



Twyford
C of E
Academies Trust

Document Title	Staff Leave Policy
Committee Responsible for Policy	Resources Committee
Review Frequency	Every 3 years
Last Reviewed	November 2021
Next Review Due	November 2024
Policy Author	Director of Finance & Operations

Assessment of the Impact of a Policy on Equality & Diversity

Policy: Staff Leave Policy	
Impact assessed by: R Lane	Date: 14/1/2021
1. What is the potential for this policy impacting a person or group with a protected characteristic differently (favourably or unfavourably) from everyone else? Staff from protected groups may receive less favourable treatment than staff in general when they need to take time off.	
2. How would this be evidenced? By reviewing leave records and absence-related grievances.	
3. Is there evidence that the operation of the current policy might impact a person or group with a protected characteristic differently from everyone else? No.	
4. If the answer to 3 is 'Yes', please provide details and evidence. 	
5. How might the new policy change this? 	
6. Are there any other changes to the policy which might impact a group with a protected characteristic differently from everyone else? No.	
7. If the answer to 6 is 'Yes', please provide details and evidence. 	
8. Policies are required to reduce or eliminate inequality and disadvantage and promote diversity. Does this assessment indicate that the Policy passes or fails this test? PASS	

Staff Leave Policy

1 Introduction

There are circumstances under which employees are entitled, by law, to time off from work. These include maternity leave, public service leave (e.g. Jury Service), time off to undertake duties as a trade union representative and leave to search for alternative employment for potentially redundant employees. There are other circumstances in which an employee may request leave. Absence from work for reasons other than personal illness or annual leave are called special leave or leave of absence. To ensure fairness and consistency, this document sets out the Trust's policy on matters concerning all types of leave including whether leave is granted, how much leave is given and whether it is paid or unpaid. There are different rules for teaching and non-teaching staff. For further detail, reference may be made to contracts of employment and terms and conditions for school teachers and school support staff agreed nationally by representatives of employers and employees. This policy and contracts of employment are intended to be consistent with each other, the law and with nationally agreed terms and conditions but should they conflict, the law will take precedence, then contracts of employment, then this policy and lastly nationally agreed terms and conditions.

All requests for leave are subject to approval from the Associate Headteacher/support staff line manager. When deciding how to respond to a request for leave the following should be taken into account:

- The nature of the request
- How much leave (including special leave) has already been granted to that member of staff
- Overall absence record
- How other similar applications have been considered
- The effect on the running and organisation of the school
- The budget implications of granting special leave with pay
- Practicalities of arranging necessary cover

2 Annual Leave

The majority of staff in schools have contractual provisions detailing that their holidays will coincide with periods of school closure. This includes all teaching staff and those non-teaching staff on term time only contracts. Non-teaching staff who are not on term time only contracts have an annual leave entitlement but they are also expected to take holidays during periods of school closure where possible. There are different levels of annual leave entitlement for these staff according to length of service. These are as follows:

- Less than 5 yrs continuous service: 24 days
- More than 5 yrs but less than 10 yrs: 27 days
- More than 10 yrs: 30 days

The above applies pro rata for part time employees.

Staff with an annual leave entitlement normally carry over a maximum of 5 days annual leave from one leave year to the next (or pro rata for part time staff). Any request to carry over leave in excess of this is subject to approval from the Associate Headteacher/support staff line manager.

Leave balances should be monitored to ensure that leave does not build up to unmanageable or unnecessary proportions. In order that annual leave for entitled staff can be properly monitored, annual leave cards or an equivalent electronic system should be used to record agreed leave dates.

The government introduced a temporary new law in 2020 allowing employees to carry over up to 4 weeks' (20 days) paid holiday over a 2-year period. This law applies for any holiday the employee does not take because of coronavirus.

Any queries concerning the management of annual leave, individual entitlements or associated issues can be addressed to the HR team.

3 Leave of Absence & Special Leave Requests

3.1 Overview

A summary of the entitlements to leave for both teaching and non-teaching staff is attached. Requests for leave detailed on this list would normally be granted. The Associate Headteacher will need to ensure that requests are dealt with consistently and, where dates can be controlled, do not adversely affect the smooth running of the school.

Periods of unpaid leave should be recorded on I-Trent so that the appropriate salary deductions can be made.

In exercising discretion, Associate Headteachers should have due regard for:

- the nature of the request and whether it constitutes an urgent personal difficulty for the member of staff
- the way in which similar requests have been dealt with
- the amount of absence the applicant has had in the last year
- whether the leave should be with or without pay (or a combination)
- the effect of the absence on the running of the school.

Leave of absence requests for periods exceeding 10 working days may be discussed with the HR team to ensure consideration of any employment, contractual or statutory issues.

More detail on specific cases is detailed below:

3.2 Special Leave

Associate Headteachers/support staff line managers can grant up to a maximum of five days paid special leave (examples are on compassionate grounds for care of dependants and for study before an examination). Associate Headteachers/support staff line managers may also grant any period of unpaid leave.

Employees have the right to take a reasonable amount of unpaid time off to deal with a family emergency or emergency involving a dependent. A dependent includes a spouse, child, parent, someone living in the same house who is not an employee or lodger and anyone who reasonably relies on the employee. Employers are obliged to accede to reasonable requests for time off to deal with an unexpected need or emergency relating to the care or support of a dependant of the employee, (as envisaged in schedule 4, part 2 paragraph 57A of the Employment Relations Act 1999) will be granted reasonable unpaid time off to deal with the situation.

Unpaid time off can be taken to take action which is necessary in circumstances where:

1. A dependent falls ill, gives birth or is injured or assaulted
2. Arrangements have to be made to care for a dependent who is ill or injured
3. Care arrangements have broken down.
4. There is a problem at school

Employees have to tell their employers as soon as possible why and for how long they will be absent.

Reference should also be made to the Flexible Working Policy when considering requests for extended periods of leave to deal with family commitments.

3.3 Bereavement Leave

It is the Trust's policy to treat employees who suffer a bereavement of someone close to them with care and compassion. A bereavement should normally be reported to the employee's line manager by the employee or a friend/relative when leave is required which would probably be within one or two days of the bereavement. Employees who have suffered a family bereavement are entitled to take up to five days paid leave or up to three days depending on the closeness of the relationship. Family bereavement includes partners (including same sex relationships), sons and daughters, mothers and fathers, parents in law, brothers and sisters and grandparents. Employees who have to make funeral arrangements for any member of their family not covered above may be granted up to an additional 5 days paid leave.

Paid bereavement leave is a separate provision from special leave. Any further leave needed by the employee to deal with matters arising from bereavement, which affect his/her dependants, will normally be granted as unpaid leave but if the employee has annual leave days in hand then these may be taken or if the employee is unwell then sick leave may be appropriate.

Employees may be eligible for statutory 'parental bereavement leave' of up to 2 weeks leave if their child dies under the age of 18 or is stillborn after 24 weeks of pregnancy. This right will apply to the:

- biological parent
- adoptive parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

Parents have a right to take Statutory Parental Bereavement Leave if:

- they're classed as an employee
- their child dies under the age of 18 or is stillborn after 24 weeks' pregnancy

Employees have this right from the day they start their job. Statutory Parental Bereavement Leave can be taken in the 56 weeks following their child's death.

If more than 1 child dies, the employee is entitled to 2 weeks' Statutory Parental Bereavement Leave for each child.

Employees and workers are entitled to 2 weeks' 'Statutory Parental Bereavement Pay' if:

- their child dies under the age of 18 or is stillborn after 24 weeks' of pregnancy
- they were employed when their child died
- they'd worked for their employer for at least 26 weeks, on the Saturday before the child's death
- they earn on average at least £120 per week, before tax

When employees return to work they may return on reduced hours (and reduced pay) for a period of time not normally exceeding a month if they are not ready to return full time.

Further details on eligibility and pay can be obtained from the HR team.

3.4 Jury Service

Employees will be paid as usual during periods of Jury Service. Allowances paid to jurors should be deducted from the employee's salary via I-Trent. Employees must assist with recovering the cost of the absence from the Court.

3.5 Other Public Service Leave

The Trust will comply with statutory requirements in granting paid/unpaid leave to employees appointed to serve as a Magistrate, School Governor, Councillor or to another public office or the territorial army. Allowances paid for this work will be deducted from pay for any periods of paid leave granted.

3.6 Maternity Leave, Parental, Maternity Support Leave and Shared Parental Leave

Teaching and non-teaching staff have different schemes with very similar provisions. The maternity schemes apply to all pregnant employees regardless of the number of hours worked. Maternity leave and payment is dependent on length of service. All pregnant employees, regardless of length of service have the right to paid time off during working hours for antenatal care and relaxation and parent craft classes. A similar scheme is available for employees adopting children. Details of the schemes are available from the HR team.

Employees who are the partner or "nominated carer" of an expectant mother and who have less than 30 weeks service at the date of confinement are entitled to 5 days paid "maternity support" leave (National Condition). This leave is to be taken at or around the time of the birth.

Employees who are the partner or "nominated carer" of an expectant mother and who have 30 weeks or more service at the date of confinement are entitled to an additional 5 days paid "maternity support" leave (total 10 days).

All employees with 30 weeks service are entitled to thirteen weeks unpaid statutory parental leave to be taken within the first 5 years following the birth of a child for whom they have parental responsibility. Where paid maternity support leave is taken this will form part of the overall thirteen-week entitlement.

Employees may also be eligible for shared parental leave. This provides up to 50 weeks of leave and up to 37 weeks of pay between parents. Employees need to share the pay and leave in the first year after the child is born or placed with their family.

The schemes reflect employee's rights concerning entitlement to pay rises, accrued leave and returning to work.

Further details on the application of the above can be obtained from the HR team.

SUMMARY OF LEAVE OF ABSENCE & SPECIAL LEAVE ENTITLEMENTS

REASON FOR ABSENCE	MAXIMUM PAID DAYS (ADDITIONAL DAYS OF UNPAID LEAVE MAY BE GRANTED)
Serious illness of Husband, Wife or Child	5 working days
Death of Husband, Wife or Child	5 working days
Statutory Parental Bereavement Leave	2 weeks statutory bereavement pay if eligible
Serious illness or death of other near relative	3 working days
Serious illness and death of other near relative	5 working days
Attendance at funeral in approved representative capacity	1 to 3 working days according to distance and circumstances
Wedding of near relative	1 working day
Removal of household effects	1 working day
To attend interview for other appointment	1-3 working days according to distance and circumstances
Examination, if it is one that would be improve the educational qualifications of the teacher.	Period necessary to sit for examination
Approved short courses/conferences	Duration of course
Jury service	The length of the jury service. Staff must assist with recovery of the cost of this leave from the Court.
Other public duties	Statutory entitlement.
Religious Festivals	3 days in any educational year as required for observance of Religious Festivals.
Attendance at Meetings of Examiners during school time	Period necessary to attend – provided any fee receivable is refunded to the Trust
Duties as Examiner for Universities and similar bodies	Period necessary to attend – provided any fee receivable is refunded to the Trust
Duties as visiting Examiner for Certificate of Secondary Education	5 days in Education year provided any fee receivable is refunded to the Trust.