

Honiton Community College Academy Trust



This policy was adopted by the Governing Body of
Honiton Community College Academy Trust
on 18th November 2020
and will be reviewed every 3 years

Policy updated by Foot Anstey (Solicitors) to reflect changes in the law and/or the introduction of SPL (Shared Parental Leave). Shared Parental Leave is a form of leave that may be available if your child is expected to be born on or after 5 April 2015 or where an adoption agency places a child with you and/or your partner on or after 5 April 2015.

STAFF LEAVE ABSENCE POLICY

CONTENTS

Introduction	3
Seeking Approval for Leave from Work	3
Dental and Medical Appointments	3
Emergencies involving dependants	3
Parental Leave.....	4
Time off for antenatal appointments	7
Your entitlements	8
Reasons for Leave with Pay	9
Reasons for Leave without Pay	11

Staff Leave and Absence Policy

Introduction

Honiton Community College recognises and values the contribution of each member of staff to the education of the children in the school. It recognises that during the course of employment, colleagues will occasionally be absent from work through ill health, maternity and other authorised circumstances.

Absence of any staff employed in schools during term time means some impact on the children's education. Therefore, requests from any member of staff for absence 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.

This policy gives details of entitlements of members of staff in relation to absence. Part-time staff will have the entitlement for leave from work reduced in proportion to the percentage of time they work. Absence due to sickness or injury will be dealt with under our Maximising Attendance and Managing Sickness Absence Policy.

Seeking Approval for Leave from Work

All staff will be required to follow the College's procedures for requesting leave of absence and for reporting absence.

Authorised paid and unpaid absence from work for the reasons given in this policy requires prior approval.

Requests for paid or unpaid leave must be made in writing to the Principal with full reasons for the request. Requests by the Principal should go to the Chair of Governors. The request should be made as soon as it is known that it will be required, and in any case not less than one full week in advance of the proposed absence, except in exceptional or unforeseen circumstances such as the death of a family member.

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,
- the terms and conditions of your employment.

Dental and Medical Appointments

It is expected that dental and medical appointments will be made out of school hours wherever possible. It is recognised that in some circumstance, such as an appointment being expected from a hospital, that this may not always be possible. However, appointments in work time should be kept to a minimum and cause as little disruption as possible.

Emergencies involving dependants

We also recognise and we respect that there will be occasions when you will need to take time off work to deal with unexpected events involving one of your dependants or

somebody close to you.

You have a right to take a reasonable amount of time off work when it is necessary to:

- provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
- make longer-term care arrangements for a dependant who is ill or injured;
- take action required in consequence of the death of a dependant;
- deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant; and/or
- deal with an unexpected incident involving your child during school hours (or those of another educational establishment).

A dependant for the purposes of this policy is:

- Your spouse, civil partner, parent or child;
- a person who lives in the same household as you, but who is not your tenant, lodger, boarder or employee; or
- anyone else who reasonably relies on you to provide assistance, make arrangements or take action of the kind referred to above.

You are only entitled to take time off under this policy to provide personal care for a dependant where there is an immediate crisis. If you know well in advance that you wish to take time off to care for a dependant yourself, rather than arrange for someone else to do so, this policy will not apply. You should take advice from your manager or the Principal if you need to take time off work in these circumstances.

For the right to time off under this policy to arise, it must be necessary for you to take action in relation to a dependant. Whether action is necessary will depend on the nature of the problem, the closeness of the relationship between you, and whether someone else is available to assist. Action is unlikely to be considered necessary if you knew in advance that a problem might arise but didn't make alternative arrangements for a dependant's care.

Reasonable time off in relation to a particular problem will not normally be more than one or two days. However, we will always consider each set of circumstances on their facts.

You will only be entitled to time off under this policy if, as soon as is reasonably practicable, you tell your manager or the Principal the reason for your absence and how long you expect to be away from work. If you fail to notify us as required, you may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.

Where it is possible to do so in advance or when you return to work after taking time off under this policy, we might ask you to provide evidence for your reasons for taking the time off. Suspected abuse of this policy will be dealt with as a disciplinary issue under our Disciplinary Procedure.

Parental Leave

We recognise and respect that there will be occasions when you may wish to take time off

work to care for or spend time with your children.

Providing you qualify, you are entitled to take up to 18 weeks' unpaid parental leave in relation to each child you are responsible for. The rules on how and when you can take parental leave are set out below.

Any parental leave that you take in relation to a child while working for another employer counts towards your 18-week entitlement. If you have taken parental leave in relation to a child during previous or concurrent employment, you should provide details to your manager or the Principal.

To take a period of parental leave in relation to a child, you must:

- have at least one year's continuous employment;
- have or expect to have responsibility for the child; and
- be taking the leave to spend time with or otherwise care for the child.

You have responsibility for a child for the purposes of point 2 above, if you:

- are the child's biological mother or father (whether or not you are living with the child);
- are the child's adoptive parent; or
- otherwise have legal parental responsibility for the child (for example, if you are the child's guardian).

You can only take parental leave before the child's fifth birthday or in the case of a child entitled to a disability living allowance, before the child's 18th birthday. If the child is adopted, you can only take your parental leave before the fifth anniversary of the date of placement or the child's 18th birthday, if this is sooner.

Unless the leave is to be taken in respect of a child entitled to a disability living allowance, you can only take parental leave in blocks or multiples of one week and are only entitled to take four weeks' parental leave each year in relation to each child. A year for this purpose begins on the date when you became entitled to take parental leave in relation to the child in question.

You must give your manager or the Principal notice of your intention to take parental leave. This should be in writing. The notice requirements are as follows:

- If you wish to take parental leave commencing immediately on the birth of a child, you must give notice of your intention at least 21 days before the start of the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave required.
- If you wish to take parental leave commencing immediately on the adoption of a child, you should give notice of your intention at least 21 days before the start of the expected week of placement (EWP). If this is not possible, you must give as much notice as you can. The notice must specify the EWP and the duration of the period of

leave required.

- In all other circumstances, you must give notice of your intention to take parental leave at least 21 days before you intend the leave to start. The notice must specify the dates on which the period of leave is to begin and end.

If you wish to take a period of parental leave immediately after a period of ordinary paternity leave, it would be helpful if you could give us notice of your intention at least 21 days before the start of the EWC or EWP. If this is not possible, you should give as much notice as you can. If you do not give notice at least seven days before your period of ordinary paternity leave starts, we might not allow you to take the period of parental leave requested. However, we shall consider each case on its merits.

Before you take a period of parental leave under this policy, you must provide us with evidence of:

- your responsibility or expected responsibility for the child;
- the child's date of birth or date of adoption placement; and
- if applicable, the child's entitlement to a disability living allowance.

For details of what evidence is required in your particular circumstances, or if you have difficulties obtaining the evidence, please contact your manager or the Principal.

Where you give notice of your intention to take parental leave on the birth or adoption of a child, we will not postpone your leave. We will also not postpone your leave if, in the case of an adopted or disabled child, the postponement would result in your leave being taken after the child's 18th birthday. However, we reserve the right to postpone your leave in any other circumstances for up to six months where the leave as planned would unduly disrupt the College.

If we decide to postpone your parental leave, we will consult with you about the date to which the leave might be postponed and no more than seven days after you gave notice of your intention to take the leave, give you written notice stating the reason for the postponement and the new beginning and end dates of the leave which we will allow you to take. You will not lose your parental leave entitlement if, because our postponement, you are not able to take your parental leave before your child's fifth birthday (or on the fifth anniversary of the child's adoption placement, if applicable).

Your contractual provisions relating to pay and benefits are suspended during parental leave. However, you are entitled to benefit from any contractual terms you have in relation to being given notice, redundancy compensation and disciplinary and grievance procedures. Holiday entitlement will continue to accrue.

During parental leave you will remain bound by your obligation of good faith towards the College, as well as any contractual terms relating to the giving of notice, the disclosure of confidential information, the acceptance of gifts and benefits, and your freedom to participate in another business (for example, by working for a third party).

If you are a member of the Teachers' Pension Scheme or the Local Government Pension Scheme a period of unpaid parental leave under this policy will not count towards your pensionable service. If you are a member of a defined contribution (money purchase) pension scheme, we shall not make contributions during a period of unpaid parental leave.

You are normally entitled to return to work following parental leave to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.

However, it might not be possible for us to allow you to return to the same job where your period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave. In such circumstances, we will offer you a suitable and appropriate alternative position.

We will deal with any requests to change your working patterns (such as working part-time) after parental leave on a case-by-case basis. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the College. It is helpful if flexible working requests are made as early as possible.

Where you take a period of parental leave under this policy for purposes other than spending time with or otherwise caring for your child, this will be dealt with as a disciplinary issue under the Disciplinary Procedure.

Time off for antenatal appointments

If you are an employee or agency worker and in a "qualifying relationship" with a pregnant woman or her expected child, you are entitled to take time off to accompany the woman to antenatal appointments. The amount of time off is limited to no more than two occasions lasting no more than six and a half hours each (which includes travelling time, waiting time and attendance at the appointment).

You are deemed to have a qualifying relationship with a woman or her expected child if you meet any of the following criteria:

- You are the pregnant woman's husband or civil partner.
- You live with the woman (whether in a heterosexual or same-sex relationship) in an enduring family relationship and are not a relative of the woman.
- You are the expected child's father.
- You are one of a same-sex couple who is to be treated as the child's other parent under the assisted reproduction provisions in either *section 42 or 43* of the Human Fertilisation and Embryology Act 2008 (HFEA 2008).
- you are the potential applicant for a parental order under *section 54* of the HFEA 2008 in relation to a child who is expected to be born to a surrogate mother.

You should inform your manager or the Principal in advance, giving as much notice as possible if you require time off under this policy.

Your entitlements

The table below sets out your entitlement to various forms of leave. Where we refer to relatives of the first degree, this is taken to mean:

- husband/wife;
- permanent partner;
- brother/sister;
- parent and child; or
- the corresponding relatives-in-law.

Reasons for Leave with Pay

Reasons for leave with pay	Teaching and Associate Staff
For officials of Trade Unions to perform I.R. duties/undertake approved training	i) Regular release, and/or ii) Occasional release and/or iii) Consultative meetings convened by the LA
For Safety Representatives to perform duties and undertake associated training	i) Regular release, and/or ii) Occasional release and/or iii) Consultative meetings convened by the LA
For ante-natal care	Right to paid leave - evidence of appointments e.g. appointment card, must be provided, if requested
Attendance as elected members at local authority meetings and properly established committees	Up to 144 working hours
For members of another school's Governing Body	Up to a maximum of 4 half-days per annum depending upon the reasonableness of the request.
Magisterial duties	Minimum attendance requirement including training and membership of a statutory tribunal not exceeding 20 working days a year
Candidates for Parliamentary Elections	5 working days
Lecturing in professional capacity on condition that all fees to be paid to school	At the discretion of the Principal
Sitting examinations relating to professional development	Employees are entitled to be paid leave of absence for the purpose of sitting for examinations concerned with professional development to the benefit of the college. Professional development / examinations not to the benefit of the college are at the discretion of the Principal.
Employees own wedding	At the discretion of the Principal
Weddings of close relatives i.e. sibling, parent (or another family member/carer who brought up the employee) or children or corresponding relatives in law	At the discretion of the Principal.
Times of severe weather	Permission to leave early should not be unreasonably refused. Lost hours should be made up where annual leave cannot be taken.
Jury Service or attendance as a witness in Court proceedings	For the required period subject to the employee claiming for loss of

	earnings
Screening for breast and cervical cancer	Necessary paid time off will be granted for the purpose of cancer screening.
Members of non-regular forces – annual training	Up to two weeks – the second of which is to be unpaid.
Potential redundancy	Reasonable time to seek alternative employment
Illness of a close relative i.e. partner/spouse, sibling, parent (or other relative/carer who brought up the employee), child or corresponding relatives-in-law who lives within the members of staff or lives alone	<p>In cases of critical/serious illness of close relatives, up to 5 working days paid leave.</p> <p>In the case of a sick child with a non-critical illness, after the first day it will be assumed that alternative arrangements for childcare will be made. Leave is granted on the understanding that the other parent/carer is ill or otherwise unavailable and alternative arrangements cannot be made at short notice. A maximum of 3 days can be requested in any rolling year after which leave will be considered as leave without pay (see table below).</p> <p>Applications for unpaid leave should be addressed in writing to the Principal to consider.</p>
Death or critical illness of a close relative i.e. partner/spouse, sibling, parent (or other relative/carer who brought up the employee), child or corresponding relatives-in-law	Up to 5 working days.
House removal	1 working day with as much advance notice as possible.
Sports representation as competitor at national/ international level	At the discretion of the Principal
Election duties	Leave of absence for staff appointed by the returning officer to assist at parliamentary or local elections.

Additional leave with pay may be granted in special circumstances by the Governing Body

Reasons for Leave without Pay

Reasons for leave without pay	Teaching and Associate Staff
Graduation ceremony – employee’s own partner, son, daughter or close relative	At the discretion of the Principal
Court hearings – other than those covered under “With Pay” sections – including divorce proceedings, custody of children, maintenance payments and other Court appearance where teacher is defendant or involved in non-criminal proceedings	At the discretion of the Principal
Religious devotion days	At the discretion of the Principal
Funerals – other than close relatives as in “With Pay” section	At the discretion of the Principal
House removals – in excess of 1 day	At the discretion of the Principal
Sporting representations below national level	At the discretion of the Principal
Delays on return to school caused by industrial disputes – see note 1.	At the discretion of the Principal
Special family flights where spouse is in the armed forces	At the discretion of the Principal
Hospital appointments for children of single parents or where both parents wish to attend.	At the discretion of the Principal
Visits overseas other than for professional development	At the discretion of the Principal
Attendance on courses for personal development not considered beneficial to the school.	At the discretion of the Principal
Accompanying a woman to an ante-natal appointment	2 occasions at no more than six and a half hours each.
Illness of a close relative i.e. partner/spouse, sibling, parent (or other relative/carer who brought up the employee), child or corresponding relatives-in-law who lives within the members of staff or lives alone (more than 3 days per rolling year for non-critical illness of close relatives or more than 5 days for in cases of critical/serious illness of close relatives)	At the discretion of the Principal

The Principal and or the Governing Body in special circumstances may grant discretionary additional leave.