



SIR THOMAS RICH'S

Staff Leave of Absence Policy

Date reviewed: March 2023

Status: Non-statutory

Responsibility: The School's senior management team (SMT) draws up and implements the Leave of Absence Policy for Staff. It is the responsibility of the Governors' Personnel committee to review the policy regularly and monitor its implementation.

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1. Introduction

With the exception of leave which is a legal entitlement*, it is for the Governing Body to decide when to grant leave of absence and whether this shall be with pay or not. This responsibility has been delegated to the Headmaster for all staff. (Where the Headmaster requires leave of absence, this would normally be considered by the Chair of Trustees or the Chair of the Trustees' Personnel Committee). Each case will be considered taking into account the needs of the School and individually approved if appropriate. *See Appendix 1 - Parental Leave guidance notes and Appendix 2 - Statutory Unpaid Emergency Dependents Care Leave guidance notes

2. Compassionate, Emergency or Exceptional Leave

This is normally paid leave and is at the discretion of the Headmaster who would normally follow these guidelines:

- Serious illness or emergency including near or dependent relative. (Not exceeding 5 days at a time)
- Death of a near relative. (Not exceeding 5 days at a time)
"A near relative" is mother, father, brother, sister, husband, wife, partner, son, daughter or other dependant domiciled with you
- In the case of father-in-law, mother-in-law, son-in-law, daughter-in-law: not exceeding 3 days at full salary as reasonably required and depending on the distance to be travelled.
- Unforeseen child care not exceeding a total of 3 days per annum (see time off for a sick child)
- Other exceptional circumstances at the discretion of the Headmaster. For example, accepted impossible travel because of weather, or other public crisis

3. Time Off for a Sick Child

Absence for a sick child should normally be unpaid except in exceptional circumstances where Compassionate, Emergency or Exceptional leave may be used (see 1) and please also see Time off for Dependants in appendix

4. Other Absence

This is normally unpaid leave and given at the discretion of the Headmaster who will be mindful of the following circumstances:

- Wedding of a close family member Not exceeding 1 day at a time*
- Attending significant events connected with children 1 day
- Removal of household effects Not exceeding one day at a time
- To seek another appointment (Teachers) Not exceeding three days at a time and five days per annum.

- To seek another appointment (Support Staff) Not exceeding three days per annum
- Approved vocational examinations Period of the examination
- Approved vocational courses Duration of course
- Statutory time off for public duties as indicated in the 2018 Public duties order

* It is possible for additional unpaid days to be requested in some circumstances: such requests will be considered by the Headmaster

5. Leave for paid employment and Other Leave during the School Day

Requests by employees to take paid employment or other leave during the school day (for example as a trainer or moderator) can only be approved at the discretion of the Headmaster who will consider the benefit to the School and to the continuing professional development of the individual concerned. For paid employment, any net benefit will normally be shared equitably by the individual and the School. In cases of disagreement the Headmaster will refer the matter to the Chair of Trustees and or the Chair of the Trustees Personnel Committee.

APPENDIX 1

PARENTAL LEAVE GUIDANCE NOTES

The following sets out the minimum required by regulation in respect of parental leave rights which are applicable to all employees; it also comments on contractual provisions applicable to non-teaching staff where the "Green Book" has been adopted. The rights are in respect of each parent and each child for whom they are responsible.

Eligibility

The employee must:

- Have at least one year's continuous service; and
- Have responsibility for the child in question; and
- Be taking the leave to spend time with or otherwise care for the child
- Give a minimum of 21 days' notice, (unless this is not reasonably practicable) specifying when the leave is to begin and end. Expectant parents who wish to take leave immediately after the birth or placement of a child for adoption must specify the expected week of childbirth or placement as appropriate.

The employee has responsibility for the child for the purposes of this paragraph if the employee is:

- The child's biological mother or father (whether or not living with the child);
- The child's adoptive parent; or
- Otherwise has legal responsibility for the child i.e. guardian.

The child must:

- have been born on or after December 1999 and
- be under the age of eighteen

The Entitlement and how it can be taken

The entitlement is to eighteen weeks unpaid leave in order to care for a child. Leave must be taken in blocks or multiples of one week, however if the child has a disability it can be taken in week blocks or multiples of a single day. A maximum of four weeks may be taken in any one year. The year begins on the date that the employee becomes entitled to the leave. This is either the date of the child's birth, the date of the child's placement or, in the case of a new employee, after completion of the one year qualification period. For part time employees who have a child with a disability and who can use their entitlement a day at a time, their parental leave must be in proportion to the hours that they work.

Deferral by the School

The employer can postpone the period of leave only if the operation of the business would be unduly disrupted. However, if the leave is to be taken immediately after a child is born or placed for adoption the employer may not postpone the leave. A school may determine that, since there are already significant closure periods, pupils' education will be unduly disrupted by allowing parental leave in term time.

If the school wishes to postpone a period of leave it should consult with the employee over the date to which the leave should be postponed and must notify the employee, in writing, within seven days of the request for leave, stating the reason for the postponement. However, they must then grant the leave within six months, and specify, in writing the date upon which the leave may be taken, after consulting with the employee. If no agreement is reached after consultation the school or academy must determine the appropriate dates.

Employees have the right to present a complaint to an employment tribunal if the employer prevents or attempts to prevent them from taking parental leave.

Record Keeping and Proof

Employers are not required to keep statutory records of parental leave taken, but schools are strongly advised to do so. When an employee changes jobs, prospective employers may ask a current employer if any parental leave has been taken. The employer may request to see reasonable evidence of the child's date of birth, of the employee's responsibility or expected responsibility for the child and, if the child has a disability, to the child's entitlement to a disability living allowance.

Pension and employment rights during leave.

The employee should contact their pension scheme directly, to ascertain their pension rights during parental leave and to make any necessary arrangements. The provisions in respect of the Local Government Pension Scheme and the Teachers' Pension Scheme differ. An employee who takes parental leave has the right not to be dismissed or subjected to any other detriment by reason of taking parental leave. Continuous service will continue to accrue during parental leave for both teaching and non-teaching employees.

The employee's contractual provisions relating to pay and benefits are suspended during parental leave. The employee is entitled to benefit from any contractual terms she/he has in relation to being given notice, redundancy compensation and disciplinary and grievance procedures. During parental leave the employee remains bound by his/her obligations of good faith, as well as any contractual terms relating to the giving of notice, disclosure of confidential information, acceptance of gifts and benefits and freedom to participate in another business/work elsewhere.

APPENDIX 2

TIME OFF FOR DEPENDANTS GUIDANCE NOTES

The law recognises and the School respects that there may be occasions when an employee will need to take time off work to deal with unexpected events involving one of their dependants.

This time off for dependants guidance notes gives all employees the right to take a reasonable amount of unpaid time off work to deal with certain situations affecting their dependants.

No-one who takes time off in accordance with this policy will be subjected to any detriment.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

Reasonable unpaid time off

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

- provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
- make longer-term care arrangements for a dependant who is ill or injured;
- take action required in consequence of the death of a dependant;
- deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant (such as a child-minder falling ill); and/or
- deal with an unexpected incident involving the employee's child while a school or another educational establishment is responsible for them.

A **dependant** for the purposes of this policy is:

The employee's spouse, civil partner, parent or child;

a person who lives in the same household as the employee, but who is not the employee's tenant, lodger, boarder or employee; or anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to above.

This policy applies to time off to take action which is necessary because of an immediate or unexpected crisis. This policy does not apply where the employee needs to take planned time off or provide longer-term care for a dependant. If this is the case, the employee should take advice from their line manager.

Whether action is considered necessary will depend on the circumstances, including nature of the problem, the closeness of the relationship between the employee and the dependant, and whether anyone else is available to assist. Action is unlikely to be considered necessary if the employee knew of a problem in advance but did not try to make alternative care arrangements.

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

Exercising the right to time off

The employee will only be entitled to time off under this policy if, as soon as is reasonably practicable, they tell their line manager:

- the reason for their absence; and
- how long they expect to be away from work.

If the employee fail to notify the School as set out above, the employee may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off. The School may in some cases ask the employee to provide evidence for their reasons for taking the time off, either in advance or on their return to work. Suspected abuse of this policy will be dealt with as a disciplinary issue under the Disciplinary Procedure.

Pension and employment rights during leave

The employee should contact their pension scheme directly, to ascertain their pension rights during unpaid leave and to make any necessary arrangements. The provisions in respect of the Local Government Pension Scheme and the Teacher's Pension Scheme differ. Continuous service will continue to accrue during the leave for both teaching and non-teaching employees.