

ST BERNARD'S HIGH SCHOOL LEAVE OF ABSENCE POLICY



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Approved by Staffing Committee: 30 April 2019

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Chair of Governors

Next Review due: April 2025



**ST BERNARD'S
HIGH SCHOOL**

Mission Statement

St. Bernard's is a school community which aims to live by Jesus' commandment "Love one another as I have loved you".

We are a Catholic learning community committed to the ongoing development of the entire potential of every person, achieved through a broad, balanced and relevant curriculum.

We care for each other as individuals of equal worth, regardless of status, sex, race or religion and thus actively seek to promote safeguarding, justice and fairness.

We provide an atmosphere in which we can grow in our Faith and encourage this faith by a lively and relevant liturgy.

We work with parents, parishes, local communities and industry to prepare our students for the opportunities of adulthood.

The School Governing Body has adopted this policy relating to absences from work on *29 November 2005* after consultation with all staff in the school and their representatives. It relates to all categories of staff and covers a wide range of types of leave (whether statutory rights exist or Governors have discretion over approvals).

The Head Teacher and Governors will consider all applications for leave of absence in a fair and equitable manner within the framework set out in this policy document.

Indicated in the following schedule are the maximum levels of absence that Governors will approve in normal circumstances. The Head Teacher is authorised to deal with the majority of cases, which are unlikely to exceed the stated number of days per year or term, as an immediate decision is often needed, particularly for compassionate reasons.



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1.1 Procedure for applications

All applications for leave of absence should be directed to the Head Teacher in the first instance regardless of whether he/she has authority to approve such applications. Requests by the Head Teacher for leave of absence must be directed to the Chair of Governors.

Applications for leave of absence should be in writing, however, in some circumstances depending on the reason for and duration of the leave requested and with the approval of the Head Teacher a written request may not be necessary.

The employee must give as much information as possible when considering the request and indicate whether they are requesting paid or unpaid leave to assist the Head Teacher in considering the request and making a decision.

Notice requirements

Specific notice periods are mandatory for some types of leave (eg maternity, paternity leave) and these are indicated in the leave tables (see Appendices 1-5), together with the reference point for further information.

For all other leave, employees should request leave of absence with as much notice as possible, and in any case in accordance with following timescales.

Length of leave of absence requested	Minimum Notice required
Up to 5 days	1 week
5 days and over	1 month



Emergency leave requests

In certain circumstances it may not be possible for the employee to request the leave of absence, in writing, in advance.

In these circumstances the employee should follow the agreed procedure in their School (eg telephoning the School and speaking to the Head Teacher/their Line Manager to discuss the reasons for the request for leave of absence.)

An initial decision whether leave of absence is granted to cover the initial emergency situation will be made and notified verbally to the employee. A written record of the details of the request for leave of absence and the decision regarding the granting of any leave of absence will be made. The record will be signed by the employee on their return to work. This will then be kept on the employee's personal file.

Considering leave of absence requests

The Head Teacher will, on receipt of a leave of absence request, consider the request in line with this leave of absence policy, the particular circumstances of the case and any operational requirements of the establishment. They will also take into account any other relevant factors including:

- How many previous requests have been made by the employee and for what reason?
- Whether any previous requests for absence in the same circumstances have been approved, how many, for how long and whether the leave was paid or unpaid.
- How similar requests from other employees have been dealt with?
- Whether they are setting a precedent for how similar requests will be dealt with in future.

The Head Teacher will notify the employee in writing, as soon as possible, of the decision. The approval section on the Absence Request form should be completed and signed and a copy of the form will be provided to the employee.

If the request is not agreed the employee will be notified that they have the right to appeal against the decision.

The request for leave of absence and a copy of the decision will be placed on the employee's personal file.



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1.2 Appeals Procedure

Employees have the right to appeal against a refusal to approve a leave of absence request or against a refusal to approve paid leave (where the time off has been granted as unpaid leave). Appeals should be submitted within 5 days of receiving the decision.

Any appeal lodged against a decision relating to a request for leave of absence will be heard by the Governors Staff Disciplinary Committee. The employee and chosen representative (normally the representative of a recognised trade union, or some other appropriate person), may attend any such appeal meeting and to make representation.

The Committee's decision will be final.

Unauthorised leave of absence

Employees who take time off work without following the appropriate procedure for requesting leave and/or who take time off without receiving appropriate approval may be subject to disciplinary action in line with the disciplinary procedure.

Employees who take unauthorised absence will not receive payment for such absence other than in exceptional circumstances.

Impact on Pension

When a Pension Scheme member has authorised unpaid leave of absence, the period of any such leave will not count towards their Pension.

- Members of the Local Government Pension Scheme can buy back any period of authorised unpaid leave through an Additional Pension Contribution (APC) contract. <http://www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension>
If you elect to enter into an APC contract within 30 days of the unpaid leave, your employer will pay 2/3 of the cost and you will pay 1/3. Further information: <http://www.lgps2014.org>
- Members of the Teachers' Pension Scheme can purchase additional pension subject to a minimum amount. Further information: <https://www.teacherspensions.co.uk/>



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Data Protection

When an employee makes a request for leave of absence under this policy, the school will process any personal data collected (including written records of meetings held under this process) in accordance with its data protection policy. In particular, the school will only record personal information request to deal with the employee's request for leave of absence and keep this information only for as long as necessary to deal with the request. Data collected as part of a leave of absence request is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to leave of absence requests.

On the conclusion of the process, data collected will be held in accordance with the school's retention schedule. 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.

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Pre- Retirement Leave – For Support Staff

The Governing Body has the discretion to authorise a phased period of leave leading up to an employee's retirement (at age 65) if it was felt to be in either the schools or the employee's interests.

All support staff are able to be considered for pre-retirement leave during the 2 years leading up to their retirement. In the penultimate year before retirement (age 65), a maximum of half a days leave for each year of continuous service with Essex County Council/Governing Body up to an overall maximum of 8 days can be authorised.

In the year before retirement a maximum of one days leave for each year of continuous service with the School up to an overall maximum of 16 days may be granted. The timing of the leave will be subject to agreement with the Head Teacher (or Governing Body where request is from the Head Teacher).

(NB Part-time staff should be authorised leave on a pro-rata basis in accordance with contractual hours worked)



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Appendix 1 – Table of family related leave

Type of Absence	Details of leave provision	Statutory or Discretionary Leave	Paid/ Unpaid	Further Information
Adoption Leave	<p>Subject to meeting the relevant qualifying conditions and notice requirements employees who have been newly matched with a child for adoption by an approved adoption agency and who will be the primary adopter are entitled to 26 weeks ordinary adoption leave followed by up to 26 weeks additional adoption leave. The secondary adopter may be entitled to paternity leave and/or shared parental leave.</p> <p>The employer and employee can also agree to up to a maximum of 10 days paid 'keeping in touch' days during the period of adoption leave for the primary adopter.</p> <p>Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy situation may be entitled to adoption leave (primary adopter) and/or paternity/shared parental leave (secondary adopter) subject to meeting the eligibility criteria.</p>	Statutory. Mandatory notice requirements apply.	<p>Statutory – paid/unpaid subject to qualifying conditions.</p> <p>Eligible employees may also be entitled to contractual adoption pay.</p>	<p>Employees should contact the HR Lead for more information.</p> <p>(Manager/admin. See adoption/shared parental leave toolkit)</p>



Pre-Adoption meetings	<p>Adopters have a statutory right to time off to attend pre-adoption meetings. The purpose of the request for time off must be to meet with a child/children matched for adoption with the employee or for another purpose connected to the adoption.</p> <p>The entitlement is to paid time off to attend up to 5 meetings for the 'primary' adopter. The 'secondary' adopter is entitled to unpaid time off to attend up to 2 meetings. Employees are encouraged to arrange appointments outside their working hours wherever possible.</p>	Statutory – time off should not exceed 6.5 hours per appointment.	<p>Statutory paid (primary adopter)/unpaid (secondary adopter)</p> <p>Pay is discretionary if any further leave is approved.</p>	<p>Employees should contact the HR Lead for more information.</p> <p>(Manager/admin. See adoption toolkit)</p>
Type of Absence	Details of leave provision	Statutory or Discretionary Leave	Paid/ Unpaid	Further Information
Pre-Adoption meetings (cont)	There is no statutory right to further pre-adoption leave but requests may be considered on a discretionary basis.			
Ante-natal Care (for pregnant employees)	All pregnant employees have a statutory right to reasonable paid time off work for ante-natal care but are encouraged to arrange appointments outside of their	Statutory – reasonable time off	Statutory – paid	(Manager/admin. See maternity toolkit)



	working hours wherever possible. Antenatal care may include relaxation and parent-craft classes if they have been recommended by a doctor or midwife.			
Ante-natal Care (requests for time off made by fathers to be/partners and nominated carers)	<p>All employees in a qualifying relationship with a pregnant woman or her expected child (including spouse, civil partner and person in a long-term relationship with the pregnant woman) are entitled to take time off during their working hours in order to accompany the woman to two ante-natal appointments. The appointments must be made on the advice of a registered medical practitioner, midwife or registered nurse.</p> <p>Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy situation have the right to unpaid time off work to accompany the birth mother to up to 2 ante-natal appointments.</p> <p>Any time off requested to attend further ante-natal appointments will be at the discretion of the employer.</p>	Statutory – 2 appointments not exceeding 6.5 hours per appointment.	Statutory – unpaid	(Manager/admin. See maternity toolkit)



Type of Absence	Details of leave provision	Statutory Discretionary Leave	or Paid/ Unpaid	Further Information
Parent craft and routine ante-natal classes	Requests to attend parent craft classes or routine ante-natal classes which have not been specifically recommended by a doctor or midwife (see ante-natal care above) and which cannot be arranged for outside normal working hours may be considered at the discretion of the employer.	Time off is discretionary	Pay is discretionary	(Manager/admin. See maternity toolkit)
Bereavement leave/Time off to attend funerals Close relative/ Dependant	Leave with pay for compassionate reasons may be granted when a request is made due to the bereavement of a relative. Leave may also be granted for an employee to care for a close relative with a serious or terminal illness (see section 25 -Illness/injury). Leave will normally be taken <u>at the time of bereavement only</u> . A close relative is defined as a husband, wife, partner, son, daughter, father, mother, father-in-law, mother-in-law, brother or sister.	Time off is discretionary Statutory – reasonable time off	Pay is discretionary	



Other relatives/ relationships	<p>A maximum of 5 days paid leave per term may be authorised by the Head Teacher. Any further requests for leave for this reason require approval by the Governing Body/Chair of Governors.</p> <p>A maximum of 3 days paid leave per term may be authorised by the Head Teacher.</p> <p>Any further requests for leave for this reason require approval by the Governing Body.</p>			
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Type of Absence	Details of leave provision	Statutory or Discretionary Leave	Paid/ Unpaid	Further Information
Child care (time off to make alternative child care arrangements)	<p>The school recognises that it may be necessary for an employee to make arrangements at short notice when their child's normal carer is suddenly taken ill or when normal childcare arrangements are not available due to the child's illness.</p> <p>Requests for a maximum of <u>2 days leave, per term with pay</u>, for the purpose of making alternative care arrangements should be directed to the Head Teacher. Any reasonable requests for further leave to deal with such emergencies will be without pay.</p> <p>Note: employees must not claim sick leave to look after sick children.</p> <p>Time off to set up alternative care arrangements when a child's normal carer is suddenly unable to provide care or when normal childcare arrangements are not</p>	<p>Statutory – reasonable time off to deal with the emergency</p> <p>Any time off beyond immediate crisis – discretionary</p>	<p>Pay in discretionary</p> <p>Pay is discretionary</p>	<p>See time off for dependants</p>



	<p>available is covered under time off for dependants.</p> <p>NB the statutory right does not include a right to time off to provide care beyond a reasonable amount necessary to deal with the immediate crisis.</p>			
Time off for Dependants	<p>Employees have a right to take a reasonable amount of time off work (unpaid) to deal with certain unexpected or sudden emergencies and make any necessary longer term arrangements. The emergency must involve a dependent of the employee. A dependant is defined as the employee's <u>parent, wife, husband or partner, child</u>, or someone who lives as part of the family, but not the employee's tenant, lodger or boarder. It also includes somebody for whom the employee is the main carer. 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. The following are examples of</p>	<p>Statutory – there is no set period and the length of leave authorised will depend on individual circumstances, and leave for this reason may be offered in addition to other discretionary leave.</p>	<p>Pay is discretionary</p>	



	<p>where an employee has a statutory right to request time off:</p> <ul style="list-style-type: none"> • 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; • When a partner is having a baby; • To make longer term care arrangements for a dependent who is ill or injured; • To deal with the death of a dependant; for example, to make funeral arrangements or to attend a funeral; • To deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when the childminder or nurse fails to turn up; • To deal with an incident involving the employee's child during school hours; for example if the child has been involved in a fight or is being suspended from school. <p>All requests for leave of absence for this reason must be directed to the Head Teacher. Leave authorised for this reason will be without pay. The length of leave</p>			
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	authorised will depend on individual circumstances, and leave for this reason may be offered in addition to other leave provisions available - see also Child Care, Injury & Illness and Elder Care. Where possible this should be applied for and agreed by the Head Teacher in advance of the time taken. Where this is not possible for reasons of urgency, this should be done within 5 working days of the employee returning to work.				
Type of Absence	Details of leave provision	Statutory Discretionary Leave	or	Paid/ Unpaid	Further Information
Domestic crisis/ damage to property	The school recognises that circumstances may make it necessary and unavoidable for an employee to be absent due to domestic crisis (including damage or disruption to property). Requests for leave should be directed to the Head Teacher. A maximum of 2 days paid leave per term may be authorised by the Head Teacher. Any further requests for leave for this reason require approval by the Governing Body.	Time off is discretionary		Pay is discretionary	



Elder care	<p>The school will treat requests from carers sympathetically. Requests for a maximum of 2 days leave per term with pay, for the purpose of elder care should be directed to the Head Teacher. Any reasonable requests for further leave will be without pay.</p> <p>In more extended circumstances, it may be necessary to discuss the possibility of a mutually agreed change to reduced working hours and/or a different working pattern to accommodate the need for time away from the workplace (see Flexible Working section 19)</p>	<p>Statutory – reasonable time off</p> <p>Any time off beyond immediate crisis – discretionary</p>	<p>Pay is discretionary</p> <p>Pay is discretionary</p>	<p>See time off for dependants.</p>
Fertility treatment	<p>Requests for reasonable time off to attend appointments and treatment relating to fertility treatment should be directed to the Head Teacher. Each request will be considered individually in the context of the particular circumstances. An agreement should be reached with the Head Teacher regarding what time is required. The Head Teacher may, at their discretion provide paid leave for</p>	<p>Time off is discretionary</p>	<p>Pay is discretionary</p>	<p>For support staff on LG conditions see Green book – this recommends reasonable time off arrangements for employees undergoing fertility treatment.</p>



	medical/hospital appointments for fertility treatment and associated treatments.			
Foster care	<p>Leave will be given to foster carers to attend meetings and/or training commitments.</p> <p>Foster carers who are also approved as prospective adopters may be entitled to adoption leave (and to attend pre-adoption meetings), if they have a child placed with them in a 'foster to adopt' situation and they will be the primary adopter.</p>	<p>Time off is discretionary</p> <p>Statutory – subject to meeting the qualifying conditions.</p>	<p>Pay is discretionary</p> <p>Statutory – paid/unpaid subject to qualifying conditions. Eligible employees may also be entitled to contractual adoption pay.</p>	(Manager/admin for further information on foster to adopt arrangements see adoption toolkit)
Graduation of child/partner	One day's leave with pay is available for employees wishing to attend the graduation of a child or partner. Only one day per child/graduate per year is available. Requests should be directed to the Head Teacher.	Time off is discretionary	Pay is discretionary	



				[Section from previous document]
Illness/Injury of family members Immediate Family	<p>The following paid leave is available to an employee whose immediate family member (husband, wife, partner, son, daughter, father, mother) or other dependant suffers an illness or injury. Requests for leave should be directed to the Head Teacher.</p> <p>A maximum of 5 days paid leave per term may be authorised by the Head Teacher.</p> <p>Any further requests for leave for this reason require approval by the Governing Body/Chair of Governors (unpaid).</p>	Time off is discretionary	Pay is discretionary	[Section from previous document]
Other Relatives	<p>When other relatives (including father-in-law, mother-in-law, brother or sister) are affected by illness/injury:</p> <p>A maximum of 5 days paid leave per term may be authorised by the Head Teacher.</p>			



Other Illness/Injury cases	<p>Any further requests for leave for this reason require approval by the Governing Body/Chair of Governors (unpaid).</p> <p>Other cases involving illness/injury where an employee can show it to be necessary and unavoidable for leave of absence to be granted will be considered. A maximum of 3 days paid leave per term at the discretion of the Head Teacher. Any further requests for leave for this reason require approval by the Governing Body.]</p>			
Maternity leave	<p>Subject to meeting the relevant qualifying conditions and notice requirements employees are entitled to 26 weeks ordinary maternity leave followed by 26 weeks additional maternity leave.</p> <p>An employee must notify the Head Teacher of her pregnancy, her expected week of childbirth and the date on which she intends to start her leave, before the end of the 15th week before the EWC (or if that is not reasonably practicable, as soon as it is reasonably practicable).</p>	<p>Statutory. Mandatory notice requirements apply.</p>	<p>Statutory – paid/unpaid subject to qualifying conditions.</p> <p>Eligible employees may also be entitled to contractual maternity pay.</p>	<p>Employees should contact the HR Lead for more information (Manager/admin. See maternity toolkit)</p>



	Contact must be maintained during maternity leave. Agreement must be made with the Head Teacher prior to maternity leave how contact will be maintained. Optional 10 'keeping in touch' days are available.]			
Maternity support leave (support staff on LG Conditions)	Maternity support leave of 5 days shall be granted to the child's father or partner or nominated carer of an expectant mother at or around the time of birth.	5 days – mandatory for staff on Local Government conditions of service.	Pay is mandatory due to Local Government conditions of service	(Manager/admin. See maternity toolkit)
Maternity support leave (teaching staff and other staff not on LG conditions)	There is no entitlement to maternity support leave for teaching staff although requests for leave from the child's father or partner or nominated carer of an expectant mother at or around the time of birth may be considered on a discretionary basis.	Time off is discretionary	Pay is discretionary	(Manager/admin. See maternity toolkit)



	<p>Additional Paternity Leave (NB only applicable for parents of children born or adopted on or before 4th April 2015 – parents of children born or adopted on or after 5th April 2015 may be eligible for Shared Parental Leave – see below).</p> <p>Subject to meeting the relevant qualifying conditions and notice requirements employees are entitled to up to 26 weeks Statutory Additional Paternity Leave for a child born after 3 April 2011 if the partner has returned to work.</p> <p>Paternity leave is available for fathers/partners and adoptive fathers/partners. The paternity leave provisions extend to an adoptive mother or the partner of an adoptive father, who may take paternity leave if the other partner chooses to take any entitlement under the statutory adoption leave provisions.</p> <p>Employees can take up to 2 consecutive weeks leave. The entitlement is for one period of paternity leave for each pregnancy, regardless of the number of babies born or children adopted. Eligible</p>	Statutory (if eligible)	May be entitled to receive Additional Statutory Paternity Pay	<p>Employees should contact the Executive Assistant to the Head Teacher for more information.</p> <p>(Manager/admin. See paternity toolkit)</p> <p>[Section from previous document]</p>
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	<p>employees who meet the qualifying length of service criteria may be entitled to Statutory Paternity Pay (SPP), providing their average weekly earnings (over 8 weeks prior to the qualifying week) exceed the lower earnings limit for National Insurance purposes</p> <p>Employees must have 26 weeks continuous service with their current employer by the 15th week before the expected week of childbirth, or the week of being notified of being matched to a child.</p> <p>Leave must be taken within 56 days (8 weeks) of the actual date of birth of the child or in the case of adoption, 56 days (8 weeks) of the placement date. If the child is born early, leave can be taken within the period from the actual date of birth up to 56 days (8 weeks) after the expected week of childbirth. Individuals must notify the Head Teacher of their intent to take paternity leave by the 15th week before the expected week of childbirth. In regards to paternity leave for an adopted child the individual must give notification within 7 days (unless not reasonably</p>			
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	<p>practicable) of being notified by the adoption agency that they have been matched with a child.</p> <p>Requests for Paternity leave must be submitted on the Leave of Absence request form.]</p>			
Shared Parental Leave (SPL)	<p>Parents of children born or placed for adoption after 5th April 2015 may be eligible to take SPL, subject to meeting eligibility and notice requirements. SPL is available where the mother/primary adopter brings their maternity/adoption leave to an end early (at any point after the initial 2 week compulsory period of leave) and then parents decide how to apportion the remaining weeks of pay and leave between them.</p> <p>SPL may only be taken during the year following birth/adoption placement.</p>	<p>Statutory – maximum of 50 weeks leave (less any period of maternity/adoption leave already taken) may be used as shared parental leave, subject to meeting eligibility criteria.</p>	<p>Statutory – paid/unpaid subject to qualifying conditions</p>	<p>(Manager/admin. See Shared Parental Leave toolkit)</p>



Surrogacy	<p>An employee acting as surrogate mother is entitled to maternity leave subject to meeting the eligibility criteria.</p> <p>An employee taking parental responsibility for a child born by a surrogate is not entitled to maternity leave but may be entitled to adoption leave and/or shared parental leave subject to meeting the eligibility criteria. Employees who are intended parents by virtue of a surrogacy arrangement are entitled to unpaid time off to attend up to 2 ante-natal appointments of the surrogate note exceeding 6.5 hours per appointment (see ante-natal care above).</p>	<p>Statutory subject to meeting eligibility criteria</p> <p>Statutory subject to meeting eligibility criteria</p> <p>Statutory</p>	<p>Statutory – paid/unpaid subject to qualifying conditions</p> <p>Statutory – paid/unpaid subject to qualifying conditions</p> <p>Statutory – unpaid</p>	(Manager/admin. See maternity toolkit)
Schools – seeking for a child	[Circumstances may arise where an individual is required to find schooling or alternative schooling for their child. Requests for leave of absence should be directed to the Head Teacher who may at their discretion authorise one day’s unpaid leave.]			



University - seeking for a child	[An employee who wishes to find a university place for their child may request one day's unpaid leave for this purpose. Authorisation is by the Head Teacher.]			
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Appendix 2 – Table of health related leave

Type of Absence	Details of leave provision	Statutory or Discretionary Leave	Paid/ Unpaid	Further Information
Disability (related leave/flexible working)	The Disability Discrimination Act 1995 provides the right for disabled people to request to work reduced hours if this will enable them to remain in post and it is a reasonable adjustment for the employer. Employers also have a duty to make reasonable adjustments to the workplace, provisions, criterion or practice.			
Blood donors	Subject to operational requirements employees may request reasonable time off on a discretionary basis.	Time off is discretionary	Pay is discretionary	
Cancer screening	Where possible, employees should arrange for routine cancer screening (e.g. cervical cancer screening and breast examinations) to take place outside their normal working hours. Where this is not possible, or where the screening is non-routine, employees may be granted paid time off for the purpose of attending such appointments.	Time off as and when – mandatory due to conditions of service for support staff (Green Book)	Paid – mandatory due to conditions of service for support staff.	



		Time off is discretionary for teachers	Pay is discretionary for teachers.	
Dental treatment Urgent	<p>All dental appointments should, where possible be, arranged for outside the employee's normal working hours. However, the school recognises that in emergencies it may be unavoidable for an employee to be absent during the school day for dental treatment. Requests for leave for urgent dental treatment may be requested from the Head Teacher.</p> <p>A maximum of 2 days paid leave per term may be authorised by the Head Teacher (pay is discretionary). Any further requests for leave for this reason require approval by the Governing Body/Chair of Governors.</p>	Time off is discretionary	Pay is discretionary	
Elective surgery that is not medically necessary/recommended	Employees who wish to undergo elective surgery that is not medically necessary/recommended should arrange such surgery (and any pre/post operation appointments) during school closure periods/periods of annual leave.	Time off is discretionary	Pay is discretionary.	



	<p>They should ensure that they have enough time to recover before the start of term/end of period of annual leave.</p> <p>Leave of absence will not normally be granted although requests will be considered on a case-by-case basis. If, following elective surgery that is not medically necessary/recommended, the employee becomes medically unfit as a result of the surgery sickness absence provisions will apply.</p>	Sickness absence in line with normal entitlements.	Statutory and contractual sick pay entitlement will be payable where eligible.	
Elective surgery that is medically necessary/recommended	Where the elective surgery is medically necessary/recommended normal sickness provisions will apply. Employees may be asked to provide evidence that the surgery is necessary/recommended.	Sickness absence in line with normal entitlements	Statutory and contractual sick pay entitlement will be payable	
Medical appointments and treatment	Wherever possible employees should arrange to attend medical appointments outside of their normal working hours. Where this is not possible, or where emergency treatment is needed, paid time	Time off is discretionary	Pay is discretionary	



<p>Medical Appointments for Dependents</p>	<p>off may be granted subject to the operational needs of the school. All requests should be directed to the Head Teacher. Requests to attend medical appointments relating to elective surgery will be considered in the light of individual circumstances and the opportunity for the applicant to use annual leave (where applicable) or school closure periods for all or part of the absence.</p> <p>Where an employee requires time off to attend routine medical appoints (ie doctors and dentists) with a dependent then the employee should arrange to attend these medical appointments outside of normal working hours. Where this is not possible, or where emergency treatment is needed, time off may be granted (see Dependent Leave).</p>			
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Appendix 3 – Table of Public service duties leave

Type of Absence	Details of leave provision	Statutory or Discretionary Leave	Paid/ Unpaid	Further Information
Court/Employment Tribunal Appearances	<p>Employees who are required to attend court as a witness, juror or because they are pursuing a claim or are the subject of criminal proceedings must notify the school as soon as they receive the hearing date or a witness summons.</p> <p>Court Appearances</p> <p>Requests for leave should be directed to the Head Teacher. This leave will be granted with or without pay depending on circumstances.</p> <p>Witness</p> <p>A maximum of 20 days leave will be granted to employees who attend court as a witness. This will be paid or unpaid according to circumstance at the discretion of the Head Teacher.</p> <p>Accused</p>	Time off is discretionary (except where a witness summons is produced by the employee when the employer should release the employee to attend the hearing)	Pay is discretionary.	Employees may wish to contact the relevant court/tribunal to obtain information as to whether they may recover their travel expenses.



	<p>A maximum of 10 days leave will be granted to a person who is attending court as the accused. This will be paid or unpaid according to circumstance at the discretion of the Head Teacher.</p> <p>Criminal Injuries Compensation Board</p> <p>Subject to operational requirements employees who make a claim to the criminal injuries compensation board may take paid time off to attend the board.</p>			
Jury service	<p>All employees must be allowed to take time off for jury service. Under national conditions of service employees are entitled to receive paid leave of absence for jury service.</p>	<p>Statutory right to leave for the duration of jury service.</p>	<p>Contractual – paid.</p> <p>Under LG and teacher terms and conditions paid leave, less the loss of earnings entitlement under the Juror’s</p>	<p>The employee and payroll will need to complete a loss of earnings form.</p>



			Allowance Regulations.	
Public bodies (service on) and public duties	<p>Justices of the Peace/Magistrates</p> <p>Members of a local authority/local councillors</p> <p>Members of a statutory tribunal eg an Employment Tribunal</p> <p>Members of a relevant health body/authority for example health trusts</p> <p>Members of a relevant education authority for example Maintained school or college Governing Body (ie School Governors) (nb School Governors at Academies are not currently included in this right)</p> <p>Members of the prison independent monitoring boards</p>	<p>Statutory right to a 'reasonable' amount of time off, to be agreed between the employee and employer beforehand.</p> <p>The amount of time that may be considered reasonable should be based on: How long the duties might take. The amount of time the employee has already had off for public duties. How the time off will affect the school/organisation. Employers may refuse time off if they consider it is unreasonable.</p>	<p>Contractual Paid leave.</p> <p>Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing school.</p>	<p>See references to Green Book and Burgundy Book for jury service (in section above) which also covers service on public bodies.</p>



	<p>Members of a panel of lay observers who monitor conditions for prisoners under escort and in court custody</p> <p>Members of Teaching Regulation Agency (formerly National College for Teaching and Learning)</p> <p>Members of the Environment Agency</p> <p>Members of Visiting Committees for the immigration detention estate</p> <p>Members of Visiting Committees appointed to monitor short-term immigration holding facilities</p>			
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Reservists – time off for training	<p>Volunteering members of the Army Reserves) may request time off to carry out training. There is no statutory entitlement to time off for training. Employers may consider such requests on a discretionary basis.</p> <p>NB Reservists who are mobilised must be given time off, unless their employer believes their absence would cause serious harm to their organisation. In these circumstances, employers have the right to seek exemption from it, or to defer or revoke the mobilisation.</p> <p>Employers may be eligible to claim expenses in respect of additional costs incurred whilst replacing a reservist (to a maximum of £110 per day). Employers may also be able to receive a payment of up to £500 per month for each full month a reservist is absent from work (pro-rated for parts of month and part time workers).</p>	Time off is discretionary.	Pay is discretionary.	<p>NB All contracts of employment state that employees must not volunteer for service in HM forces without seeking prior approval from their employer.</p> <p>Further information on employing reservists can be found in our toolkit and on www.sabre.mod.uk</p>
Elections - Candidates	Employees standing as a candidate at Local or Central Government elections will			



<p>Professional Bodies – Service on (e.g. National Joint Council for Local Government Services)</p> <p>Trade Union Representatives – requests for time off to act as a companion to another employee attending a disciplinary or grievance</p>	<p>be granted one days leave, without pay, on the day of the poll. An additional day’s unpaid leave may be granted where the count does not take place on the same day. Requests should be made to the Head Teacher and authorisation is discretionary depending on operational requirements.</p> <p>All requests for leave of absence for this reason require the approval of the Governing Body, who at their discretion can grant a maximum of 15 days with pay per year.</p> <p>Trade Union representatives have a statutory right to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing so long as they have been certified by their union as being capable of acting as a worker’s companion. The right to time off only applies where the person being accompanied is employed by</p>	<p>Statutory – ‘reasonable’ time off.</p>	<p>Statutory paid –</p>	<p>See ACAS Code of Practice – Time off for trade union duties and activities.</p>
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	<p>the same employer as the certified companion.</p> <p>Union Officials / Reps (Including ULR's)</p> <p>Union Officials / Reps, including Union Learning Reps and Health and Safety Reps of independent trade unions recognised by the school, have a statutory right to reasonable paid time off work to carry out their activities and undergo relevant training.</p> <p>Trade union members (of independent trade unions recognised by the school) will have the right to reasonable unpaid time off to access the services of a Union Learning Representative.</p> <p>All requests for leave for this reason must be directed to the Head Teacher.</p>			
Trade Union Duties	Employees who are elected union representatives of an independent trade	Statutory entitlement to 'reasonable' time		



	<p>union recognised by their employer for collective bargaining purposes are entitled to reasonable time off during working hours to carry out certain trade union duties.</p> <p>Duties are tasks undertaken by union representatives on behalf of the members, for example negotiating with the employer or organising elections.</p> <p>These duties must be on behalf of employees of the employer to be covered by the statutory right to paid time off.</p>	<p>off to carry out trade union duties.</p> <p>When considering what is reasonable, employers need to balance the right that the union representatives have to conduct their duties with the need for the efficient running of the school.</p>		
Trade Union Activities	<p>Employees who are members of an independent trade union recognised by the employer in respect of that description of employee are to be permitted reasonable time off during working hours to take part in any trade union activities.</p> <p>Activities include (but are not limited to) actions taken by members in relation to their union, for example voting in elections, meeting with union</p>	<p>Statutory – ‘reasonable’ time off to carry out their activities according to the agreements reached between the employer and the appropriate trade union.</p>	<p>There is no statutory right to payment for time off to carry out trade union activities.</p> <p>Any payment for time off to carry out Trade Union activities is at the</p>	<p>See ACAS Code of Practice – Time off for trade union duties and activities</p> <p>NB Academies who signed the TUC Model Agreement for Academies (Trade Union Recognition and Machinery for Consultation and Negotiation) 2010 should</p>



	representatives and attending workplace meetings.		discretion of the employer.	ensure they refer to this document.
Trade Union Learning representatives	<p>Employees who are members of an independent trade union recognised by the employer can take reasonable time off to undertake the duties of a Union Learning representative, provided that the union has given the employer notice in writing that the employee is a learning representative of the trade union and the training condition is met.</p> <p>Union members are also entitled to reasonable time off for accessing the services of union learning representatives.</p>	Statutory – ‘reasonable’ time off to carry out their duties/undergo training relevant to their functions as a Union Learning Representative	Statutory paid	See ACAS Code of Practice – Time off for trade union duties and activities



Appendix 4 – Table of training related leave

Type of Absence	Details of leave provision	Statutory or Discretionary Leave	Paid/ Unpaid	Further Information
Time off to Train	<p>All employees who have worked for their employer for at least 26 weeks and whose employer has 250 employees or more (this right therefore applies to employees at Community and Voluntary Controlled schools where the employer is the Local Authority) have the right to request time off to undertake training which they believe will improve their effectiveness in their role and overall performance of the school/academy.</p> <p>Only one request may be made in any 12 month period.</p>	Discretionary – depends on the course requirements and operational needs of the school.	Pay is discretionary – depends on the course and its benefits to the individual and the school.	See time off to train information on the Infolink (under Leave of absence)
Study leave and examinations	Requests for study leave must be made to the Head Teacher. The employee must notify the Head Teacher as soon as possible of dates and reasons for leave. Leave will be paid or unpaid depending on the reason for the request and the level of relevance of the qualification being studied.	Time off to study for exams is discretionary	Pay is discretionary	



Appendix 5 – Table of other leave

Examination Board duties (release of teachers)	Request from teachers for leave of absence to carry out duties/activities connected with Examining Groups/Boards will be considered on a discretionary basis.	Discretionary	Pay is discretionary	Burgundy Book Appendix II
Holiday (requests during term time) Support Staff	<p>The minimum paid annual leave entitlement is 22 days with a further 5 days after five years of continuous service (for Points 1-11). The entitlement as expressed applies to five working day patterns. For alternative working day patterns equivalent leave entitlement should be calculated.</p> <p>Employees have an entitlement to two extra statutory days holiday, the timing of which may be determined in advance through consultation of a recognised trade union or may be added to annual leave by local agreement. Bank holidays are in addition to the annual leave entitlement.</p> <p>The annual leave entitlement of employees leaving or joining the school is proportionate to their completed service during the school year. All annual leave must be agreed in advance with the Head</p>	Discretionary	<p>Discretionary</p> <p>Contractual paid leave</p>	All staff are entitled to paid annual leave. For those employees working less than 52.14 weeks annual leave is deemed to be taken during the closure periods and for 52.14 week support staff it is normally expected that holiday will be taken during closure periods.



	<p>Teacher. Annual leave should only be taken during school closure periods and not during term time, except in the case of the School Business manager, IT staff and premises staff, where holiday entitlements need to be spread across the year in order to allow the school to function effectively both in term time and holiday periods. Holiday arrangements in these exceptional cases must be authorised by the Head Teacher.</p> <p>All employees are entitled to paid time off.</p> <p>Please note that for full time support staff 3 days holiday must be taken during the Christmas Break between Christmas and New Year.</p>			
<p>Job-seeking and retraining in a redundancy situation</p>	<p>An employee who is under notice of redundancy (and who has been continuously employed for 2 years by the date their notice period ends) can request reasonable time off with pay to look for another job or to arrange training.</p>	<p>Statutory – reasonable time off</p>	<p>Statutory – paid (NB regardless of how much time off an employee takes for job hunting in any</p>	



	NB The Redundancy Policy gives the right to reasonable time off for interviews to staff at risk of redundancy.	Contractual (if adopted model redundancy policy)	week, employers are only required to pay up to 40% of that week's -pay) Discretionary	
Interviews	<p>Interviews</p> <p>Leave of absence with pay may be authorised by the Head Teacher at his/her discretion. Consideration will be given to the operational requirements of the school and individual circumstance.</p> <p>If an employee not at risk of redundancy requests time off to attend an interview, this will be considered on a discretionary basis.</p>	Time off is discretionary	Pay is discretionary	
Moving House	<p>Moving House</p> <p>Employees should make all efforts to move house outside of their normal working hours. Where this is not possible or where an employee is moving to take up his/her</p>	Time off is discretionary	Pay is discretionary	



	<p>post at the school, sympathetic consideration will be given to granting leave of absence with pay on the day of removal.</p> <p>Employees should make all efforts to move house outside of their normal working hours. Where this is not possible or where an employee is moving to take up his/her post at the academy, sympathetic consideration will be given to considering a leave of absence request.</p>			
Religious Observance	<p>Religious Observance</p> <p>The school recognises the importance of religious observance and will attempt to accommodate the needs of the employee, including for example, time away from work during the day for prayer or to accommodate periods of fasting.</p> <p>Employees whose religious duties are not covered by weekends or the current statutory bank holidays may request time off for religious festivals. Leave without pay for the purpose of attending special religious festivals, subject to adequate prior notice will not be unreasonably refused.</p>	Time off is discretionary	Pay is discretionary	



	<p>The Governing Body may at their discretion grant a maximum of 15 days unpaid leave per year.</p> <p>The employer recognises the importance of religious observance and will attempt to accommodate the needs of the employee, including for example, time away from work during the day for prayer or to accommodate periods of fasting.</p> <p>Employees whose religious duties are not covered by weekends of the current statutory bank holidays may request time off for religious festivals.</p>			
Weather – severe conditions	<p>Weather – Severe Conditions</p> <p>Where severe weather conditions prevail, e.g. snow or flooding, employees are expected to make every effort to attend work, using alternative modes of transport where possible. Where an employee, as a result of using an alternative form of transport (or where there are severe traffic/weather conditions using their normal mode of transport), arrives at work late</p>	Time off is discretionary	Pay is discretionary	



	<p>and/or has to leave work early, they will be credited with a standard working day.</p> <p>Employees who are genuinely unable to attend work should where possible and with the agreement of the Head Teacher work from home or attend an alternative place of work.</p> <p>Where severe weather conditions prevail, employees are expected to make every effort to attend work, using alternative modes of transport where necessary.</p> <p>Where an employee, arrives at work late and/or has to leave work early as a result of the conditions, this will normally be treated as a normal full day (unless otherwise notified).</p> <p>Employees who are genuinely unable to attend work should wherever possible and with the agreement of the Head Teacher work from home or request leave of absence which will be considered on a discretionary basis.</p>			
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Career Breaks	<p>Definition - An extended period of absence from work, after which the employee intends to return to work. To be eligible the employee must have:</p> <ul style="list-style-type: none"> • At least 2 year's service with their current employer • Satisfactory performance in all aspects of work • A satisfactory attendance and conduct record <p>The scheme is likely to be attractive to employees who wish to take a break for care commitments, either for children or elderly relatives, or other reasons ie to undertake full time education.</p> <p>An employee needs to satisfy the Head Teacher that the reason for the break is justified. Note: a career break will result in a break in continuous service. However, where a career break is taken for reasons connected with caring for children/dependants, the employee is entitled to have previous service taken into account for maternity leave and sick leave</p>			



	<p>purposes only, as long as the break hasn't exceeded 8 years and the individual hasn't taken up any full time, permanent paid jobs during their break from service. Reasonable contact between the employee and the school must be maintained during the period of absence.</p> <p>(Discretionary – up to a maximum of 5 years after date of resignation (unpaid).)</p>			
<p>Flexible working (including part time and job share)</p>	<p>All requests to work flexibly will be given serious consideration by the Head Teacher. Employees with young or disabled children have a statutory right to request to work flexibly. Flexible working allows an employee to request a change in their hours of work (including part time and job share), a change to their working times or to request to work from home.</p> <p>Eligible employees must have 26 weeks continuous service with the School (including Essex maintained schools) at the date the request is made.</p>			



	Requests should be directed to the Head Teacher. An employee can only make one request in any 12 month period.			
Job Share (see also Flexible working)	<p>Job-sharing arrangements are a special form of part-time work, where a full-time post is shared between two part-time workers. The job can be divided in a number of ways to suit the circumstances of the post and the individuals concerned. Job-sharing enables skilled workers to obtain or remain in a range of posts and often allows greater flexibility, lower absences etc.</p> <p>All requests for a job share must to be made to the Head Teacher. The Head Teacher will consider all requests fairly and equitably taking into account the operational needs of the school. The Head Teacher will give serious consideration to requests for job-sharing both from existing staff and applicants to posts.</p> <p>Job-share applicants are not obliged to apply with a partner, if an applicant proves suitable every effort will be made to find a job share partner before offering the post. Ultimately,</p>			



	requests to job-share can be refused where no suitable partner can be found.			
Other Reasons	<p>The school recognises that employees may on occasion need to take time off for a variety of reasons that do not fall within any of the categories set out within this policy. The Head Teacher will give consideration to all requests and will take the following factors into account:</p> <ul style="list-style-type: none"> • The circumstances surrounding the request for special leave. • Where applicable - any outstanding annual leave the employee may have (although having unused annual leave would not rule out special leave being granted, especially for compassionate or carers leave); • Any previous requests for special leave. • The employee's attendance and absence record. • The number of days special leave requested. • The employee's employment history, e.g. length of service. • Staff cover arrangements and workload volumes in the workplace. 			



Part time working (see also Flexible working)	<p>The Head Teacher will give serious consideration to requests to change from full-time to part-time; from part-time to full-time; and to change hours. All requests will be considered fairly and equitably taking into account the operational needs of the school.</p> <p>The Head Teacher will explore with the employee how such changes could be accommodated and may, in the end, prescribe when the hours need to be worked and how many hours are appropriate in accordance with the needs of the school. Ultimately requests may be refused where there is an objective justification which must be based on sound business reasons.</p>			
Pre-Retirement Leave – for Support Staff	<p>The Governing Body has the discretion to authorise a phased period of leave leading up to an employee’s retirement (at age 65) if it was felt to be in either the schools or the employee’s interests.</p> <p>All support staff are able to be considered for pre-retirement leave during the 2 years leading up to their retirement. In the</p>			



	<p>penultimate year before retirement (age 65), a maximum of half a days leave for each year of continuous service with Essex County Council/Governing Body up to an overall maximum of 8 days can be authorised.</p> <p>In the year before retirement a maximum of one days leave for each year of continuous service with the School up to an overall maximum of 16 days may be granted. The timing of the leave will be subject to agreement with the Head Teacher (or Governing Body where request is from the Head Teacher).</p> <p>(NB Part-time staff should be authorised leave on a pro-rata basis in accordance with contractual hours worked)</p>			
Sabbaticals	<p>Requests for sabbaticals should be made to the Head Teacher. Sabbaticals are unpaid and are often used for periods of full-time study or periods of travel, VSO etc. The Head Teacher will consider requests individually, taking into account the operational requirements of the school.</p>			



<p>Secondments</p>	<p>A secondment is the temporary movement of an employee from one organisation to another associated organisation for operational or project purposes. The secondment will be governed by an agreement between all parties involved. The employee will usually be expected to have worked for 12 months before being considered for a secondment. Secondments will not break continuous service.</p> <p>An employee wishing to undertake a secondment must seek the agreement of the Head Teacher (or Governing Body if request is from the Head Teacher). The secondment of teaching and support staff will be governed by an agreement between parties involved.</p>			
<p>Sick Leave (refer to Sickness Absence Management Policy)</p>	<p>An employee who is taken sick must contact the school as soon as possible on the first day of absence. Wherever possible contact should be made by telephone and in person, giving an indication of the nature of the illness and its likely duration, any work matter that may need to be attended to during the absence and an indication of whether it is intended to visit the doctor.</p>			

