as possible with a request for time off to enable planning for this absence.

Headteacher responsibilities

- Give consideration to allow up to two weeks (depending on the dates provided by the employee) paid leave per year.
- Confirm decision to employee.
- Retain a local record of the leave.

Note: Entitlements for reservists are determined by statute and apply to schools. There is a choice for the employer during any mobilisation as to whether employment is allowed to continue during the absence or not. This model policy is written on the basis that employment ceases for the period of mobilisation because it then minimises any obligations on the employer through that period. This does not affect the employee's right to retain continuous service (i.e. the period of mobilisation does not get added to the total service but neither does it constitute a break) but it will ensure employer obligations are minimised.

Funding consideration – During any period of mobilisation, the reservist will be paid by the VRF and not by the school. Some funds may be available to support the cost of replacing the individual but the school would need to make an application for these funds. If there are any costs associated with release for the annual camp, these will need to be met by the employer.

Any costs of cover for annual camp can be met from funds help centrally and managed by the Local Authority.

21. Retained firefighters

21.1 This section refers to retained firefighters only. A retained firefighter is one that only attends the fire station when they are called to an emergency callout (with the exception of attendance for training or pre-arranged duties), meaning that they do not work full time at a community fire station.

21.2 Arrangements

The school will consider the amount of time it allows for retained firefighter duties on a case-by-case basis, taking into account the role of the employee and the impact of them leaving the establishment at short-notice could have.

Any leave granted by the school is to be agreed between the employee and the Headteacher and would be unpaid.

21.3 Responsibilities

The employee:-

- at the earliest opportunity upon appointment to the school, will notify the Headteacher that they are currently employed as a retained firefighter;
- will advise the school that they are intending to work as a retained firefighter if they are not currently employed as one;

Where and if relevant;

- will notify the Fire Service of when they will be available to be 'on call' following discussion with the Headteacher and in line with this policy;
- will inform the Headteacher as soon as call out notice is received, if time off for duties is allowed;
- will inform the school at the earliest opportunity if the emergency call-out is resolved during the normal working day and seek to determine whether their attendance is required for the remainder of the day.

The Headteacher:-

- will meet with the employee to discuss their intention to join the Fire Service/current arrangements they have with the Fire Service (if they are a new employee), and the school's policy on time off for these duties;

Where and if relevant;

- will ensure that cover is readily available if necessary;
- will meet with the employee to discuss handover arrangements (if time permits);

- will complete *Staff absence return form F213o* to ensure that the employee is paid correctly considering any unpaid leave.
- Will consider, with due fairness, any request for leave to undertake their retained firefighter duties.

21.4 Training

The same requirement will exist for requests for time off for training as outlined above in relation to time off for call-outs. There is no entitlement to time off but if the school allows unpaid leave for call-outs, discretion could be exercised to allow unpaid leave for training. Equally, annual leave (where it is an option) could be considered but would still be dependent on approval by the Headteacher.

Note: There is no statutory entitlement to leave to undertake retained firefighter duties. Any unpaid leave required to undertake such duties is to be approved at the discretion of the school. Retained firefighters are able to advise the Fire Service when they are available to be on-call, meaning they can do so outside of their normal working hours with the school.

22. Trade Union duties and activities

22.1 Representatives

Employee representatives and trade union officials must be able to carry out their union duties effectively whilst having due regard to the reasonable expectations of the employer in relation to the performance of their duties as employees.

Representatives of recognised trade unions have the right to take reasonable time off work, with pay, to carry out duties relating to industrial relations matters between their members and the County Council and/or Governing Board, and to undergo training.

Such time off is covered by a Facilities Time Agreement which is operated by Norfolk County Council.

Note: There is a statutory requirement for all employers to allow trade union representatives time to undertake their union duties. The arrangements in place between Norfolk County Council and the recognised teacher and support staff unions and associations deliver this statutory requirement for maintained schools in the County.

Funding consideration – The Local Authority funds the facilities time arrangements for maintained schools.

22.2 Members of recognised trade unions and professional associations

Members of recognised trade unions have the right to take reasonable time off work, without pay, to take part in the activities of their trade union. Any queries on these matters should be referred to Education**HR**.

23. Strike Action

23.1 Strike action can only legitimately be taken following a process that meets the necessary legal requirements (i.e. following a member ballot, etc).

23.2 A deduction from pay will only be made if an employee was due to work that day. This deduction is not a penalty for taking strike action. Strike action is a breach of contract and employers are therefore entitled to claim damages as a result.

Teachers: Where an individual takes a full day of strike action, a day's pay will be deducted on the basis of 1/365th the annual (full-time equivalent) salary.

Support staff: For full time staff, case law supports a deduction of 1/260th or 1/5th of a week's pay per day to reflect the proportion of time lost out of the working week. For part-time staff the deductions will be for actual hours lost.

23.3 Information around the impact of strike action on an individual's pay and pension situation will be provided in advance of any strike action where sufficient notice has been given by the relevant trade union(s) and/or professional association(s).

Note: The rights of individuals taking strike action are determined by statute. Provided a trade union has taken the necessary steps for strike action to be legitimate, the employer must leave individuals to decide whether they will take strike action. Options here are therefore limited. There is no statutory requirement for pay to be deducted from individuals taking strike action but it is established and appropriate practice.

24. Family friendly entitlements and responsibilities

Maternity, adoption, surrogacy, shared parental leave and paternity schemes detailing entitlements and responsibilities, exist for teaching staff and non-teaching staff in schools. These can be found on InfoSpace or are available from the school office.

Note: There are statutory provisions for maternity, adoption, surrogacy, shared parental leave and paternity and there are nationally and locally agreed entitlements that go beyond the statutory provision for maternity

and adoption. Reference is made here to the schemes provided by Education**HR** and schools are required to follow those schemes.

Funding consideration – There are centrally held funds to support schools with costs relating to maternity, adoption and surrogacy.

25. Maternity support leave entitlements and responsibilities

Maternity support leave is available to support staff only. If the employee qualifies for both paternity leave and maternity support leave refer to the *Paternity leave and pay scheme P208e*. If the employee does not qualify for paternity leave but wishes to take maternity support leave please refer to the *Maternity model procedure – support staff P208c*. These can be found on InfoSpace.

Note: Maternity support leave is a Green Book provision and therefore is only available to support staff.

Funding consideration – There are centrally held funds to support schools with costs relating to maternity support leave.

26. Parental leave

The Maternity and Parental Leave Regulations 1999 introduced an entitlement to a period of unpaid leave, for employees to look after their children, or make arrangements for their welfare.

26.1 Entitlement

Employees are entitled to 18 weeks' unpaid parental leave if:

- they have at least one year's continuous service with the school or a related employer
- they have a child under the age of eighteen or have a child who was adopted within the past eighteen years and is under the age of eighteen
- they have, or expect to have, parental responsibility for the child.

A "week's leave" is defined in 17.4 below.

An employee can only take a period of parental leave before:

- the child's eighteenth birthday
- the eighteenth anniversary of an adopted child's placement with them or their child's 18th birthday, whichever is earlier

An employee can take a period of leave immediately after the end of normal maternity, paternity or adoption leave.

The parent does not have to be living with the child to qualify. The right applies to a single child. Therefore, if an employee has twins, they are entitled to 36 weeks' parental leave. Parental leave cannot be transferred between parents.

26.1.1 Provisions applicable to teaching staff

Employees can take a maximum of four weeks' leave in any year in respect of any individual child. Therefore, an employee with twins could take up to eight weeks in any one year.

Periods of leave must be taken in multiples of one week – unless the child is disabled, in which case it may be taken as individual days.

26.1.2 Provisions applicable to support staff

The green book states that support staff employees may take parental leave:

- as a single block of up to 18 weeks
- as a number of shorter periods of a minimum of a half-day
- in patterns which provide a part time or reduced hours working arrangements for a period of time equivalent to taking 18 weeks

26.2 Purpose of parental leave

An employee must be taking the leave to care for the child. This means looking after the welfare of a child and can include making arrangements for the good of a child.

For example, an employee might take parental leave to:

- spend more time with the child
- accompany the child during a stay in hospital
- check out new schools/academies
- help settle the child into new childcare arrangements
- enable a family to spend more time together, e.g. taking the child to stay with grandparents.

Caring for a child does not necessarily mean the employee has to be with the child 24 hours a day. If it is found that the employee is using the parental leave for some other purpose, e.g. to do other work, this could be dealt with using the disciplinary procedure.

Note: Because notice needs to be given with a request for leave, parental leave is not suitable where an employee's child suddenly falls ill. However, under the Employment Relations Act 1999, employees are able to take a

short period of emergency leave to care for the child - see para 8 – Emergency dependants leave.

26.3 Process for parental leave

Employee responsibilities:-

- *Parental leave record form F201b* on InfoSpace should be completed and passed to the Headteacher (unless the member of staff making the request is the Headteacher in which case the request is made to the Chair of Governors) giving 21 days' notice before the intended parental leave start date. **NB.** If the employee is having a baby or adopting, the notice is 21 days before the week the baby or child is expected.
- If requested, provide the Headteacher with appropriate evidence of eligibility.

This may be evidence that:

- the employee is the parent of a child
- the employee has parental responsibility for the child
- the child is below the age at which the right to parental leave ceases

The evidence could be:

- the child's birth certificate
- papers confirming a child's adoption or the date of placement for adoption

Headteacher responsibilities:-

- Check the employee's eligibility – the request for evidence must be reasonable, e.g. it may not be reasonable to check on the employee's entitlement on every occasion on which leave is asked for.
- Assess whether to approve the request or postpone it. Parental leave cannot be refused, only postponed, and can only be postponed where the needs of the business or quality of the service so requires. Headteachers should discuss the matter with the employee and confirm the postponement arrangements in writing (*Parental leave record form F201b* can be used for this), no later than seven days after the employee's notice to take leave. Headteachers may be required to justify their decision then or at a later date. If refused, leave must be allowed within six months of the start date of the leave originally requested.

Note: When an employee gives 21 days' notice prior to the expected week of childbirth, to take parental leave immediately after the birth of a child, then the leave cannot be postponed. In the case of adoption, the employee needs to give 21 days' notice of the expected week of placement, or in rare cases where this is not practical, an adoptive parent should give notice as soon as is reasonably practical.

26.4 Definition of a week's leave (for parental leave)

One week's parental leave is equal to the length of time that an employee is normally required to work in a week.

This means that a week's leave for an employee who usually works from Monday to Friday is equal to five days. For an employee who usually works Mondays and Tuesdays only, a week's leave is equal to two days.

If an employee's working pattern varies from week to week, an average working week must be calculated as a fraction of the period for which the employee is required to work in a year. For example, an employee's contract states they work three days a week for 30 weeks, four days a week for 18 weeks, and two days a week for four weeks. To calculate the number of days leave in their average week, divide the total number of working days in these periods by 52.
If an employee takes leave in blocks of less than one week, a week is only deducted from their overall entitlement to 18 weeks when the short periods of leave add up to what would be a normal or average working week.

26.5 Moving between employments

The 18 week entitlement applies to an individual child, not to an individual employment. Therefore if, for example, an employee has taken eight weeks' parental leave with their previous employer, they are only entitled to take another ten weeks in their subsequent employment(s).

26.6 Record keeping

There is no requirement in law to keep formal records of an employee's parental leave but it is wise to do so.

One record should be kept per employee for each child concerned. Leave should not be aggregated or recorded jointly between parents, or where an employee is entitled to leave for more than one child.

Copies of any relevant documentation should be kept with the record on the employee's file.

26.7 Notifications

Headteachers should ensure that employees who are members of the Local Government Pension Scheme are aware that, under the rules of the scheme, the first 30 days of any period of unpaid leave is still subject to pension contribution from both the employee and employer.

Headteachers should notify the Payroll Team of any periods of unpaid leave, using the *Staff absence return form F213o* in order that deductions from pay can be made.

26.8 Returning to work

If the parental leave was for four weeks or less, the member of staff has a guaranteed right to return to the same post as before. If the leave was for a period longer than four weeks, they are entitled to return to the same post, or if that is not reasonably practicable, to a similar post which has the same (or better) status, terms and conditions as the old post.

If the parental leave is for four weeks or less and it follows additional maternity leave, the staff member is entitled to return to the same post as they would have been entitled to return to after their additional maternity leave period.

If the parental leave is for a period longer than four weeks and it follows additional maternity leave, the staff member can return to the same post as they would have been entitled to return to at the end of their additional maternity leave, unless it is not reasonably practicable for the post to be kept open. In these circumstances they are entitled to a similar job which has the same (or better) status, terms and conditions as the old post.

Note: Parental Leave is a statutory entitlement for any eligible employee and it therefore applies to all schools. Section 24.1.2 details a national agreement setting out extra provisions for green book employees, which go beyond the legislation.

27. Data Protection

When managing an employee's leave and time off, the school processes personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the school that they plan to take leave or time off (for any reason referred to in this policy) is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their leave or time off. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

Appendix 1 – Table of changes

Date of change	Paragraphs affected	Summary of update
20/04/2023	7.2	April 2023 table updated – Scale F-G, 10 years or more should read 30 days and not 31 days.
06/02/2023	7.2 7 onwards 23.3	Annual leave for support staff updated in line with 2022 Green Book changes to allow an additional annual leave day for all staff. Paragraphs renumbered as 7 was duplicated. Last paragraph deleted, no longer relevant.
29/11/2022	7, 10	Updated to include information regarding circumstances where an additional bank holiday has been provided by the government. Updated to include additional information regarding notice of bereavement absence and cultural differences in handling such absence.
16/11/2021	1	Additional paragraph to include consideration for employees with mental health issues.
24/04/2020	17	Updated to clarify that only witnesses may be able to claim loss of earnings from the court.
03/04/2020	10	New paragraph outlining the new parental bereavement leave entitlement
03/04/2020	19	Information regarding Retained Firefighters and time off allowed.
05/03/2019	6.2	Following recent case law update made to detail that the school will monitor 'all year round' support staff employees annual leave and remind employees, giving sufficient notice, that if they do not take their entitlement it will be lost or subject to the carry over limits described in this policy.
03/10/2018	15.1	Updated to reflect new duties included under the Time off for public duties Order 2018 (last 4 are the new ones)
11/05/2018	25	New para added to take account of the General data protection regulations in force from 25 May 2018.
28/02/2018	6.2.1-6.2.3	Information added with regards to what happens to annual leave when on and returning from long term sick and also what happens to annual leave if an individual is sick whilst on or just before a holiday

	9.3 10.2	Information added to make it clear that personal relationship with the deceased should be taken into account when deciding how much compassionate leave to grant. Information added to make it clear that where the school agrees to granting leave for personal reasons not already clearly defined in this policy, it should detail this leave in the local policy.
29/01/2018	All	All references made to academies deleted as MAT specific document created (P201a).
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content