

## STAFF ABSENCE, PARENTAL LEAVE AND SPECIAL/ADDITIONAL LEAVE POLICY

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### Rationale

The positive relationships developed between the students and staff in a school are a key factor in successful outcomes. Absence, through ill health or other reasons, can be disruptive and counterproductive. Cover for absent colleagues is an expensive drain on school resources. Similarly, as schools face decreasing school budgets, staff with roles that do not require direct contact with students still serve essential roles, where there is no extra capacity for these roles to be fulfilled by other personnel in cases of prolonged absence. Parental leave in its various guises can be complex, therefore it is important that the regulations that govern this are clearly explained for all concerned.

It is in a school's interest, therefore, to ensure that the Headteacher, on behalf of the Governors, manages absence in an open, fair and consistent manner that will be supportive to staff needs, whilst minimising the disruption that absence causes.

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### Purpose

This document provides a procedure for managing absence, including special/additional leave and an approved framework for the Governing Body.

As this policy covers several substantial areas it is split into distinct sections as follows:

1. Managing Sickness
2. Parental leave, which includes:
  - a) Maternity Leave and Maternity Pay
  - b) Paternity Leave
  - c) Shared Parental Leave
  - d) Adoption
3. Annual Leave
4. Other Absence

This policy does not form part of any employee's contract of employment and is not intended to have a contractual effect. Subject to minimum statutory requirements from time to time in force, the school reserves the right to vary and amend this policy and any procedure under it at any time and will notify all employees regarding the details of the change as soon as reasonably practicable.

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### 1. Managing Sickness

There are four key aims of this policy:

- to understand the causes of any absence and the effect it may have/will have on the employee's ability to carry out their job function effectively;
- to provide support to employees to help them manage their health, work or welfare problems, including work-related stress;
- to explore any options that could help employees to improve attendance and/or facilitate their return to work;
- to outline the key stages of an absence management process and the potential outcome(s).

In addition, the school will bear in mind:

- employees' rights to medical confidentiality;
- employees' expectation of fair and consistent treatment.

The school recognises that different approaches may be required, depending on the nature of employees' absences. The procedure to be followed in the case of an acute or long-term medical problem ('long-term sickness absences') is set out. The procedure to be followed in the case of persistent, intermittent, short-term absenteeism ('short-term intermittent absences') is also made clear.

For procedural details on how to report an absence, sickness or otherwise, please refer to the Staff Handbook.

### Meetings under this policy

Meetings under this policy will be arranged during employees' normal working hours; employees should, therefore, be available to attend and must take all reasonable steps to do so. Failure to do so without good reason may be treated as misconduct.

The school will notify employees in writing of the time, date and place of any meeting and detail why it is being held. Meetings will usually be conducted by the Headteacher or an appointed member of the Senior Leadership Team.

All employees will have the right to be accompanied by a work colleague or an accredited trade union official at any of the following formal meetings:

- Long-term sickness absence:
  - Formal Absence Review Meetings;
  - Consideration of Dismissal Hearing;
  - Appeal Hearing.
- Short-term intermittent absences:
  - First Formal Absence Review Meeting;
  - Final Absence Review Meeting;
  - Consideration of Dismissal Hearing;
  - Appeal Hearings.

Employees do not have the right to be accompanied at return to work or welfare meetings.

Please note that the mere fact of an employee being signed off by their GP as unfit to work does not in itself mean employees are unfit to attend a meeting. Unless the nature of the employee's ill-health is such that they are unable to attend, employees would normally be expected to attend.

If an employee is attending a meeting at which they are entitled to be accompanied and their companion is unavailable to attend at the time specified, the employee should immediately inform the Personnel Officer who will seek to agree an alternative time within a reasonable period (normally 5 working days). If this is not possible, the employee would be expected to find an alternative companion.

A meeting may be adjourned if the school is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. Employees will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation will be given to employees in writing as soon as reasonably practicable following any meeting under this policy of:

- the issues discussed;
- any decisions made or actions agreed at a meeting;
- the reasons for such;
- any adjustments or support agreed;
- the consequences of failure to improve; and
- any right of appeal (if a formal sanction has been issued).

### Disabilities

We are aware that sickness absence may result from a disability. At each stage of this policy, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist in a return to work.

The school may also adjust the process where appropriate. For example, to accommodate an employee's disability:

- trigger points may be adjusted;
- meetings may be held off-site or by telephone;
- while no right to accompaniment applies at the informal stage of the process, the school may extend this right in appropriate circumstances;
- at the school's discretion, employees may be permitted to bring a companion who is not a work colleague or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability; or
- the school may, in appropriate circumstances, elect not to impose a warning in relation to a disability-related absence. This shall not, however, prevent the absence management procedure from moving to the next stage.

If an employee considers themselves to be affected by a disability or any medical condition which affects their ability to undertake their work, the employee should inform the Headteacher.

#### Return to work meetings

The school recognises that it will need to adopt a flexible approach to managing returner interviews in order to take account of the different nature and duration of sickness absence. Accordingly, during a rolling year (i.e. the previous 52 weeks), a decision should be taken about arranging a returner interview where an employee has been absent for:

- five or more continuous days; or
- more than five short term absences.

Return to work interviews, as set out below, are to be conducted by the respective Head of Department/Line Manager. A return to work interview form will need to be completed at the time. The information will be treated as confidential and the interview form should be signed by the absentee and Head of Department/Line Manager. This form will then be held on the employee's personnel file. An additional signed copy may be given to the absentee for their records if requested.

The employee is responsible for working in accordance with the outcomes of the return to work interview and any action plans derived from the interview.

Where possible, the Head of Department/Line Manager is to notify the Personnel Officer when an employee is expected to return to work following an absence. Where a return to work interview is to be conducted, the Head of Department/Line Manager will arrange a meeting on the first day the employee returns to work. This will be to discuss the reasons for the absence and/or pattern of absence and to ascertain whether there may be any underlying cause with which the school could help. If the Head of Department/Line Manager has any concerns regarding the employee's absence he/she should contact the Personnel Officer prior to the interview, so that these can be raised.

Return to work interviews are supportive and can sometimes be helpful in identifying issues early. They sit outside the 'Managing Long-Term Sickness Absence' and 'Managing Short-Term, Intermittent Absence' procedure, although they may be used throughout both.

#### Managing Long-Term Sickness Absence

The following paragraphs set out the school's procedure for dealing with long-term sickness absence. The purpose of the procedure is to investigate and discuss the reasons for the employee's absence, whether it is likely to continue or recur, and whether there are any adjustments or support which could improve the employee's health and/or attendance. We may decide that medical evidence, or further medical evidence, is required before deciding on a course of action.

#### Referrals to the Occupational Health Unit

The School has access to an Occupational Health Service and may use this to obtain expert medical advice:

- to provide appropriate support to employees;
- to aid decision-making in sickness absence cases.

The school may refer an employee to the Occupational Health Service at any point if they are concerned about the impact of an employee's health on their work or attendance. Referrals will also take place at appropriate points throughout the process as set out in this policy.

It is likely that a referral will take place when an employee has been on sick leave for 4 continuous weeks, the school receives a medical certificate indicating that an absence of this length is anticipated or if work-related stress is cited as the reason for absence.

### Welfare meetings

An informal Welfare Meeting will usually be arranged after a continuous period of 4 or more weeks' absence; however, meetings can be arranged sooner if the school is concerned about an employee's wellbeing or either party consider it beneficial to do so.

At the Welfare Meeting, we will discuss with the employee:

- the reason for their absences;
- the anticipated duration of their absence;
- the treatment and care they are receiving;
- whether it is necessary for the school to consider making reasonable adjustments or putting support in place to assist them in returning to work;
- whether medical evidence is required to assess their fitness to return to work and if any adjustments or support are necessary to assist them;
- if their continued absence may lead to a formal absence review;
- whether we are able to agree a return to work plan (and if so, the various aspects of that plan);
- a time-scale for review.

### Formal absence review meetings

If, after a reasonable time, which would usually be discussed with the employee during the Welfare Meeting, the employee has not been able to return to work, we will hold a Formal Absence Review Meeting. At a Formal Absence Review Meeting, we will discuss with the employee:

- the reasons for and impact of their absence;
- the anticipated duration of their absence;
- if it has not been obtained, whether medical evidence is required. If it has been obtained, the advice that has been given and whether further advice is required;
- whether it is necessary for the school to consider making reasonable adjustments or putting support in place to assist them in returning to work, which may include consideration of adjustments that can reasonably be made to assist them in their current role, or any possible redeployment opportunities;
- their ability to return to their job in view of their capabilities and the school's operational needs;
- whether the school needs to notify them that they may be at risk of dismissal if they are unable to return to work within a reasonable timeframe;
- any action that will be taken and a time-scale for review.

The number of Formal Absence Review Meetings required for this process will largely be determined by the content of any medical evidence obtained and the employee's personal circumstances. However, if it becomes clear that the employee will either be unable to return to work within a reasonable timeframe, or if they are no longer able to carry out their contracted duties and consideration has been given to any adjustments, support or possible redeployment opportunities without success, the school will arrange a Consideration of Dismissal Hearing.

### Consideration of Dismissal Hearing

Where an employee has been notified that they are at risk of dismissal and the situation has not changed significantly, we will hold a Consideration of Dismissal Hearing to consider the possible termination of their employment. Before we make a decision, we will consider any matters the employee wishes to raise and whether or not there have been any changes since the last meeting.

Alternatively, in exceptional instances, the school may receive clear Occupational Health advice that the anticipated duration of the absence means that the school would consider it appropriate to commence the process at this final stage, without it being necessary to conduct any Formal Absence Review Meetings first.

Any such consideration will be by the Headteacher and a panel of Governors. In the case of proceedings involving the Headteacher, consideration will be by a panel of Governors.

The purposes of the hearing will be:

- to review the meetings that have taken place and matters discussed with the employee;
- to consider whether there have been any changes since the last meeting under this policy, either with regard to the employee's possible return to work or opportunities for return or redeployment;
- to consider the most up to date medical evidence;
- to consider any further matters that the employee wishes to raise;
- to consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time;
- to consider any reasonable options for redeployment on medical grounds before making any recommendation for dismissal (where redeployment is an option identified by Occupational Health);
- to consider any reasonable options for ill health retirement before making any recommendation for dismissal; and
- to consider the possible termination of their employment.

The grounds for consideration of dismissal are that the employee is incapable of fulfilling their duties by reason of continued absence(s). Any dismissal on these grounds will be on notice or payment in lieu of notice.

Employees will have the right to appeal against any decision to terminate their employment. This is detailed below. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of service or pay.

#### Managing Short-Term Intermittent Absence

The following paragraphs set out the school's procedure for dealing with short-term intermittent absences.

The purpose of the procedure is to investigate and discuss the reasons for those absences. Consideration will also be given to whether these short-term intermittent absences are likely to continue and whether there are any adjustments or support which could improve an employee's health and/or attendance. We may decide that medical evidence, or further medical evidence, is required before deciding on a course of action. The school will also give serious consideration to the impact that an employee's absences are having on the students, their colleagues and the wider school community as a whole; how to reduce any such impact and whether, as a result of any such impact, the employee's level of absence can be sustained by the school.

#### Trigger points

The purpose of the school specifying trigger points is to enable the Headteacher to take prompt action to deal with absence, alert employees that their level of absence is causing concern, identify potential problems and to deal with them effectively before they escalate.

It is not always necessary for a trigger point to be reached before action is taken. The school may take action at any time (for example, referring an employee to Occupational Health) if they have concerns about an underlying cause of sickness and/or there is a significant impact on the school.

The trigger points are:

- 7 or more working days absence in the preceding 12 months; or
- 3 or more absences of whatever length within the preceding 3 months; or
- any pattern of part day absences, absences on certain days (e.g. Mondays or Fridays) or known "busy" days; or
- above average absence levels for the school; or
- no adequate reason given for the absences.

#### Welfare Meeting

When an employee meets a trigger point above or the school otherwise considers the employee's absence level is a cause for concern or where the school is concerned about an employee's wellbeing, they may be asked to attend an informal Welfare Meeting with the Headteacher or an appointed Senior Leader.

At the Welfare Meeting, we will discuss with the employee:

- the reason for their absences;
- the anticipated duration or likelihood of any further absences;
- any treatment and care they have received (or are receiving);
- any medication they have taken (or are taking) and any expected side effects;
- whether it is necessary for the school to consider making reasonable adjustments or putting support in place to assist the employee in the workplace to minimise the occurrence of repeated absences;
- whether medical evidence is required to assess the employee's fitness and if any adjustments or support are necessary to assist the employee;
- what improvement is required in the employee's attendance pattern; and
- targets to improve the employee's attendance over a set period of time (if appropriate).

If an employee meets their attendance target during the review period set at the Welfare Meeting, the school will arrange a meeting with them to discuss this at the end of that review period and this procedure may be brought to an end. However, the above trigger points (outlined under 'Trigger Points') will continue to apply and, if the employee reaches another trigger point, the school may decide to recommence this procedure at this stage, without repeating the informal Welfare Meeting.

#### First Formal Absence Review Meeting

If an employee has been unable to meet their attendance targets during the review period set at the Welfare Meeting, they will be invited to a First Formal Absence Review Meeting. The purpose of this meeting will be to review the discussions from the Welfare Meeting and consider why further absences occurred.

At the First Formal Absence Review Meeting, we will discuss with the employee:

- the reasons for their absence(s) and the reasons why they have been unable to meet the attendance targets set at the Welfare Meeting;
- the impact of their absences on the students, their colleagues and the wider school community as a whole;
- what adjustments or support they believe the school could offer to reduce the impact of their absences;
- the anticipated likelihood and duration of any further absences;
- if it has not been obtained, whether medical evidence is required. If it has been obtained, the advice that has been given and whether further advice is required;
- any adjustments or support which were put in place following the Welfare Meeting to assist employees in the workplace and to minimise the occurrence of repeated absences, and why they may not have been successful;
- whether alternative adjustments or support could be put in place that could improve their health and/or attendance. This may include consideration of adjustments that can reasonably be made to assist them in their current role or any possible redeployment opportunities;
- their ability to remain in their job in view of their capabilities and the school's operational needs;
- any action that will be taken and a time-scale for review and/or a further meeting. This may, depending on steps that have already been taken and the nature of the absence(s), include a first written warning.

An employee can appeal against a decision to give a written warning. Details of how to do so are set out below. Where an appeal is upheld, a further review meeting will be set and the procedure will be resumed at the First Formal Absence Review Meeting stage.

If an employee meets their attendance target during the review period set at the First Formal Absence Review Meeting, the school will arrange a meeting with them to discuss this at the end of that review period and this procedure may be brought to an end. However, the above trigger points will continue to apply and if the employee reaches another trigger point (as set out in 'Trigger Points') the school may decide to recommence this procedure at this stage, without repeating the informal Welfare or First Formal Absence Review Meeting.

#### Final Absence Review Meeting

If an employee has been unable to meet their attendance targets during the review period set at the First Formal Absence Review Meeting, they will be invited to a Final Absence Review Meeting. The purpose of the Final Absence Review Meeting will be essentially the same as the purpose of the First Formal Absence Review Meeting and the same issues may be discussed. However, depending on the steps that have already been taken and the nature of the absences, this may include a final written warning being issued.

Employees will also be warned that a failure to meet the attendance targets set at the Final Absence Review Meeting may place the employee at risk of dismissal.

Employees can appeal against a decision to give a written warning. Details of how to do so are set out below. Where an appeal is upheld, a further review meeting will be set and the procedure will be resumed at the Final Absence Review Meeting stage.

### Consideration of Dismissal Hearing

If an employee has been unable to meet their attendance targets during the review period set at the Final Absence Review Meeting, they will be invited to a Consideration of Dismissal Hearing. Alternatively, in exceptional instances, the school may receive clear Occupational Health advice that the likelihood of continued high absence levels means that the school would consider it appropriate to commence the process at this Consideration of Dismissal stage, without it being necessary to conduct the Welfare, First Formal Absence Review or Final Absence Review Meetings.

The purpose of the hearing will be:

- to review the meetings that have taken place and matters discussed with the employee;
- to discuss the impact that the employee's absences are having on the students, colleagues and the wider school community as a whole, the steps the school has taken to reduce that impact and whether or not those steps can be maintained;
- to consider whether there have been any changes since the last meeting under this policy, either with regard to the employee's likelihood of further periods of absence or opportunities for redeployment into a role which would be less impacted by their absences than their current role;
- to consider any further matters that the employee wishes to raise;
- to consider whether there is a reasonable likelihood of the employee achieving the desired level of attendance in a reasonable time;
- to consider whether the employee may be eligible for permanent health insurance or retirement on ill-health grounds;
- to consider the possible termination of the employee's employment, having considered whether their high absence levels can continue to be sustained by the school, taking account of the impact of those absences.

Any such consideration will be by the Headteacher and a panel of Governors. In the case of proceedings involving the Headteacher, consideration will be by a panel of Governors.

The grounds for consideration of dismissal will be that the employee is incapable of meeting the school's expectations regarding attendance levels and their absences are having an unsustainable impact on the students and/or their colleagues and/or the wider school community as a whole. Any dismissal on these grounds will be on notice or payment in lieu of notice.

Employees will have the right to appeal against any decision to terminate their employment. This is detailed below. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of service or pay.

### Appeals

Employees have the right to appeal any written warning or decision to terminate their employment. If an employee wishes to exercise this right of appeal, they should write to the Clerk to the Governing Body within 10 working days of the decision being notified to them, setting out the grounds and basis for the appeal. Appeal hearings will usually be conducted and determined by a panel of three members of the Governing Body.

At the hearing, employees will be given a full and fair opportunity to put forward their grounds of appeal. No decisions will be reached during the hearing itself. The panel will need to consider all the evidence together with the representations the employee has made. In some cases, the panel may need to carry out further investigations before a decision can be reached.

Employees will be notified of the result of the appeal in writing without unreasonable delay. The decision of the appeal panel is the final stage of this procedure and there is no further right of appeal.

### Unauthorised Absence

Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

Cases of unauthorised absence may be dealt with under our Disciplinary Procedure and may result in loss of pay to which the employee may otherwise have been entitled for the period of unauthorised absence. If, at any time, the Headteacher considers that an employee has taken or is taking sickness absence when they are not unwell, they may refer the matter to be dealt with under our Disciplinary Procedure.

### Ill-Health Retirement

Where the relevant employee is a member of the Local Government Pension Scheme (LGPS) or the Teachers' Pension Scheme (TPS), the school will consider whether ill-health retirement may be an appropriate course of action before making any recommendation for dismissal.

For further information regarding ill-health retirement, please contact the relevant pension scheme.

### Sickness Absence and Annual Leave

Whilst it is recognised that during a period of sickness absence, time away from home (for example going on holiday or visiting family) may be therapeutically helpful, employees are required to seek prior approval from the school before doing so. A decision to take time away from home during a period of sick leave without giving prior notice to the school may result in the loss of an employee's Occupational Sick Pay during that period.

Please note that any requirements in an employee's employment contract regarding requesting annual leave will continue to apply during any period of sickness absence. Please refer to the Annual Leave section of this policy for further details.

## **2a. Maternity Leave and Maternity Pay**

### Introduction

The school recognises the need to retain the skills and services of its employees and will proceed on the basis that employees wish to return to work following the birth of their children.

Arrangements for time off for antenatal care and to accompany a pregnant woman to antenatal appointments are set out in the 'Other Absence' section.

In some cases, an employee and their spouse, civil partner or partner may be eligible to opt into the Shared Parental Leave (SPL) scheme, which gives employees more flexibility to share the leave and pay available in the first year after birth. However, employees must take a period of compulsory maternity leave first. Please refer to the 'Shared Parental Leave' section for further information.

### Notification of pregnancy

Employees must inform the school as soon as possible that they are pregnant. This is important as there may be health and safety considerations.

Notification requirements vary accordingly, dependant on whether an employee holds a Support Staff role or a Teaching role, as follows:

#### *Support Staff*

Before the end of the fifteenth week before the week that an employee expects to give birth ('Qualifying Week'), or as soon as reasonably practicable, an employee must confirm in writing the following information:

- that they are pregnant;
- the week, starting on a Sunday, in which their doctor or midwife expects them to give birth ('Expected Week of Childbirth');
- the date they would like to start their maternity leave ('Intended Start Date').

Employees must also provide us with a certificate from a doctor or midwife (usually on a MAT B1 Form) confirming their Expected Week of Childbirth.

### *Teaching Staff*

Before the end of the fifteenth week before the week that an employee expects to give birth ('Qualifying Week'), or as soon as reasonably practicable, an employee must confirm in writing the following information:

- that they wish to take a leave of absence due to maternity.

Employees must also provide us with a certificate from a doctor or midwife (usually on a MAT B1 Form) confirming their Expected Week of Childbirth (EWC).

At least 21 days before an employee wishes to start maternity leave, or as soon as reasonably practicable, employees must confirm in writing the following information:

- that they are pregnant;
- the week, starting on a Sunday, in which their doctor or midwife expects them to give birth ('Expected Week of Childbirth');
- the date that they would like to start their maternity leave ('Intended Start Date').

### Sickness

Periods of pregnancy-related sickness absence shall be paid in accordance with our sickness absence policy and in the same manner as any other sickness absence.

Periods of pregnancy-related sickness absence from the start of an employee's pregnancy until the end of their maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

If an employee is absent for a pregnancy-related reason during the four weeks before their EWC, their maternity leave will usually start automatically.

### Health and Safety

The school has a general duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to employees who are pregnant, have given birth within the last six months or are still breastfeeding. The earlier we are notified of the circumstances, the sooner we can carry out the required risk assessment so this should be done as soon as possible.

The school will provide employees with information as to any risks identified in the risk assessment and any preventative and protective measures that have been or will be taken.

If the school considers that any employees, who are new or expectant mothers, may be exposed to health hazards in carrying out their normal duties we will take such steps as are necessary (for as long as they are necessary) to avoid those risks. This may involve:

- changing the employee's working conditions or hours of work;
- offering the employee suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- suspending the employee from duties, which will be on full pay unless they have unreasonably refused suitable alternative work.

### Entitlement to Maternity Leave

Regardless of an employee's length of service with the school, or the number of hours that they work per week, if an employee complies with the notification requirements, they will be entitled to 52 weeks' maternity leave, which is divided into:

- Ordinary Maternity Leave (OML) of 26 weeks; and
- Additional Maternity Leave (AML) of a further 26 weeks immediately following OML.

### Starting Maternity Leave

The earliest date an employee can start maternity leave is 11 weeks before the Expected Week of Childbirth (unless their child is born prematurely before that date).

Employees can amend their Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date. If that is not possible, then as soon as is reasonably practicable.

An employee's maternity leave shall start on one of the following days, whichever is the earliest:

- their Intended Start Date (if notified to the school in accordance with this policy); or
- the day after any day on which they are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth. If this happens they must let us know as soon as possible in writing. Maternity leave will be triggered unless we agree to delay it; or
- the day on which they give birth. If the employee gives birth before their maternity leave was due to start, they must let us know the date of the birth as soon as possible.

Within 28 days of receiving notice of an employee's intention to take maternity leave, the school will give the employee written notice of the date that their maternity leave entitlement will end.

Shortly before an employee's maternity leave starts we will discuss with them the arrangements for covering their work and the opportunities for them to remain in contact, should they wish to do so, during their maternity leave. Unless they request otherwise, they will remain on circulation lists for internal news, job vacancies, training and work-related social events.

The law prohibits employees from working during the two weeks following childbirth.

### Statutory Maternity Pay

Statutory Maternity Pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if an employee returns to work (except where they work any 'Keeping In Touch' days in accordance with this policy).

Employees are entitled to SMP if:

- they have been continuously employed for at least 26 weeks into the 15th week (the Qualifying Week) before the week their baby is due;
- their average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government;
- they provide the school with a doctor's or midwife's certificate (MAT B1 form) stating their Expected Week of Childbirth;
- they give at least 28 days' written notice (or, if that is not possible, as much notice as they can) of their intention to take maternity leave; and
- they are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

SMP is calculated as follows:

First six weeks: SMP is paid at the Earnings-Related Rate of 90% of an employee's average weekly earnings with no upper limit calculated over the Relevant Period;

Remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the Government for the relevant tax year; or the Earnings-Related Rate if this is lower.

SMP accrues from the day on which employees commence their OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

Employees shall still be eligible for SMP if they leave employment for any reason after the start of the Qualifying Week (for example, if they resign or are made redundant). In such cases, if their maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:

- the week following the week in which employment ends; or
- the eleventh week before the Expected Week of Childbirth.

If an employee become eligible for a pay rise before the end of their maternity leave, they will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that their SMP will be recalculated and increased retrospectively, or that they may qualify for SMP if they did not previously qualify.

We shall pay employees a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

Maternity Allowance

Employees that do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, paid by the Benefits Agency, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the Expected Week of Childbirth.

Entitlement to Occupational Maternity Pay

*Support staff*

Support Staff who have less than 1 year’s continuous local government service at the beginning of the 11<sup>th</sup> week before the EWC (15<sup>th</sup> week) shall be entitled to Statutory Maternity Pay (SMP).

Support Staff who have at least 1 year’s continuous local government service at the beginning of the 11<sup>th</sup> week before the EWC (15<sup>th</sup> week) shall be entitled to Occupational Maternity Pay (OMP) as set out in the National Agreement on Pay and Conditions of Service.

Support staff have an obligation to notify the school, in writing, of their intention to return to their job for at least 3 months as a qualifying condition to Occupational Maternity Pay – this can be done via the STS Maternity Form. In the event of the support staff member not being available, or being unable, to return to her job for the required period, she shall repay such sum after the first six weeks’ payment as the school (the employer), at its discretion may decide. Payments made by way of SMP are not refundable.

*Occupational Maternity Pay (OMP) for Support Staff*

For the first six weeks of absence:	90% of weekly pay offset by any payments made by way of SMP or Maternity Allowance (MA).
For the seventh to eighteenth week of absence inclusive (where the employee has declared in writing her intention to return to work)*: <i>*where the employee will return for not less than 3 months</i>	50% of weekly pay without deduction, unless combined wage and SMP (or MA if not eligible for SMP) exceeds full pay. Alternatively, the equivalent amount (6 weeks’ pay) may be paid on any other mutually agreed distribution.
For the nineteenth to thirty-ninth week of absence, where the employee does not intend to return to work:	SMP or MA (provided they are eligible based on their earnings)
For the fortieth to fifty-second week of absence:	No entitlement to pay.

(N.B. If the baby dies or is still-born after 24 weeks’ pregnancy the maternity scheme outlined above will still apply.)

*Teaching Staff*

Teaching Staff who have at least 26 weeks’ continuous employment with the school and at least 1 year’s continuous local government service at the beginning of the 11<sup>th</sup> week before the EWC (15<sup>th</sup> week) shall be entitled to Occupational Maternity Pay (OMP) inclusive of SMP (as set out in the ‘Burgundy Book’).

Teaching Staff who have less than 26 weeks’ continuous employment with the school but who have at least 1 year’s continuous local government service at the beginning of the 11<sup>th</sup> week before the EWC (15<sup>th</sup> week) shall be entitled to Occupational Maternity Pay (OMP) but they will not be entitled to SMP. However, they may be entitled to be paid OMP inclusive of Maternity Allowance depending on their earnings.

Teaching staff who have at least 26 weeks’ continuous employment with the school but less than 1 year’s continuous local government service will be entitled to SMP only, depending upon their earnings.

Teaching staff have an obligation to return to their job for at least 13 weeks (including periods of school closure) as a qualifying condition to Occupational Maternity Pay.

Where the school agrees for a full-time teacher to return to work on a part-time basis, the teacher has an obligation to return to their job for a period which equates to 13 weeks of full-time service. Where the school agrees for a part-time teacher to return to work on a different part-time basis, the teacher has an obligation to return to work for a period which equates to 13 weeks of part-time service under their previous working arrangement.

In the event of the teacher not being available, or being unable, to return to her job for the required period, she shall repay such sum after the first six weeks' payment as the school (the employer) at its discretion may decide. Payments made by way of SMP are not refundable.

*Occupational Maternity Pay (OMP) for Teaching Staff*

First 4 weeks' of absence:	Full pay, offset against payments made by way of SMP or Maternity Allowance (MA).
5 <sup>th</sup> and 6 <sup>th</sup> week of absence:	90% of weekly pay offset against payments made by way of SMP or MA, if not eligible for SMP.
7 <sup>th</sup> to 18 <sup>th</sup> week of absence:	50% of pay without deductions plus SMP or MA (provided this combined payment does not exceed full pay).
19 <sup>th</sup> to 39 <sup>th</sup> week of absence:	SMP or MA
40 <sup>th</sup> to 52 <sup>nd</sup> week of absence:	No entitlement to pay.

(N.B. If the baby dies or is still-born after 24 weeks' pregnancy the maternity scheme outlined above will still apply.)

*Terms and Conditions during OML and AML*

All the terms and conditions of employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- annual leave entitlement under an employee's contract of employment shall continue to accrue; and
- pension benefits shall continue, providing the employee is not receiving 'nil' salary at that time, in which case employees should contact the pension provider directly to understand their options.

Salary sacrifice schemes may or may not apply during the whole period of maternity leave. Please seek further details from the Finance Office with regard to the specific terms of the scheme.

Annual Leave

During OML and AML, annual leave will accrue at the rate provided under an employee's contract.

Annual leave entitlement cannot usually be carried over from one holiday year to the next and employees are normally required to take their holiday entitlement within the holiday year in which it accrues or forfeit any accrued but untaken holiday entitlement at the end of the holiday year.

However, the school recognises that this may operate in such a way as to unfairly disadvantage employees who elect to take the maximum statutory entitlement to maternity leave. As such, special exceptions apply in the case of maternity leave.

The school will, where required, discuss the best way to manage an employee's holiday entitlement during their proposed period of maternity leave as soon as possible after notification of their Intended Start Date. The options the school will consider with employees may include:

- arrangement to take the period of holiday entitlement that they would have accrued but been unable to take during that holiday year by reason of proposed maternity leave dates prior to the commencement of maternity leave;
- arrangement to allow for an exceptional carry-over of such holiday entitlement to the following year to be taken at such time or times as the school's operational needs and requirements dictate;

- discussion regarding the possibility of voluntarily changing an Intended Start Date to enable employees to take holiday entitlement prior to commencement of maternity leave. If employees wish to choose this option, they will be required to submit notification of intention to delay the start of their maternity leave as above within 28 days of the original Intended Start Date;
- discussion regarding the possibility of voluntarily changing an Expected Return Date by substituting days of AML which are unremunerated for holiday days which will be paid at an employee's normal rate of pay. If employees wish to choose this option, they will be required to submit notification of intention to alter their Expected Return Date.

The school must, in considering the alternatives with employees, have regard to its operational requirements, needs and demands throughout the academic year to ensure that a mutually satisfactory arrangement can be reached.

### Pension

If an employee is a member of the Teachers' Pension Scheme or the Local Government Pension Scheme during OML and any further period of paid maternity leave, the school will continue to make any employer contributions based on the terms of the scheme. If employees wish to increase their contributions to make up any shortfall from those based on their normal salary then they need to contact the School Bursar in the first instance.

During unpaid AML and any additional unpaid maternity leave the school will not make any payments into the Teachers' Pension Scheme or the Local Government Pension Scheme and the time shall not count as pensionable service. Employees do not have to make any contributions but they may do so if they wish, or employees may make up for missed contributions at a later date. If pension contributions are not paid during the unpaid period of maternity leave, this period will not count in the calculation of pensionable service.

### Redundancy during Maternity Leave

In the event that an employee's post is affected by a redundancy situation occurring during their maternity leave, we shall write to them to inform them of any proposals and shall invite the employee to a meeting before any final decision is reached as to their continued employment. Employees on maternity leave shall be given first refusal of any suitable alternative vacancies that are appropriate to their skills. Where the school makes an employee redundant within the three-month period the requirement to repay maternity pay shall not apply.

### Keeping in touch during Maternity Leave

The school may make reasonable contact with employees from time to time during their maternity leave. This might be to discuss arrangements for their return to work, to update them on any significant changes in the workplace whilst they have been away or to discuss any training needs they may have. We may agree to employees working (including attending training) for up to 10 normal working days during maternity leave without bringing their maternity leave or SMP to an end. Employees will be paid at their normal basic rate of pay for time spent working on a Keeping in Touch Day (KIT Day) and this will be inclusive of any maternity pay entitlement. KIT days must be of mutual benefit to both the school and the employee.

Employees are not obliged to undertake any such work during maternity leave. In any case, they must not work in the two weeks following birth and, therefore, KIT Days may not be arranged during that time.

### Returning to Work

Prior to an employee taking maternity leave, following receipt of their notification in writing of their Intended Start Date, the school will send them a letter within 28 days to inform them of their Expected Return Date. If the employee's start date has been changed (either because they gave us notice to change it or because maternity leave started early due to illness or premature childbirth) we shall write to the employee within 28 days of the start date of maternity leave with a revised Expected Return Date.

Shortly before employees are due to return to work, we may invite them to have a discussion (whether in person or by telephone) about the arrangements for their return. This may cover:

- updating employees on any changes that have occurred during their absence;
- any training needs they might have; and
- any changes to working arrangements (for example if an employee makes a request to work part-time).

### Changing a Return to Work Date

If an employee wishes to return to work earlier than their Expected Return Date, they must give the school 8 weeks' prior notice. It is helpful if this notice is given in writing.

If not enough notice is given, we may postpone an employee's return date until 8 weeks after they gave notice, or to the Expected Return Date if sooner.

If employees wish to return later than the Expected Return Date, they should either:

- request unpaid parental leave in accordance with our Parental Leave policy, giving the school as much notice as possible but not less than 21 days; or
- request paid annual leave in accordance with their contract of employment, which will be at our discretion.

If employees are unable to return to work due to sickness or injury, this will be treated as sickness absence and the Managing Sickness section of this policy will apply.

In any other case, late return will be treated as unauthorised absence.

In addition to the above requirements, non-teaching employees entitled to the Occupational Maternity Scheme are required to confirm in writing to the school their intention to return to work for a period of at least 3 months following the end of maternity leave.

Teaching staff are under an obligation to return to their job for at least 13 weeks (including periods of school closure) as a qualifying condition to Occupational Maternity Pay.

Any non-teaching employee taking the Occupational Maternity package who does not return to work for at least three months may be required to repay all or a proportion of the maternity pay received.

Teaching staff who are not available, or are unable, to return to their job for the required period, shall repay such sum after the first six weeks' payment as the school (the employer), at its discretion may decide. Payments made by way of SMP are not refundable.

### Employees' rights when they return

Employees are normally entitled to return to work in the same position as they held before commencing maternity leave. Employees' terms of employment shall be the same as they would have been had they not been absent.

However, if employees have taken any period of AML, or more than four weeks' parental leave, and it is not reasonably practicable for the school to allow them to return to the same position, the school may provide them with another suitable and appropriate position on terms and conditions that are no less favourable.

### Deciding not to return

If employees do not intend to return to work, or are unsure, it is helpful if they discuss this with the school as early as possible. If employees decide not to return they should give notice of resignation in accordance with their contract. The amount of maternity leave left to run when employees give notice must be at least equal to the contractual notice period, otherwise we may require them to return to work for the remainder of their notice period.

Once an employee has given notice that they will not be returning to work, they cannot change their mind without the school's agreement.

This does not affect employees' rights to receive SMP.

### Switching to Shared Parental Leave (SPL)

In some cases, employees and their spouse, civil partner or partner may be eligible to opt into the SPL scheme, which gives them more flexibility to share the leave and pay available in the first year after birth. An employee's spouse, civil partner or partner should check with their employer that they are eligible.

Employees would need to give the school at least eight weeks' written notice to end their maternity leave and opt into SPL. Employees can give this notice before or after the birth, but they must remain on maternity leave until at least two weeks after birth. Employees would then be able to share any remaining leave with their spouse, civil partner or partner. Please refer to the Shared Parental Leave section for further information.

### Flexible working

We will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. However, employees should note that there is no absolute right to insist on working part-time, only a statutory right to request flexible working.

The school will try to accommodate their employees wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the school.

It is helpful if requests are made as early as possible.

### Agency workers and maternity

Agency workers who have completed the 12-week qualifying period must not be unreasonably refused time off during working hours to attend appointments for antenatal care, which have been made on the advice of a medical practitioner, a registered midwife or a registered health visitor. Apart from the first appointment, if requested by her employer, the worker must produce a certificate confirming her pregnancy and a document from one of the above proving that antenatal appointments have been made. Antenatal care includes classes such as relaxation classes or pre and post birth parenting classes recommended on medical advice.

The duties towards a pregnant agency worker by the school and the agency are triggered once the worker has notified them that she is expecting or that she has given birth within the last 6 months or she is breast feeding. The agency worker who has completed the 12-week qualifying period will also be entitled to be paid by the agency at the appropriate hourly rate for attending her antenatal appointments.

Agency workers who have completed the 12-week qualifying period will also have the same rights to accompany a pregnant employee or worker to antenatal appointments described under the Time Off for Antenatal Appointments policy.

## **2b. Paternity Leave**

Eligible employees are entitled to take either one week or two consecutive weeks' paid Paternity Leave following the birth or placement of a child in order to care for the child or support its mother. During Paternity Leave, most employees will be entitled to Statutory Paternity Pay (SPP) which will be the same as the standard rate of Statutory Maternity Pay (SMP).

Eligible employees who have a child through surrogacy will also be permitted to take Ordinary Paternity Leave and Pay.

### Eligibility for Paternity Leave and Paternity Pay

In order to qualify for Paternity Leave and Statutory Paternity Pay the employee must:

- be the biological father of the child or the mother's husband or partner (male or female);
- have or expect to have responsibility for the child's upbringing;
- have worked continuously for the school for 26 weeks by the end of the 15th week before the child is due; and
- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight-week period leading up to and including the Notification Week.

The school may ask an employee to provide a self-certificate as evidence that they meet these conditions. The self-certificate must provide the information required above and include a declaration that the employee meets the necessary conditions.

### Taking Paternity Leave

An employee is permitted to take Paternity Leave in units of either one whole week or two consecutive whole weeks. Leave may start on any day of the week on or following the child's birth but must be completed:

- within 56 calendar days of the actual date of the birth of the child; or
- if the child is born early, within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

An employee may change his or her mind about the starting date for Paternity Leave providing he or she tells the school at least 28 calendar days in advance of the changed start date where reasonably practicable.

### Notification procedures for Paternity Leave

An employee who wishes to take Paternity Leave must notify the school by the 15th week before the expected week of child birth stating:

- the week the child is due;
- whether the employee wishes to take one week or two consecutive weeks' leave; and
- when the employee wants the leave to start.

### Contractual benefits during Paternity Leave

An employee on Paternity Leave is entitled to enjoy his or her normal terms and conditions of employment with the exception of pay. The employee is entitled to return to the same job following Paternity Leave. If an employee has an enhanced contractual right to Paternity Leave or Paternity Pay he or she may take advantage of whichever is the more favourable right. Employees should clearly understand, however, that when payment of contractual Paternity Pay is made this is inclusive of any SSP entitlement, i.e. employees are not entitled to both.

### Paternity Leave and Adoption

The partner of an individual who adopts or other member of a couple who is adopting jointly may be entitled to Paternity Leave and Paternity Pay.

When a couple adopts, the couple can choose who will take Adoption Leave and who will take Paternity Leave. Only one period of Adoption Leave and one period of Paternity Leave may be taken between the couple even if each individual works for different employers.

Further details of this entitlement are set out in the Adoption Leave section.

## **2c. Shared Parental Leave**

### Eligibility for Shared Parental Leave (SPL)

Eligible employees are able to make arrangements for Shared Parental Leave and pay in relation to the birth of a child.

### Frequently used terms

The definitions in this paragraph apply in this policy.

- Expected Week of Childbirth (EWC): The week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.
- Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- Partner: spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- Qualifying Week: the fifteenth week before the expected week of childbirth.

## What is Shared Parental Leave?

Shared parental leave (SPL) is a form of leave available to working parents following the birth of a child. It applies in respect of children who are expected to be born on or after 5 April 2015.

SPL allows parents to take up to 50 weeks leave in total on the birth of a child (the first two weeks of maternity leave are not included in the 50 weeks of SPL as this leave is compulsory maternity leave). They may be able to take this leave at the same time or at different times.

## Entitlement to SPL

Employees are entitled to SPL in relation to the birth of a child if:

- they are the child's mother and share the main responsibility for the care of the child with the child's father (or the employee's partner, if the father is not the employee's partner);
- they are the child's father and share the main responsibility for the care of the child with the child's mother; or
- they are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The total amount of SPL available is 50 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

The mother cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

The following conditions must also be fulfilled:

- employees must have at least 26 weeks' continuous employment with the school by the end of the Qualifying Week, and still be employed by the school in the week before the leave is to be taken;
- the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- both parents must give the necessary statutory notices and declarations, including notice to end any Maternity Leave, Statutory Maternity Pay (SMP) or Maternity Allowance (MA) periods.

## Compulsory Maternity Leave

The mother cannot end her maternity leave (and therefore cannot take SPL) during the [compulsory maternity leave](#) period, which is two weeks.

## Relationship with Paternity Leave

The child's father or the mother's partner, should consider using their two weeks' Paternity Leave before taking SPL. Once SPL is started they will lose any untaken Paternity Leave entitlement. SPL entitlement is additional to the Paternity Leave entitlement. An employee who intends to take Paternity Leave must take it in the first 8 weeks after childbirth otherwise it will be lost. An employee will lose any untaken Paternity Leave entitlement as soon as they have started a period of SPL. It is advisable for an employee to take Paternity Leave first rather than going straight onto SPL. Unlike Maternity Leave, time spent on Paternity Leave does not reduce the amount of SPL available.

## Opting in to Shared Parental Pay

Not less than eight weeks before the date an employee intends SPL to start, an employee must give the school a written opt-in notice giving:

- their name and the name of the other parent;
- if they are the child's mother, the start and end dates of their Maternity Leave;
- if they are the child's father or the mother's partner, the start and end dates of the mother's Maternity Leave or, if she is not entitled to Maternity Leave, the start and end dates of any SMP or MA period;
- the total SPL available, which is 50 weeks minus the number of weeks' Maternity Leave, SMP or MA period taken or to be taken;
- how much of that will be allocated to them and how much to the other parent (they can change the allocation by giving the school a further written notice and they do not have to use their full allocation);

- if they are claiming statutory Shared Parental Pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken;
- how much of that will be allocated to them and how much to the other parent (they can change the allocation by giving the school a further written notice and they do not have to use their full allocation);
- an indication of the pattern of leave they are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but employees will be required to give as much information as they can about their future intentions; and
- declarations by both parents that they meet the statutory conditions for entitlement to SPL and ShPP.

### Ending Maternity Leave

If the child's mother is still on Maternity Leave, they must give the school at least eight weeks' written notice to end their Maternity Leave (a curtailment notice) before they can take SPL. The notice must state the date that Maternity Leave will end. They can give the notice before or after they give birth, but they cannot end their Maternity Leave until at least two weeks after birth. They must also give the school, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that the child's father or the mother's partner has given his or her employer an opt-in notice and that they have given the necessary declarations in that notice. The other parent may be eligible to take SPL from their employer before Maternity Leave ends, provided they have given the curtailment notice.

The curtailment notice will be binding and cannot be revoked. A curtailment notice can only be revoked if one of the following applies:

- if the employee realises that neither parent is in fact eligible for SPL or ShPP, they can revoke the curtailment notice in writing up to eight weeks after it was given;
- if the employee gave the curtailment notice before giving birth, they can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is the later; or
- if the other parent has died.

Once revoked, a second curtailment notice cannot be submitted unless the revocation was given in the circumstances listed above.

If the employee is the child's father or the mother's partner, they will only be able to take SPL once the mother has either:

- returned to work;
- given her employer a curtailment notice to end her Maternity Leave;
- given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not Maternity Leave); or
- given a curtailment notice to the Benefits Office to end her MA (if she is not entitled to Maternity Leave or SMP).

### Evidence of entitlement

Employees must also provide on request:

- a copy of the birth certificate; and
- the name and address of the other parent's employer (or a declaration that they have no employer).

### Notifying the school of the SPL dates

Having opted into the SPL system, the employee will need to give a period-of-leave notice informing the school of the start and end dates of their leave. This can be given at the same time as the opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of the leave. The employee must also state in their period-of-leave notice the dates on which they intend to claim Shared Parental Pay, if applicable.

If the period-of-leave notice gives dates for a single continuous block of SPL, the employee will be entitled to take the leave set out in the notice.

Employees can give up to three period-of-leave notices. This may enable employees to take up to three separate blocks of Shared Parental Leave.

### Procedure for requesting split periods of SPL

In general, a period-of-leave notice should set out a single continuous block of leave. The school may, in some cases, be willing to consider a period-of-leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with the Headteacher in advance of submitting any formal period-of-leave notices. This will need to be discussed before submitting any formal leave notices to allow the school time to consider the request and hopefully agree a pattern of leave with the employee from the start.

Employees must submit a period-of-leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If the school is unable to agree to the employee's request straight away, there will be a two-week discussion period. At the end of that period, the school will confirm any agreed arrangements in writing. If the school has not reached an agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in their notice.

Alternatively, employees may:

- choose a new start date (which must be at least eight weeks after their original period-of-leave notice was given) and tell the school within five days of the end of the two-week discussion period; or
- withdraw their period-of-leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and the employee may submit a new one if they choose).

### Shared Parental Pay (ShPP)

ShPP of up to 39 weeks (less any weeks of Statutory Maternity Pay or Adoption Pay claimed by the employee or the other parent) may be available provided they have at least 26 weeks' continuous employment with the school at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the Government each tax year. ShPP is paid at a rate set by the Government each year.

### Terms and conditions during SPL

Please refer to section 2a.

#### *Annual Leave*

Please refer to this section in section 2a.

#### *Pension*

Please refer to this section in section 2a.

#### *Redundancy during Maternity Leave*

Please refer to this section in section 2a.

#### *Keeping in touch during Maternity Leave*

Please refer to this section in section 2a.

#### *Returning to work*

Please refer to this section in section 2a.

#### *Changing a return date*

Please refer to this section in section 2a.

#### *Employees' rights when they return*

Please refer to this section in section 2a.

#### *Deciding not to return*

Please refer to this section in section 2a.

#### *Flexible working*

Please refer to this section in section 2a.

*Agency workers*

Please refer to this section in section 2a.

**2d. Adoption**

This policy outlines the arrangements for adoption leave and pay for employees who are adopting a child through a UK or overseas adoption agency.

If an employee has a child placed with them under a local authority “fostering for adoption” or “concurrent planning” arrangement, or they are entering into a surrogacy arrangement under which they will be applying for a parental order, they may also be entitled to Adoption Leave and pay.

In some cases, the employee and their spouse, civil partner or partner may be eligible to opt into the Shared Parental Leave (SPL) scheme, which gives them more flexibility to share the leave and pay available in the first year after the child is placed with them. However, either the employee or their partner must take at least two weeks’ Adoption Leave first. Details of SPL are set out in the Shared Parental Leave section.

Entitlement to Adoption Leave

Employees are entitled to Adoption Leave if they meet the following conditions:

- if they are adopting a child through a UK or overseas adoption agency;
- if the adoption agency has given them written notice that it has matched them with a child for adoption and tells them the date the child is expected to be placed into their care with a view to adoption (Expected Placement Date);
- if they have notified the agency that they agree to the child being placed with them on the Expected Placement Date;
- if their spouse, civil partner or partner will not be taking Adoption Leave with their employer (although they may be entitled to take Paternity Leave).

The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks’ Ordinary Adoption Leave (OAL) and 26 weeks’ Additional Adoption Leave (AAL).

Notification requirements

Not more than 7 days after the agency notifies employees in writing that it has matched them with a child (or where that is not reasonably practicable, as soon as reasonably possible), employees must give the school notice in writing of the Expected Placement Date and their Intended Start Date for Adoption Leave (Intended Start Date).

The school will write to employees within 28 days to inform them of their Expected Return Date assuming that they take their full entitlement to Adoption Leave.

Employees must also provide us with:

- a Matching Certificate from the adoption agency confirming:
  - the agency’s name and address;
  - the name and date of birth of the child;
  - the date they were notified of the match; and
  - the Expected Placement Date.
- written confirmation that they intend to take Adoption Leave and not Paternity Leave.

Overseas adoption

If employees are adopting a child from overseas this policy applies with the modifications set out in this paragraph.

Firstly, employees must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).

Employees are then required to give the school notice in writing of the following:

- their intention to take Adoption Leave;

- the date they received Official Notification; and
- the date the child is expected to arrive in Great Britain.

Employees are required to give this notice to the school as early as possible, but in any case within 28 days of receiving Official Notification (or, if they have less than 26 weeks' employment with the school at the date of Official Notification, within 30 weeks of starting employment).

Further, employees must also give the school at least 28 days' notice in writing of their Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

In addition, within 28 days of the date the child arrives in Great Britain employees must also notify us of that date.

The school may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain and will notify employees of this requirement in writing if applicable.

#### Attending adoption appointments

If employees are adopting on their own or have elected to be the primary adopter, they may take paid time off to attend an adoption appointment on up to five occasions in relation to any particular adoption.

If employees are the secondary adopter, they may take unpaid time off to attend an adoption appointment on up to two occasions only.

Employees must not take more than six and a half hours off for each appointment, including travel and waiting time.

#### Starting Adoption Leave

OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

If employees want to change their Intended Start Date they should tell the school in writing. Employees should tell the school as soon as they can, but, wherever possible, employees must tell the school at least 28 days before the original Intended Start Date (or the new start date if they are bringing the date forward). The school will then write to the employee within 28 days to inform them of their new Expected Return Date.

Shortly before an employee's Adoption Leave starts, the school will discuss the arrangements for covering their work and the opportunities for them to remain in contact, should they wish to do so, during their Adoption Leave. Unless they request otherwise, they will remain on circulation lists for internal news, job vacancies, training and work-related social events.

#### Adoption Pay

Statutory Adoption Pay (SAP) is payable for up to 39 weeks. It stops being payable if an employee returns to work sooner or if the placement is disrupted.

Employees are entitled to SAP if:

- they have been continuously employed for at least 26 weeks ending with the week in which the agency notified them that they had been matched with a child (Qualifying Week) and are still employed by the school during that week;
- their average weekly earnings during the eight weeks ending with the Qualifying Week (Relevant Period) are not less than the lower earnings limit set by the Government; and
- they have given us the relevant notifications.

SAP is calculated as follows:

First six weeks: SAP is paid at the Earnings-Related Rate of 90% of their average weekly earnings with no upper limit calculated over the Relevant Period.

Remaining 33 weeks: SAP is paid at the Prescribed Rate, which is set by the Government for the relevant tax year; or the Earnings-Related Rate if this is lower.

SAP accrues with each complete week of absence and payments are made on the next normal payroll date. Income Tax, National Insurance and pension contributions shall be deducted as appropriate.

If an employee leaves employment for any reason (for example if they resign or are made redundant) they are still eligible for SAP if they have already been notified by an agency that they have been matched with a child. In such cases, SAP starts:

- 14 days before the Expected Placement Date; or
- the day after their employment ends,

whichever is the later.

If an employee becomes eligible for a pay rise that includes a sum in respect of the Relevant Period, they will be treated for SAP purposes as if the pay rise had been paid in the Relevant Period. This means that their SAP will be recalculated and increased retrospectively, or that they may qualify for SAP if they did not previously qualify. The school will pay a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

#### Terms and Conditions During Adoption Leave

Please refer to this in section 2a.

#### *Annual Leave*

Please refer to this section in section 2a.

#### *Pension*

Please refer to this section in section 2a.

#### *Redundancy*

Please refer to this section in section 2a.

#### *Keeping in touch*

Please refer to this section in section 2a.

#### *Returning to work*

Please refer to this section in section 2a.

#### *Changing a return date*

Please refer to this section in section 2a.

#### *Employees' rights when they return*

Please refer to this section in section 2a.

#### *Deciding not to return*

Please refer to this section in section 2a.

#### *Switching to Shared Parental Leave*

Please refer to this section in section 2a.

#### *Flexible working*

Please refer to this section in section 2a.

#### *Agency workers*

Please refer to this section in section 2a.

#### Disrupted Adoption

Adoption Leave is treated as disrupted if it has started but:

- the employee is notified that the placement will not take place;

*Hold fast that which is good*

- the child is returned to the adoption agency after placement; or
- the child dies after placement.

In the case of disruption, the employee's entitlement to Adoption Leave and pay (if applicable) will continue for a further 8 weeks from the end of the week in which disruption occurred, unless their entitlement to leave and/or pay would have ended earlier in the normal course of events.

If such circumstances arise, employees are required to notify the school as soon as reasonably practicable so that their continued entitlement can be correctly administered.

### 3. Annual Leave

The school's holiday year runs from 1 September to 31 August.

An employee's annual leave entitlement is as specified in his or her individual contract of employment. Where an employee's annual leave entitlement increases with length of service, such entitlement is calculated from the beginning of the holiday year following the anniversary of completion of the service. A full-time employee's annual leave entitlement includes the eight currently recognised Bank/Public Holidays in England and Wales. These are:

New Year's Day	Spring Bank Holiday
Good Friday	Late Summer Bank Holiday
Easter Monday	Christmas Day
May Day	Boxing Day

Part-time employees are entitled to Bank/Public Holidays on a pro rata basis. Where the school closes on a Bank/Public Holiday and the employee has exhausted their pro rata Bank/Public Holiday entitlement, the employee will not be paid for this day. If the employee wishes to be paid for this day they should take this time from their annual leave entitlement.

Full-time employees accrue annual leave at the rate of one twelfth of the employee's annual leave entitlement from the first day of their employment with the school. This applies to part-time employees on a pro rata basis.

Hourly-paid employees will be paid at their basic rate of pay; salaried employees will be paid their basic salary in respect of periods of annual leave. Overtime will not normally be included in the calculation of holiday pay unless:

- it is overtime that the school is contractually obliged to offer and the employee is contractually obliged to accept or guaranteed; or
- it is overtime that the school is not contractually obliged to offer, but the employee does, in fact, regularly work it.

Annual leave payments are calculated for the year and paid in 12 equal instalments, monthly in arrears on or around the 25<sup>th</sup> of the month directly in to the employee's nominated bank or building society account.

Employees are not permitted to carry over accrued annual leave from one Holiday Year to the next except in exceptional circumstances and at the sole discretion of the school.

#### *Term-time-only staff*

Employees who are employed by the school to work on a term-time only basis will not be permitted to take annual leave at any point during the academic terms of the school. Such employees are required to take annual leave as it accrues at the first available opportunity outside of the academic terms of the school.

#### *All-year-round staff*

For employees who are employed by the school on "all year round" contracts, all periods of annual leave must be authorised in advance. Such employees must not make firm annual leave arrangements before receiving confirmation that the request has been authorised. Term time holidays should be avoided except in exceptional circumstances and must be approved by the Headteacher.

Staff are required to log their leave on the leave spreadsheet located on the H:drive in the knowledge that there may be a need for some flexibility around these dates. Line managers will lead negotiations around these should it be necessary. This should be done as early as possible giving a minimum of 2 weeks' notice in respect of proposed annual leave of less than 5 consecutive days and 4 weeks in respect of proposed annual leave of 5 or more consecutive days.

Employees who take unauthorised annual leave may be subject to disciplinary action in accordance with the school's Disciplinary Policy and Procedure.

Requests for annual leave will normally be granted on a "first come first served" basis. Owing to the needs of the school and its students, the school reserves the right to limit the number of employees who may be permitted to take holiday at any one time. The granting of all holiday requests will be subject to adequate cover being available and the overall operational needs of the school during the proposed period of absence.

#### Annual leave on termination of employment

On termination of employment, employees will be entitled to be paid for annual leave accrued but not taken as at the date of termination of employment. If on termination of employment an employee has taken more annual leave than he or she has accrued in that Holiday Year, an appropriate deduction will be made from the employee's final pay.

The school may require an employee to take all or part of any outstanding holiday entitlement during a period of notice to terminate the employment or during 'Garden Leave'.

## **4. OTHER ABSENCE**

### Procedure

The Governing Body has delegated the authority to grant leave of absence to the Headteacher.

For procedural detail about how to request leave, please refer to the Staff Handbook.

### Emergency and Compassionate Leave

Employees are entitled by law to take reasonable unpaid time off work to deal with unexpected or sudden emergencies involving dependents, arising in circumstances such as death, sudden illness, injury or assault of a dependent, or the sudden disruption of dependents' care arrangements.

Leave to deal with the immediate demands of the emergency will be granted. This will normally be one and no more than two days. Situations that qualify for additional leave will be considered as compassionate leave.

The Headteacher may grant up to a further three days as compassionate leave (making a maximum of five days' leave in total). Such additional leave will normally be confined to cases of bereavement or extreme dependent care situations that require the employee's personal attention.

A maximum of five days' emergency and compassionate leave will be paid leave. Leave granted in excess of five days will be unpaid.

### Domestic Reasons for Leave of Absence

Employees should normally make arrangements for domestic matters outside of normal working days. Where this is not practicable, paid leave of absence of up to one day may be granted for domestic reasons (urgent or otherwise). Examples of leave under this provision may include moving house and special events to attend a close relative's wedding or civil partnership or a graduation ceremony.

Other requests for leave of absence (for example for holidays) during term times will not normally be granted, but may be considered in exceptional circumstances. The leave request form must be submitted and agreement received before the employee makes arrangements to take the leave. Any leave granted will be unpaid.

### Parental Bereavement Leave

A parent who has lost a child under the age of 18 or has experienced a still birth after 24 or more weeks of pregnancy can have up to two weeks' Parental Bereavement Leave. By law this is paid at a statutory rate, however, the school will enhance this and grant this leave at full pay.

If an employee suffers the loss of a child, we will seek to do what we can to support them. In particular:

- we will identify a key point of contact within the school during any leave they take and following their return to work;
- if they take leave, certain people within the school will need to know that they have suffered a bereavement. It may also be helpful for their immediate work colleagues and others to know, so that they can be sensitive to their feelings and provide support if needed when they return to work. The key point of contact can discuss with the employee at the appropriate time what they would like people at work to know and we will try to ensure that only that information is passed on;
- the key point of contact will also liaise with employees during their leave, to keep the school informed and explore with them what we can do to help and support them;
- the statutory right to Parental Bereavement Leave and pay is set out in this policy. However, if the employee feels that they are not ready to return to work at the end of their Parental Bereavement Leave, there are a number of other possibilities that we can discuss with them, e.g. taking sick leave or unpaid leave, or phasing their return to work;
- we will consider the need for more formal support, e.g. access to an employee assistance scheme;
- the employee's line manager will seek to maintain good communication, with an 'open-door' policy and regular meetings with them to offer support and monitor progress over time.

### Leave of absence for training and study

Where an employee undertakes study which directly relates to their role in the school, furthers their professional development and/or is funded by the school, paid leave may be granted for examination attendance.

### Medical and welfare appointments

It is expected that medical appointments will be arranged outside of working hours where practicable. For example, visits to a doctor, dentist, optician, clinic and hospital. Where it is not possible to obtain appointments outside of working hours, paid leave of absence may be granted. Proof of the appointment will be required.

### Statutory leave

This section identifies circumstances where there is a requirement to grant leave to an employee. Unless otherwise stated, whether the leave is paid or unpaid is at the discretion of the Headteacher.

### Redundancy – support for job seeking

Employees who are selected for compulsory redundancy will be granted reasonable time off work with pay during their notice period to look for new employment or to make arrangements for training for future employment.

### Jury Service/formal attendance at a Court hearing

Paid leave will be granted to employees undertaking Jury Service or required to attend Court or a tribunal as a witness on behalf of the Crown, Police or Defence, or for either side in a civil case. Employees must claim the attendance allowance or loss of earnings paid by the Court. The amount received will be deducted from the employee's full pay.

### Public service duties

Employees undertaking a combination of public service duties may be allowed an aggregate total of up to ten days paid or unpaid leave of absence for public service duties. The amount of time and the decision regarding pay will be at the discretion of the Headteacher/Governing Body, based on how long the duties might take, the amount of time the employee may already have had for public service duties, the nature of the public service duty and how the time off might affect the school.

Where paid leave is granted and where applicable employees must claim any financial loss allowance directly and the amount received will be deducted from the employee's full pay.

Where unpaid leave is granted and where applicable employees may claim the financial loss allowance directly.

#### Magisterial Duties (Justice of the Peace)

Employees who undertake magisterial duties will be granted unpaid leave of absence up to a maximum of thirteen days or twenty-six half days a year.

Employees may claim the financial loss allowance directly.

#### Trade Union duties

Leave in connection with recognised union duties is covered by ACAS guidance.

#### Reserve Forces

It is recognised that some employees will wish to volunteer to serve in Britain's Reserve Forces. The school will consider leave of absence for the Reserve Forces with reference to Local Authority guidance.

#### Religious observance and beliefs

Any requests for annual leave or working additional hours during the school day or school closure periods, or unpaid leave for the purpose of religious observance, will be granted, unless there are exceptional circumstances which make it impossible for the employee to be released.

#### Antenatal appointments

##### *Who has the right?*

This entitles an employee who has a 'qualifying relationship' with a pregnant woman or her expected child to take time off during their working hours to accompany the woman to antenatal appointments.

A 'qualifying relationship' includes the expected child's father, the mother's husband, partner or civil partner. They should usually live with the woman in an enduring family relationship and are not a relative of the woman. There is no qualifying period of employment for this right so it will be available to relevant employees from the start of their employment.

The amount of time off that an employee may take during working hours to accompany a pregnant woman to antenatal appointments is limited to no more than two occasions lasting no more than six and a half hours each.

##### *Making the request*

The employee will not be entitled to take the time off unless they give the school, where requested, a document (which may be in electronic form, such as e-mail) showing:

- that the employee has a qualifying relationship with the pregnant woman or expected child;
- that the purpose of taking the time off is to accompany a pregnant woman to an antenatal appointment;
- that the appointment has been made on the advice of a registered doctor, registered midwife or registered nurse;
- the date and time of the appointment.

The school may refuse an employee time off to accompany a woman at an antenatal appointment where it is reasonable for it to do so.

### Other leave

Any other requests for leave which are not referred to in this policy should be referred to the Headteacher in the first instance. Where applicable, these will be considered with reference to the relevant conditions of service for teaching or support staff.

### Extreme weather

Occasionally travelling to school may be difficult due to extreme weather (snow, for example). In such circumstances:

- staff should pay attention to weather forecasts and take all necessary precautions to maximise the ability to get into school;
- routes that are regularly gritted should be fully utilised (these routes are available on [www.kent.gov.uk](http://www.kent.gov.uk), search “grit routes”); please take note of the grit routes and park near these so that every effort can be made to get into school;
- staff should make sure that their vehicle is winter ready;
- if staff are unable to come into work as the roads are too dangerous then the member of staff concerned should notify the school and work from home or agree with his/her manager to take the time off in lieu;
- if an employee does not attend school the decision on whether or not salary will be paid will be a discretionary decision by the Headteacher.

If school is officially closed time will be paid, but the expectation is that staff will do what work they can from home.

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## **LINKS TO OTHER POLICIES/DOCUMENTS**

Staff Handbook  
Pay Policy  
Performance Management Policy

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