

West Tytherley C.E. Primary School

STAFF ABSENCE POLICY

Spring 2012

Next Review: Spring 2013

Signed on behalf of Governing Body

Date :

1. Introduction

This policy has been discussed and agreed with all school staff representatives and with the school trade unions and professional associations. It is available to all staff in the school and to any prospective applicant. The governing body welcomes any comments or contributions to this policy document.

2. Statement of Intent

The governing body is committed to the health, safety and welfare of staff and to the involvement of staff and their representatives in the development and implementation of this policy. The purpose of this policy is to define the governing body's strategic approach to the management of absence and to establish a consistent framework for the fair and equitable treatment of all employees in relation to absence. This policy embraces all forms of absences, although the policy is particularly focused upon the effective management of sickness absence.

The governing body is committed to a proactive and positive approach to absence management which values and supports attendance. The governing body acknowledges, however, that absence will often be for legitimate and authorized reasons and will be supported by the school. In dealing with matters of individual absence the governing body supports a flexible and understanding approach, which is sensitive to the particular circumstances.

The governing body is committed to the exploration of alternative solutions to absence issues and only in appropriate cases, where the proper procedure has been applied, will the governing body exercise its authority to determine that an employee should cease to work at the school as a consequence of their absence.

3. Statutory and contractual requirements

The governing body recognizes that in certain areas the management of individual matters of ill-health and absence is governed by statutory provisions, particularly the:

- Education (Teachers' Qualifications and Health Standards)(England) Regulations
1999 (Statutory Instrument 2166/99)
- Disability Discrimination (Act 1995)
- Employment Rights Act 1996

The governing body is committed to ensuring that legislative and contractual requirements are met in the handling of all cases. To this end individual cases will be managed in accordance with the

procedures for handling absence defined within the *Manual of Personnel Practice* which has been adopted by the governing body.

4. Proactive and positive measures

The governing body is committed to creating a working environment which encourages and supports the attendance of all staff. Achievement of this aim will require the contribution of all staff. However, the governing body will introduce the following measures to provide a positive framework for supporting attendance.

- Effective use of pre-employment health checks
- Encouraging staff to make full and effective use of welfare and counselling services
- Undertaking to deal with any potential cause of stress in the workplace identified by staff
- Reviewing working practices/environments with a view to identifying measures which could be taken to support attendance
- Ensuring effective application of policy regulating time off
- Conducting exit interviews to identify (amongst other things) potential causes of absence and measures which could be utilized to further support attendance.

5. Forms of absence

The governing body accepts the following definitions of absence

i. Unauthorised absence: occurs when the employee does not attend for work at the place of employment at the authorized times and does not have prior management approval for their absence. Unauthorised absence includes late attendance, prolonged breaks, taking annual leave without approval and taking sick leave without following the notification procedure. Individual instances of unauthorized absence will be dealt with in accordance with the procedure defined in the *Manual of Personnel Practice*.

ii. Authorised absence: occurs when an employee does not attend for work at the place of employment and has obtained prior management approval for their absence. Authorised absence may arise from a statutory right (including statutory maternity leave), time off for public duties and time off for trade union duties/activities) or a contractual entitlement (including annual leave, occupational maternity leave and paternity leave).

Authorised absence will be granted in accordance with the employee's statutory rights, contractual entitlements and the guidance contained in the *Manual of Personnel Practice* concerning time off for miscellaneous purposes. (Appendix A)

iii. Sickness absence: is regulated by employees' contractual entitlements under the relevant conditions of service and is not normally authorised in advance. The governing body accepts the following definitions of sickness absence:

- *sporadic self-certificated absence* - occasional days' absence (up to and including 7 calendar days in length) which is covered by the self-certification procedure

- *short-term certificated absence* - absence which exceeds 7 calendar days but is less than one month. Absence of this nature requires a medical certificate from a registered medical practitioner

- *long-term certificated absence* - absence of one month or more. Absence of this nature requires a medical certificate from a registered medical practitioner. In certain circumstances the absence may also require medical suspension followed by medical clearance before the employee may return to work.

Sporadic and short-term absences, which are repetitive in nature and long-term ill-health absence will be dealt with in accordance with the appropriate procedure defined within the *Manual of Personnel Practice*.

6. Expectation of employees when they are absent from work

Generally, all employees are expected to obtain advance management approval for any period of absence. It is inevitable however that absence required to deal with an unforeseen emergency (e.g. the illness of a dependant) and most instances of sickness absence will not be authorized in advance. In these circumstances employees are expected to follow the agreed notification procedure, shown at *Annex A* to this policy.

The school expects to maintain regular sensitive contact with employees who are absent from work due to illness. This contact will be of a constructive and supportive nature and will normally seek agreement on the date and form of the next contact. Usually it will be the appropriate line manager's responsibility to maintain this contact although sometimes with the agreement of the absent employee, this role may be delegated to another member of staff (see 'Handling Absence Matters' in *Section 4* of the *Manual of Personnel Practice*).

The governing body cannot require, and does not expect, staff to carry out official duties whilst off sick.

7. Supporting employees returning to work after a period of long-term absence or serious illness

The governing body is committed to assisting all employees who are absent for reasons of ill health, and particularly those who experience a period of long-term absence, to make a smooth and effective return to work when they are fit to do so.

It is the governing body's intention to apply the same principles to all staff, and accordingly on their return to work a member of staff will be supported by their line manager/Headteacher, whilst the return to work of the Headteacher will be supported by the County Education Officer or his representative.

Where medical advice suggests this is necessary, the governing body will support an employee in making a phased return to work (initially on reduced hours/workload) where this will enable them to return to normal working within a reasonable period in consultation with Education Personnel Services.

With a view to supporting employees returning to work from any period of sickness absence, the governing body is committed to introducing a system of back-to-work interviews. These interviews will be conducted by an employee's immediate line manager where the employee has been absent for three working days or longer. For absences of less than three days, there will be a responsibility on the line manager to check on the employee's welfare.

Back to work interviews will be conducted in a sensitive manner and will be focused upon facilitating the employee's return to work and supporting future attendance. Before a system of back-to-work interviews is introduced the governing body will ensure full consultation with staff and their representatives concerning the development of this system and its implementation. Appropriate training/briefings will be provided for all employees and line managers before implementation. The governing body is committed to the consistent application of the agreed system of interviews at all levels and for all employees within the school.

Following the introduction of back-to-work interviews, the governing body may decide to establish a pattern of specific benchmarks which will link specified levels of absence to key management actions. Before establishing benchmarks the governing body will ensure full consultation with staff and their representatives.

8. Monitoring and reporting aims

The school has an effective system for accurate recording of all types of absence.

To enable the governing body to monitor the effectiveness of this policy, anonymised trend data will be submitted to the governing body on a termly basis. These reports will include data concerning all types of absence during the relevant period, although the data will not specifically identify individual patterns of absence. Where individual patterns of absence are a cause for concern, the governing body expects the Headteacher/line manager to take appropriate action under the relevant procedure defined within the Manual of Personnel Practice. Following an adequate period of accurate absence monitoring, the governing body may consider setting a target to reduce sickness absence where this is considered to be appropriate to the circumstances of the school. If the governing body believes it is appropriate to set such a target, there will be full consultation with staff and their representatives before a target is established.

9. Policy review and development

This policy will be reviewed by the governing body on an annual basis.

Staff will be invited to give feedback on the policy and to make suggestions for improvement.

The governing body is committed to the involvement of staff in reviewing and developing this policy.

Annex A

Procedure for the notification of absence

UNFORESEEN ABSENCE

Generally, all employees are expected to obtain advance management approval for any period of absence. It is recognized, however, that occasionally employees may be absent due to an unforeseen emergency (e.g. the unexpected illness of a dependant) or due to their own ill health. It is recognized that employees are unlikely to be able to obtain advance approval for such absences. In these circumstances, however, all employees are expected to follow the notification procedure detailed below. Failure either to obtain prior management approval for absence or to notify absence in accordance with the following procedure will be treated as unauthorized absence and may result in further action being taken under the appropriate procedure defined within the *Manual of Personnel Practice*.

On the 1st day of absence

An employee who is prevented by illness or other urgent reasons from reporting for duty should notify the Headteacher at home or on her mobile that he/she will be absent, stating the reason for the absence. This notification should be made by 7.30 a.m. and normally before the employee is expected to commence work. In circumstances where an employee is unable to undertake this notification personally, notification by a relative or friend will suffice. In circumstances where the Headteacher cannot be reached, the admin officer should be contacted instead either at home, mobile or school number by 8 a.m.

On the 4th day of absence

If the absence is to continue after the third calendar day the employee should provide further notification to the school as to the nature and probable duration of their absence.

On the 8th day of absence

If absence continues after the seventh calendar day the employee must provide a doctor's certificate to the school not later than the eighth calendar day of absence. Subsequent doctor's certificate must be submitted to cover the entire period of absence if it extends beyond the period covered by the initial statement. Upon receipt of medical certificates the administrative officer will record the details and will return the doctor's certificate to the employee, so that if he/she is (or becomes) ineligible for SSP he/she is able to forward certificates to the Department of Social Security with a claim for Incapacity Benefit

Returning to work

When an employee returns to work after an absence due to sickness, he/she must inform the school on his/her return by contacting the admin officer, who will complete the appropriate electronic form, and by having an informal chat with the Headteacher.

For absences up to and including 7 calendar days, the member of staff will self-certificate via the above process.

Absences of more than 7 calendar days must be covered by a doctor's certificate. In cases where more than one doctor's certificate is necessary the employee must, before returning to work, obtain a final certificate confirming his/her fitness to resume duties.

Benchmarks

- Where an employee is absent for 5 separate periods or 15 working days' cumulative absence due to ill-health during a 12-month period, the line manager/Headteacher will arrange to meet with the employee to discuss the nature of the absences and the likelihood of a further sickness absence occurring. If these discussions identify a potential health problem underlying the absence, the line manager/Headteacher will seek advice from Education Personnel Services concerning appropriate action. This may result in a referral to the Occupational Health Unit in appropriate circumstances and to further action under the procedure for handling sporadic/short-term repetitive absences.
- Where an employee is absent for 10 separate periods or 20 working days' cumulative absence due to ill health during a 12-month period, the line manager/Headteacher will meet with the employee and take appropriate advice/action as outlined under the previous bullet point.
- If further absence due to ill health occurs the line manager/Headteacher may determine that there has been insufficient improvement in the individual's attendance. The line manager/Headteacher will consider whether further action should be taken under the procedure for handling sporadic/short-term repetitive absence. The line manager/Headteacher will seek advice from Education Personnel Services before taking action under this procedure.

FORESEEN/PLANNED ABSENCE

Employees should make any request for leave of absence in writing to the Headteacher. Headteacher may agree to absence and if during term-time to either unpaid leave or hours worked in lieu (if part-time employee). If an agreement cannot be reached then the matter should be referred to the Finance and Personnel Committee of the Governing Body.

If Headteacher is requesting leave of absence during term-time, then they should put it in writing to the Finance and Staffing Committee who may approve such and agree to either unpaid leave or hours worked in lieu. If agreement cannot be reached then the request should be referred to the Chair of Governors.

Guidance on Leave for Miscellaneous Purposes is given in Appendix 22 of the Hampshire Manual of Personnel Practice Volume 1, Section 4. (attached but also available on-line on Hantsnet.)

Leave for miscellaneous purposes

Part I: General introduction & guidance notes

Application

1. These regulations and guidance notes are applicable to all staff employed in schools. Where necessary a distinction is made between the various categories of staff involved, and where staff have an annual leave entitlement this should be taken into account when considering individual requests.

Part I offers general guidance on the application of the provisions

Part II describes the way in which the regulations may be applied by Headteachers.

2. These regulations and guidance notes are concerned with all leave of absence from duty for any reason other than sickness, involvement in activities as accredited representatives of a trade union, or participation in in-service training.

Principles

3. These regulations do not confer automatic entitlement to leave. Each application for leave will be considered on its merits. All the circumstances relating to the application should be considered in the light of the operational requirements of the establishment, including whether the applicant making the request for leave has a separate annual leave entitlement. In such considerations, therefore, the individual needs of the employee must be balanced against the requirements of the establishment to ensure a fair and sympathetic general approach.
4. If a member of staff is granted **paid** leave to undertake public duties, all appropriate allowances must be claimed relating to this public duty. The Authority shall then deduct, from the employee's full pay, an amount equal to the allowances which are received for attendance and loss of pay. Any allowances for travelling and subsistence will **not** be deducted (see paragraphs 14-15 below for effect on Teachers' and Local Government Pension Schemes).
5. It will be the responsibility of the member of staff to ensure that public duty commitments for which loss of earnings can be claimed (e.g. jury service) are notified to the Head of Establishment as soon as possible. Any paperwork from the Court asking for pay details must be sent to Payroll Services in the County Treasurer's Department. Payroll Services will provide an explanatory letter and certificate of attendance which the Court will sign to confirm the amount of reimbursement. This form must be returned by the member of staff to the County Treasurer for the appropriate deduction from salary to be made.
6. The term 'dependant' (as used in Part II paragraphs 18-20) will include a spouse, an opposite or same sex partner, child, parent, close relative or other person who lives in the same household as the employee (with the exception of a tenant, lodger, boarder or employee of the employee requesting time off). Additionally, where the dependant is ill, has been injured/assaulted or the arrangements for the care of the dependant have been unexpectedly disrupted/terminated, the term 'dependant' will also include any other person who reasonably relies on the employee for assistance or to make arrangements.
7. The term 'close relative' (as used in Part II paragraphs 18 & 20) would normally include a spouse, an opposite or same sex partner, parent, child, brother or sister, but it may be appropriate for it to also include another relative, or relative of the spouse, who has had a very close association with the member of staff, their spouse or partner. There may be circumstances where it is valid for a member of staff to attend to matters relating to the death or serious illness of a non-relative, but any leave granted in these circumstances will be subject to the same maximum paid leave period quoted in Part II paragraph 22 and the unpaid provisions described in Part II paragraph 20.

Approval procedure

8. These regulations delegate, via governors of the school to heads of establishments, authority to authorise absence in the circumstances specified below. Any application for leave of absence that - in its purpose or length - falls outside the scope of this delegated authority shall be referred, via the Head, to the Chair of Governors and where appropriate the relevant governors' committee at the school.
9. Leave shall only be taken with the prior approval of the Head of Establishment and, if necessary, governors. However, in an emergency formal approval may need to be obtained retrospectively. In normal circumstances applications for approval should be made at the earliest possible date - bearing in mind that the application may need to be referred beyond the Headteacher.
10. Any decision regarding leave of absence under these regulations must be communicated to the member of staff making the application as soon as a decision has been taken. If a member of staff and the Head are unable to agree on the action that is appropriate in respect of any particular application, the matter should be referred to Education Personnel Services for advice. If the matter still cannot be resolved between the Head and the member of staff, it may need to be referred to a panel of the Governing Body for a decision. At all stages, decisions will be communicated as quickly as possible to the member of staff making the application. It is a general principle throughout the document that no application for leave of absence should be unreasonably refused.
11. Before agreeing to be nominated for a public duty or office, or enrolling for an examining activity (or other activity which may have time off implications under the terms of this document) a member of staff shall, in order to allow advance planning, first discuss with their Head the possible implications of taking on the responsibility. Each specific absence or programme of absences thereafter shall be subject to the prior approval of the Head, which shall not unreasonably be withheld.
12. If, under these regulations, a member of staff has been absent from duty for an aggregate total of more than five days in a particular term, the Head may need to consider whether the details should be reported to the Governors at their next ordinary meeting. If such a report is to be made, the member of staff shall be informed prior to the meeting.
13. If a Head of Establishment requires his/her own personal leave of absence under these regulations, application should be made to the Chair of Governors. He/she will consult the Strategic School Improvement Manager before any decision is taken which is outside the limits set out in this document. These regulations and guidance notes will apply in the same way as for other members of staff.

Effect of leave on benefits

14. Teachers' Pension Scheme

In accordance with the Teachers' Pension Regulations:

- a. Leave with pay (other than sick leave) up to a maximum of 30 days per financial year counts as reckonable service. Such leave in excess of 30 days may count as reckonable service only if it is approved by the DfES; application for such approval should be made by the teacher via the Local Education Office.
- b. Leave without pay does not count as reckonable service, and therefore the teacher should be fully aware of the effect this will have on his/her long-term pension entitlements.
- c. Leave that does not normally count as reckonable service may count if the employee elects to pay the combined employee's and employer's pension contributions (a total of approximately 15% of gross salary). Enquiries about election to pay the combined contributions should be made by the teacher to Capita Teachers' Pensions, Mowden Hall, Darlington DL3 9EE, requesting an explanatory leaflet and an election form.

15. Local Government Pension Scheme

- a. Again, leave with pay (other than sick leave) up to a maximum of 30 days counts as reckonable service. The County Treasurer will consider extensions beyond this period, and would need to be contacted in appropriate cases.
- b. Leave without pay does not count as reckonable service, and therefore the member of staff should be fully aware of the effect this will have on their long-term pension entitlements.
- c. Leave that does not count as reckonable service may be included if the employee elects to pay the combined employee's and employer's pension contributions (a total of approximately 15% of gross basic salary). Once again, the County Treasurer should be approached where an employee wants to make such an election.

National Insurance

National Insurance benefits are not affected by periods of paid/unpaid leave

Part II: Regulations and guidance notes for use in schools

NB: In any circumstances where unpaid leave is granted, the member of staff should ensure that he/she understands the effect this will have on his/her longer-term pension benefits (see Part I paragraphs 14-15) and if necessary should seek advice via Education Personnel Services.

Introduction

1. These guidance notes offer advice to Heads on the exercise of their authority to approve leave.
2. With the exception of entitlement to parental leave, Heads should ensure that, after taking into account any leave previously authorised by them, the total under these regulations for any particular member of staff in any 12-month period does not exceed ten days with pay and ten days without pay. If the Head considers that leave in excess of these periods may be justified, the case with supporting details, and after taking advice from Education Personnel Services, should be submitted for consideration to the relevant committee of the governing body.

Leave for professional duties or consultancy work

Examining activities

3. A Head may authorise paid leave to enable a teacher to attend an activity arranged by an examination board, provided that:
 - a. the teacher is engaged by the board as an examiner, as a moderator or as a member of a subject panel or managing committee; and
 - b. the activity is concerned with the preparation of examination papers, the moderating of examinations, the marking of examination scripts, the award of grades or the consideration of appeals; and

- c. the activity cannot practicably be held outside the teacher's normal working hours, and the teacher's attendance at the activity is essential; and
- d. the activity requires the teacher to spend time additional to that normally needed to fulfil his/her contractual responsibilities; and
- e. any fees (other than expenses) paid by the examining board to the teacher are in recognition only of work that the teacher has undertaken in addition to his/her contractual responsibilities; and
- f. the maximum leave thus authorised - per academic year, per teacher - should not normally exceed five days or, if the teacher is a chief examiner, chief moderator, chair or vice chair of a subject panel, ten days per academic year.

Examinee activities

A Head may authorise paid leave to enable a member of staff to attend an examination that is relevant to the employee's professional development.

Paid leave may be authorised by the Head to help an employee to undertake final revision immediately prior to a relevant examination on the basis of a maximum of a half day's leave for each half-day examination, and a maximum total of five days per academic year.

Interviews

A Head shall authorise paid leave to enable a member of staff to attend an interview for another post within local government service. Other requests for leave to attend interviews should normally be supported but this is at the discretion of the Headteacher.

Transfer visits

A Head shall authorise paid leave to enable a member of staff to visit an education establishment to which he or she is to transfer, and such leave must be arranged by mutual agreement between the Headteachers concerned.

Consultancy work

Where a member of school staff wishes to engage in this work, during times when he/she would otherwise be working for the school, the following principles should be applied:

- Formal approval from the Governing Body should be obtained before any commitment is made to undertake work which, actually or potentially, will impact on the substantive job of the postholder at the school.
- As part of this approval, the Governing Body should define a maximum amount of working time in the academic year in which the work may be undertaken.
- On the basis that the member of staff continues to be paid, in full, by the school for this work, any fees received will be paid into the school's accounts.
- Subject to the Governing Body recovering wherever possible, the gross salary cost for the day(s) absence from the school (where 1/365 = one day's salary), one third of consultancy fees received may be paid to the employee to recognise work undertaken which does not directly fall within contractual responsibilities to the school.
- Any payment under the previous bullet point will be paid to the employee through the County Council's payroll system thereby ensuring that statutory tax and national insurance responsibilities are met.
- Payments for expenses reasonably incurred by the employee whilst performing consultancy work are a matter exclusively between the employee and the contractor. Where such payments are included in a flat fee, they may be deducted from the fee before the above arrangements are applied.

Leave for public duties

Public offices

A Head may authorise paid leave (subject to the provisions of Part I paragraphs 4, 5 and 12) for a maximum of 18 days in any 12-month period to enable an employee to function as:

- a Justice of the Peace
- a Governor of an educational establishment that is maintained by an local education authority

- a member of a local or health authority
- a member of a statutory tribunal
- a member of a Post-16 further education college corporation
- a member of a body appointed by central government

The Head shall authorise paid leave (subject to the provisions outlined in paragraph 12) to enable an employee to function as a member of the General Teaching Council.

If additional leave is sought by an employee, and the Head considers that leave in excess of the 18 days may be justified, the case, with supporting details and after taking advice from Education Personnel Services, should be submitted to a relevant committee of the governing body for consideration.

Candidates and agents in elections

A Head shall authorise unpaid leave - from the date of the proclamation of the dissolution of Parliament to the day following the declaration of the result - for an employee who stands as a candidate, or who acts as an agent, in a parliamentary election.

A Head shall authorise unpaid leave on the polling day for an employee who stands as a candidate, or who functions as a presiding officer, in a local government election.

Court service

A Head shall (or, if the attendance is discretionary, may) authorise paid leave (subject to the provision of Part I paragraph 5) to enable an employee to serve as a juror or witness in a court. Where an employee is attending court for some other purpose pay shall be subject to consultation with Education Personnel Services.

Time off for dependants

Statutory entitlement

In certain circumstances an employee is entitled to time off during working hours in order to assist or make arrangements for the care of a dependant. The term 'dependant' is defined in Part I paragraph 6.

Time off in these circumstances will be unpaid (subject to the Headteacher's discretion to grant paid time off as described at paragraphs 21-26 below) and limited to that which is reasonable. Reasonable time off must be judged on the particular circumstances, taking account of the need of the employee for time off and the operational requirements of the school. Recent case law has held that it is not possible to specify a maximum period for time off. Such reasonable requests for time off must not be refused unless there are exceptional reasons.

Specifically, an employee will be entitled to reasonable unpaid time off where an employee requires the time off in order to take action which is necessary:

- a. to provide assistance when a dependant falls ill or is injured or assaulted
- b. to provide assistance when a dependant gives birth (where the employee is the father of the child see also entitlement to paternity leave. Please refer to Education Personnel Services for advice on the maternity support and paternity leave provisions)
- c. to make arrangements for the care of a dependant who is ill or injured
- d. following the death of a dependant
- e. due to the unexpected disruption or termination of arrangements for the care of a dependant (e.g. due to the illness of a childminder etc)
- f. to deal with an unexpected incident in relation to an employee's child, where that child is in the care of an educational establishment

Discretionary provisions

When granting statutory time off for dependants (as described above) a Headteacher has the discretion to authorise paid time off in accordance with the following provisions:

Death or serious illness of a close relative

A Head may authorise paid leave for a maximum of three days to enable a member of staff to attend to matters relating to the death or serious illness of a close relative. If nursing is needed, consideration should be given when determining the reasonableness of any leave to the sick person's domestic circumstances (including the ability of other members of the family to assist). Part I paragraph 7 defines the term 'close relative' and draws attention to the procedures to be followed where consideration is given to the extension of these provisions to a non-relative.

In exceptional circumstances paid leave in excess of the three days may be approved by the Head after consultation with the Chair of the Governing Body up to a maximum of three additional days. If absence may be necessary for a prolonged period (pending, for example, the death of a relative who has an apparently terminal illness), some unpaid leave may also be authorised in accordance with the provisions of paragraph 20 above. Such arrangements will need reporting to the full Governing Body.

A Head must seriously consider any special requirements of an *employee who follows a particular religion or holds specific beliefs*. Some religions and beliefs have prescribed mourning periods or special requirements. This may mean that an employee may ask for extended leave in order to meet the needs of their religion or belief. Headteachers should therefore give serious consideration to granting leave beyond the normal compassionate leave provisions as outlined in paragraphs 21, 22 and 23, subject to the Approval Procedures in Part 1 and paragraph 2 of Part 2 of these regulations.

Non-serious illness of a close relative

A Head may authorise paid leave for a maximum of one day to enable a member of staff to attend to the non-serious illness of a close relative except that, in the case of his/her child, such leave will normally be without pay and will be approved on the basis of providing the opportunity for the member of staff to make alternative child care arrangements.

In exceptional circumstances the Head has the discretion, in consultation with the governing body, to approve extra assistance to employees. Normally any leave allowed in addition to that above should be without pay. However, where unpaid leave would cause significant financial hardship, or where unforeseeable problems have arisen in the employee's contingency arrangements, the governing body may extend paid leave; or convert unpaid leave to paid leave; and provide additional paid leave or extend unpaid leave.

Family leave

Adoption

Statutory and Occupational Adoption Leave and Pay provisions may be available to employees who have been newly matched, by a UK adoption agency, with a child (up to the age of 18 years) for adoption.

Further details of entitlements to adoption leave and pay provisions, and notification requirements are available from Education Personnel Services and on the Education Personnel Services web-site.

Maternity

Pregnant employees are entitled to maternity leave regardless of length of service or number of hours worked. Employees employed on a temporary/fixed term basis may also be entitled to maternity benefits.

Further details of entitlement to maternity leave and pay provisions, and notification requirements are available from Education Personnel Services and on the Education Personnel Services web-site.

Maternity Support and Paternity Rights

A Headteacher shall authorise paid paternity leave to

- a father to attend the birth of his child **or**
- an employee who is married to or the opposite or same sex partner of, the child's mother **or**
- an employee who is married to, or the opposite or same sex partner of, the primary carer of a newly placed adoptive child,

and

- who will have parental responsibilities for that child,

with leave being granted on the following basis:

Employees *with less than 26 weeks continuous local government service* will be entitled to the current Maternity Support Leave provisions i.e. up to 5 days on full pay.

Employees *with 26 weeks or more continuous local government service* by the end of the 15th week prior to the expected week of childbirth, or at the week prior to being notified of an adoption placement, will be entitled to up to 5 days at full pay (or at the standard weekly rate for statutory paternity pay (SPP), whichever is the greater), plus a further 1 weeks' paternity leave paid at the SPP rate.

Paternity leave can only be taken in one block of either 1 week or 2 consecutive weeks. It cannot be taken as single days or 2 separate weeks'. Leave cannot start before the child is born or before the date of the adoption placement. Leave cannot continue later than the 56th day after the date of childbirth/placement for adoption.

Employees must comply with the notification requirements and will need to complete a self-certificate in order to confirm their eligibility to claim paternity leave and SPP.

Any entitlement an employee may have to paternity leave or pay is separate to any right they may have to parental leave (as below).

In exceptional circumstances, additional paid leave or unpaid leave may be agreed by the Headteacher in consultation with the Governing Body if, for example, unforeseeable problems have arisen with the pregnancy/birth, or in the arrangements for looking after any other young children, or in the arrangements for the adoption placement.

Further details regarding the conditions of entitlement to maternity support and paternity leave and pay provisions, and the notification requirements, are available from Education Personnel Services.

Parental leave

An employee has a statutory entitlement of up to 13 weeks' unpaid parental leave in respect of any individual child and for a child who is entitled to a disability living allowance, the entitlement is up to 18 weeks' unpaid leave. The employee must have one year's continuous service with Hampshire County Council and satisfy certain other qualifying criteria. Parental leave now extends to an employee who has a child born or adopted between 15 December 1994 and 14 December 1999. In this case, the employee must have completed one year's continuous service with Hampshire County Council or with a previous employer between 15 December 1998 and 9 January 2002, and satisfy certain other qualifying criteria. For details of the entitlement to parental leave see *Annex A* to this *Appendix*.

A Headteacher shall authorise unpaid parental leave in accordance with the provisions of *Annex A*.

The Parental Leave Information Sheet at *Annex A* may be provided to an employee requesting details of his/her entitlement.

Time off for religious and belief observance

The Employment Equality (Religion or Belief) Regulations 2003 make it unlawful for employers to discriminate directly or indirectly when dealing with requests for time off for religious observance. However, the law does not confer an automatic right for employees to have time off for religious observance nor does it afford employees an additional annual leave entitlement for such purposes. Headteachers and Governing Bodies must consider whether or not their policies, rules and procedures for leave of absence could be seen to directly or indirectly discriminate against staff of particular religions and beliefs and if so, what reasonable changes could be made to accommodate their needs.

Requests for time off to celebrate religious festivals

An employee may request leave in order to celebrate a festival, attend a ceremony or observe a spiritual day. A Head should seriously consider such requests and grant leave where it is reasonably practicable.

Where an employee who has an annual leave entitlement e.g. a member of support staff on a 52 week contract, requests time off for religious observance, their request can generally be granted as annual leave.

Where several employees request leave at the same time. Granting of leave will be dependent on the needs of the establishment and the decision must be fair and reasonable. Headteachers should follow the advice in the general principles section of this guidance.

A calendar indicating the main religion and belief events throughout the year is available at:

<http://hantsnet2000.hants.gov.uk/TC/comms/2002/0104calendar.html>

Headteachers should note that the dates of religions or belief festivals change from year to year.

Requests for time off to pray regularly

Some employees are required by their religion to pray at specific times during the day. Employees may therefore request time to pray during the school working day. A Head does not have to release an employee for prayer outside of normal rest breaks or holiday periods. However, where this is reasonably practicable, headteachers should be flexible in meeting requests and time should be allowed. A Head may be justified in refusing such requests if they conflict with the legitimate needs of the establishment but only if those needs cannot be met in any other way.

Employees may also request access to an appropriate quiet place or prayer room to enable them to undertake their religious observance. Headteachers are not legally required to provide a room or facilities for religious or belief observance. If a request is made, serious consideration should be given and where a room is available and could reasonably be used for this purpose, a Head should allow this.

Leave for other circumstances

Weddings

A Head may authorise paid leave for a maximum of one day to enable a member of staff to get married or to attend the wedding of a close relative.

Graduations

A Head may also authorise one day's paid leave to a member of staff to attend the graduation of their child or opposite or same sex partner.

A Head may also authorise one day's paid leave to enable a member of staff to attend his/her graduation ceremony.

Removals

A Head may authorise paid leave, normally for a maximum of one day, but with possible extension to two days in the case of a long-distance removal, to enable a member of staff to move house if it is not reasonably practicable for the removal to take place outside the employee's normal working hours.

Service in reserve forces

In exceptional circumstances - if it is not practicable for training to take place during education establishment holidays - a Head, in consultation with the Governing Body and Education Personnel Services, may authorise paid leave up to a maximum of 10 working days per annum. (If a loss of earnings allowance is received, the provisions of Part I paragraphs 4-5 will apply.)

Sport and cultural activities

A Head may authorise paid leave, in consultation with the Governing Body, to enable an employee to participate, as an amateur at an advanced level, in sport or cultural activities where this will be of benefit to the employee, the school and the County Council. (This paragraph does not apply to LEA organised arrangements, such as tours by Youth Orchestras, which are the subject of separate approval procedures.)

Political party conferences

A Head may authorise unpaid leave in consultation with the Governing Body to enable an employee to attend an annual conference of a political party as an official nominee of a local branch of a party.

Inability to get to normal workplace

If an employee is unable to get to his/her normal workplace because of transport difficulties which could not reasonably have been foreseen or overcome (caused, for example, by deep snow or a transport strike), he/she should immediately telephone the Head, and should report to the nearest place of accessible work.

Leave of absence for the first day shall be with pay provided the Head is satisfied that reasonable attempts have been made to attend for duty.

Headteachers and Governing Bodies have discretion to determine pay for absences which extend beyond one day where it can be demonstrated that it is clearly impractical for the employee to attend his/her normal workplace.

Miscellaneous reasons

A Head may authorise leave (either paid or unpaid) for a maximum of one day per academic year to enable a member of staff to be absent from duty for any other reasonable purpose.

In consultation with the Governing Body, the Head has the discretion to authorise unpaid leave beyond one day per academic year per employee.

Paragraph 58 will apply to circumstances such as an employee requesting leave to see a solicitor on a personal matter.

Appeals

On extremely rare occasions an appeals panel of the governing body may be called upon to give a decision with regard to the granting of paid and/or unpaid leave of absence. For this reason governors who are members of the appeals panel should not be part of the decision-making process under these regulations, e.g. they should not sit on the relevant governors' committee considering individual requests.

Reporting of absence under these regulations

If a member of staff (including the Head) is absent under these regulations for half a day or longer, the school must report the absence to the County Treasurer via the SAP system.