



Special Partnership Trust



Date Last Reviewed: February 2024

Review Date: February 2026



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Leave of Absence Policy

Introduction

The Local Authority in consultation with recognised Trade Unions originally developed these guidelines. This policy has been developed to promote a clear and consistent approach within the Academy for the management of requests from staff for leave of absence. This policy applies to all employees and does not form part of any contract of employment or other contract to provide services, and we may amend it at any time (following consultation with the relevant Trade Union representatives).

It is the Academy's responsibility to manage their staff. The Headteacher will assist the Governors in the discharge of this responsibility and may act in certain circumstances in the absence of the Governors.

Any questions an employee may have about the day-to-day application of this policy should be referred to the Headteacher in the first instance.

This policy is reviewed by the Trust.

1 Purpose of this Policy

- to comply with statutory entitlements to leave of absence;
- to clarify the conditions under which other leave of absence may be taken;
- to enable a consistent and transparent approach to requests for leave of absence;
- to establish a system which is fair to all employees.

2 General Points for Consideration

Any leave of absence taken by employees may cause disruption to pupils' learning; involves the Academy in additional organisation and may incur costs. Employees will be mindful of these considerations and, as far as is reasonably practicable should make arrangements to minimise the necessity to ask for leave of absence, for example by making medical appointments outside of school hours, if able to do so. However, the Academy recognises that situations will arise from time to time, outside of any statutory entitlement, where the Academy will need to grant employees leave of absence.

The decision about whether leave of absence is paid or unpaid is at the Headteacher's discretion, in line with this policy, unless there is a statutory entitlement to pay.

It should be noted that there might be occasions when circumstances arise that are not identified in this policy. In such circumstances the decision regarding leave of absence remains within the discretion of the Headteacher. Each case will be judged on its own merits and circumstances. The granting of time off in one case will not necessarily set a precedent for other cases.

3 The Legal Position



Those employees who have a contractual obligation to work during school term periods should avoid applications for leave of absence, for example, to enable staff to accompany members of their family or partners on holidays etc. These will not be granted by the Academy unless there are very exceptional circumstances and acceptable cover arrangements can be arranged by the Academy.

4 Considerations in Granting Leave

The most common requests for leave are home emergencies, serious illness/death of a partner/near relative and funerals. Each situation may be different and it is essential not to make assumptions about the surrounding circumstances or nature/status of the relationship of an individual to the employee.

Headteachers/Governors should take account of the following:

- their duty of care to their staff;
- the stated reason/purpose for the leave and the impact upon the person concerned;
- any anticipated effect upon the welfare of the Academy if leave is granted;
- any benefit (for example educational or personal development) to the employee making the application

Employees should endeavour to give the Headteacher/Governors as much notice as possible as longer notice will give the Academy a greater opportunity to make alternative arrangements.

In instances where frequent requests for leave of absence are made, the Headteacher should discuss the requests with the employee and consider whether the Academy can assist with any underlying difficulties either on a temporary or permanent basis.

5 Emergency/Exceptional Leave

Where the absence of the employee is unavoidable and after due consideration by the Headteacher, or nominated representative, the employee would normally be granted immediate paid leave of absence to put in place emergency arrangements. The Headteacher should then consult the Chair of Governors at the earliest opportunity and agree how much leave is reasonable in the circumstances.

Employees have a statutory right to take a reasonable period of **unpaid** time off work to deal with an emergency or sudden problem involving a dependent. This is covered later in the Policy (Section 9 F).

In recognising Family Friendly issues, and at the discretion of Trust Leaders or Headteachers, the Trust may allow employees up to five days leave in a rolling year to assist them in managing a personal emergency. . There could be many reasons why an employee might need personal emergency leave. These could include but are not limited to:

- Making funeral arrangements due to the death of a family member
- Arranging care for a sick family member
- Accompanying a partner who is giving birth (unexpectedly)



- Dealing with a household problem like a plumbing issue, leak/flood or burglary.

In such instances, the employee should be asked to contact the school, the next day at the latest, to inform the Headteacher of the current position and to establish the duration of leave granted. It will be at the discretion of Trust Leaders/or the Headteacher to agree whether or not it will be paid or unpaid.

6 Applications for Other Non-Urgent Leave

For applications for leave of absence for any other reasons, other than Emergency/Exceptional Leave detailed above, or for leave of absence for a period longer than 2 weeks, a written application should be sent to the Headteacher. The employee should give at least 15 school days of notice before the absence is to be taken. Such requests should be considered by the Governors.

Employees should note that the 15 school days of notice is a minimum period, and staff should provide as much notice as possible.

However, as previously stated, other than in exceptional circumstances no leave will be granted by the Academy during term time.

7 Extended Leave of Absence

(for example, of at least half a term in duration)

Requests for an extended period of leave, including leave for sabbaticals, exchanges and voluntary work, should be by written application to the Headteacher giving at least a full term's notice. The Academy will consider the request taking account of any recommendations made by the Headteacher. Such periods of absence may affect the leave entitlement of relevant employees.

8 Pay Considerations

Where leave of absence has been granted without pay, salary will be deducted in line with the employee's contract of employment.

9 Statutory Entitlements and Requests for Absence

Statutory entitlements are given below, followed by a list of the most common requests for leave of absence. A suggested appropriate amount of leave is given and whether it should be paid or unpaid. Each case will be judged on its own merits and circumstances. The granting of time off in one case will not necessarily set a precedent for other cases. Where paid leave of absence has been granted, further unpaid leave may also be granted at the Academy's discretion.

Statutory Entitlements

A Maternity Leave



For the Trusts policy on maternity leave, please see either the Mat Pack – Teaching or Mat Pack – Support Staff depending on role.

B Paternity Leave

FREQUENTLY USED TERMS

The definitions in this paragraph apply in this policy.

Partner: spouse, civil partner or someone (of either sex) with whom the employee lives in an enduring family relationship, but who is not their parent, grandparent, sister, brother, aunt or uncle.

Expected Week of Childbirth: the week, beginning on a Sunday, in which the employee's Partner's doctor or midwife expects their child to be born.

Expected Placement Date: the date on which an adoption agency expects that it will place a child into the employee's care with a view to adoption.

ENTITLEMENT TO PATERNITY LEAVE

Paternity leave is available to employees of either gender for the purpose of caring for a child, or supporting the child's other parent, in the following cases:

- a) On the birth of a child, where either:
 - (i) the employee is the biological father and expects to have some responsibility for the child's upbringing; or
 - (ii) the employee is the mother's Partner and expects to have main responsibility with the mother for the child's upbringing.
- b) On the birth of a child to a surrogate mother where the employee, or the Partner is, one of the child's biological parents, and they expect to obtain a parental order giving them and their Partner responsibility for the child.
- c) Where an adoption agency places a child with the employee and/or their Partner for adoption and they expect to have main responsibility (with their Partner) for the child's upbringing.
- d) Where a local authority places a child with the employee and/or their Partner under a fostering for adoption arrangement and they expect to have main responsibility (with their Partner) for the child's upbringing.

To qualify for paternity leave, the employee must have been continuously employed by the Academy for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth or the week in which they or their Partner are notified by the adoption agency or local authority that they have been matched with a child.

In adoption, fostering for adoption and surrogacy cases, the employee may wish to consider adoption leave instead (see our Adoption Leave Policy). Only one parent can take adoption leave, so the employee should discuss this with their Partner. The employee cannot take both paternity leave and adoption leave.



The employee cannot take paternity leave if they have already taken shared parental leave in respect of the same child. The employee may be eligible to take shared parental leave after paternity leave.

STILLBIRTH AND NEONATAL LOSS

If eligible, employees are entitled to paternity leave and pay if their child is stillborn after 24 weeks of pregnancy or born alive at any stage of pregnancy but does not survive (neonatal loss).

TIMING AND LENGTH OF PATERNITY LEAVE

Paternity leave must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

Paternity leave can start on the date of the child's birth or adoption placement, or a later date of the employee's choosing. However, it must end within 56 days (eight weeks) of birth or placement, or within 56 days of the first day of the Expected Week of Childbirth (if the child was born early).

NOTIFICATION

To take paternity leave, the employee must give the Academy written notice by the end of the 15th week before the Expected Week of Childbirth, or no more than seven days after they or their Partner were notified of having been matched with the child, or as soon as they reasonably can, stating:

- a) the Expected Week of Childbirth or the Expected Placement Date;
- b) the date they would like their leave to start (which may be a specified date after the start of the Expected Week of Childbirth or the Expected Placement Date, the actual date of birth or a specified number of days after birth); and
- c) whether they intend to take one week's or two weeks' leave.

The Academy may require a signed declaration from the employee that they are taking paternity leave to care for the child or to support their Partner in caring for the child.

CHANGING LEAVE DATES OR CANCELLING LEAVE

An employee may vary the start date of their paternity leave if they give notice as follows:

- a) if they wish to start their leave on the day of the child's birth or on the day that the child is placed with them or their Partner, please tell the Academy at least 28 days before the first day of the Expected Week of Childbirth or the Expected Placement Date;
- b) if they wish to start their leave on a specified number of days after the child's birth or placement, please tell the Academy at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth or the Expected Placement Date; and

- c) if they wish to start their leave on a specific date that is different to the original start date they informed the Academy of, please tell us at least 28 days before that date.

If the employee is unable to give the Academy 28 days' written notice as set out above, they should do so as soon as they can.

PATERNITY PAY

In this paragraph, Relevant Period means the eight-week period ending with the Qualifying Week which is the 15th week before the Expected Week of Childbirth or the week in which the employee or their Partner were notified of being matched with the child.

If the employee takes paternity leave in accordance with this policy, they are entitled to statutory paternity pay (SPP) if, during the Relevant Period, their average weekly earnings are not less than the lower earnings limit set by the government.

SPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of the employee's average weekly earnings calculated over the Relevant Period if this is lower.

TERMS AND CONDITIONS DURING PATERNITY LEAVE

All the terms and conditions of the employee's employment remain in force during paternity leave, except for the terms relating to pay. In particular, the following will continue:

- a) benefits in kind;
- b) accrual of annual leave entitlement under the employee's contract; and
- c) pension benefits.

ANNUAL LEAVE

Annual leave will accrue during paternity leave at the rate provided under the employee's contract if applicable.

The employee should discuss their holiday plans with the Headteacher in good time before starting their paternity leave. All holiday dates are subject to approval by the Headteacher.

PENSIONS

During paternity leave, the Academy will continue to make any employer contributions that are usually made into a money purchase pension scheme, based on what the employee's earnings would have been if they had not been on paternity leave provided that they continue to make contributions based on the paternity pay they are receiving. If the employee wishes to increase their contributions to make up any shortfall, they should contact the Headteacher.

RETURNING TO WORK

Employees are normally entitled to return to work after paternity leave to the same position they held before commencing leave. The employee's terms of employment will be the same as if they not been absent.

However, if the employee has taken paternity leave straight after or straight before a period of parental leave of more than four weeks, and it is not reasonably practicable for the Academy to allow them to return to the same job, the Trust may give the employee another suitable and appropriate job on terms and conditions that are not less favourable.

FLEXIBLE WORKING

The Trust will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but employees do have a statutory right to request flexible working. The Trust will try to accommodate employee's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the school/Trust. It is helpful if requests are made as early as possible.

C Adoption Leave

ENTITLEMENT TO ADOPTION LEAVE

In an adoption case or a fostering for adoption case, employees are entitled to adoption leave if all the following conditions are met:

- a) The employee is adopting a child through a UK adoption agency, or they are a local authority foster parent who has been approved as a prospective adopter.
- b) The adoption agency or local authority has given the employee written notice that it has matched them with a child, and tells them the expected placement date.
- c) The employee has told the agency or local authority that they agree to the placement.

Adoption leave may be available if the employee is adopting through an overseas adoption agency. The requirements set out in this policy are varied as follows:

They must give the Trust notice in writing of:

- Their intention to take adoption leave;
- The date they received Official Notification; and
- The date the child is expected to arrive in Great Britain.

This notice should be given as early as possible but in any case, within 28 days of receiving Official Notification (or, if the Employee has less than 26 weeks' employment with the Trust at the date of Official Notification, within 30 weeks of starting employment).

The Employee must also give the Trust 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.

The Employee must also notify the Trust of the actual date the child arrives in Great Britain within 28 days of that date.



We may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

In a surrogacy case, employees are entitled to adoption leave if all the following conditions are met:

- a) A surrogate mother gives birth to a child, who is biologically the child of either the employee, or their spouse or partner (or both of them).
- b) The employee expects to be given parental responsibility under a parental order from the court. The child must live with the employee and they must apply for the parental order within six months of birth.

In either case, only one parent can take adoption leave. If the employee's spouse or partner takes adoption leave with their employer, the employee may be entitled to paternity leave (see our Paternity Leave Policy). In some cases, the employee may also qualify for shared parental 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

In an adoption or fostering for adoption case, the employee must tell the school in writing of the expected placement date, and the intended start date for adoption leave. The employee must give this information not more than seven days after the agency or local authority notifies them in writing that it has matched them with a child, or if that is not reasonably practicable, as soon as they can.

Once the employee receives the matching certificate from the agency or local authority, they must provide the school with a copy.

In a surrogacy case, the employee must tell the school in writing of their intention to take adoption leave and give the expected week of childbirth (EWC). The employee must give this information by the end of the 15th week before the EWC, or if that is not reasonably practicable, as soon as they can. They must also complete a declaration confirming their entitlement. When the child is born the employee must tell the school the date of birth.

The school will write to the employee within 28 days of receiving the notification, to confirm the expected return date assuming the employee takes their full entitlement to adoption leave.

STARTING ADOPTION LEAVE

In an adoption or fostering for adoption case, OAL may start on a date of the employee's choosing no more than 14 days before the expected placement date, or on the date of placement itself, but no later.

If the employee wants to change their intended start date please tell the school in writing. The employee should give as much notice as they can, but wherever possible they 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 write to the employee within 28 days to tell them their new expected return date.

In a surrogacy case, OAL will start on the day the child is born, unless the employee is at work, in which case it will start on the following day. The employee cannot change the start date.

ADOPTION PAY

Statutory adoption pay (SAP) is payable for up to 39 weeks, provided the employee has at least 26 weeks' continuous employment with the Academy ending with the Qualifying Week (the week in which the adoption agency or local authority notified the employee of a match, or the 15th week before the EWC) and the employee's average earnings are not less than the lower earnings limit set by the government each tax year. The first six weeks' SAP are paid at 90% of the employee's average earnings and the remaining 33 weeks are at a rate set by the government each year.

DURING ADOPTION LEAVE

All the terms and conditions of the employee's employment remain in force during OAL and AAL, except for the terms relating to pay.

Annual leave entitlement will continue to accrue at the rate provided under the employee's contract. If the adoption leave will continue into the next holiday year, any holiday entitlement that is not taken before starting the adoption leave can be carried over [and must be taken [immediately before returning to work OR within three months of returning to work] unless the Headteacher agrees otherwise]. Please discuss any holiday plans with the Headteacher in good time before starting adoption leave. All holiday dates are subject to approval by the employee's Headteacher.

If the employee is a member of the pension scheme, the Academy shall make employer pension contributions during OAL and any further period of paid adoption leave based on the employee's normal salary, in accordance with the pension scheme rules. Any employee contributions the employee makes will be based on the amount of any adoption pay they are receiving, unless they inform the Academy that they wish to make up any shortfall.

KEEPING IN TOUCH

The school may make reasonable contact with the employee from time to time during their adoption leave, although it will keep this to a minimum. This may include contacting the employee to discuss arrangements for their return to work.

The employee may work (including attending training) on up to ten "keeping-in-touch" days during their adoption leave. This is not compulsory and must be discussed and agreed with the employee's Headteacher.

The employee will be paid at their normal basic rate of pay for time spent working on a keeping-in-touch day and this will be inclusive of any adoption pay entitlement.

RETURNING TO WORK

The employee must return to work on the expected return date unless agreed otherwise. If the employee wishes to return to work early, they must give the Academy at least eight weeks' notice of the date. It is helpful if the employee gives this notice in writing. The employee may be able to return later than the expected return date if they request annual leave or parental leave, which will be at the Academy's discretion.

Employees are normally entitled to return to work in the position they held before starting adoption leave, on the same terms of employment. However, if they have taken AAL (or have combined their adoption leave with more than four weeks of parental leave) and it is not reasonably practicable for the Academy to allow them to return to the same position, the Academy may give the employee another suitable and appropriate job on terms and conditions that are not less favourable.

If the employee wants to change their hours or other working arrangements on return from adoption leave they should make a request under the Flexible Working Policy.

If the employee decides they do not want to return to work, they should give notice of resignation in accordance with their contract.

D Parental Leave

The Maternity and Parental Leave etc Regulations 1999 give a qualifying employee an entitlement to 18 weeks' unpaid parental leave for the purpose of caring for a child for whom they have responsibility. This entitlement lasts until the child's 18th birthday.

An employee has responsibility for a child if they:

- are the child's biological mother or father (whether or not they are living with the child);
- are the child's adoptive parent; or
- otherwise have legal parental responsibility for the child, for example, if they are the child's guardian, or a step-parent who has a parental responsibility agreement or parental responsibility order.

If an employee has completed at least one year's continuous service, has or expects to have responsibility for a child and be taking the leave to spend time with or otherwise care for the child, they are entitled to 18 weeks unpaid parental leave.

Employees can take parental leave at any time up to the child's 18th birthday.

A request should be made to the Headteacher in writing giving 21 days' notice of the start date of the parental leave. The notice requirements are as follows:

- a) If the employee wishes to take parental leave commencing immediately on the birth of a child, they must give notice of this intention at least 21 days before the start of the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave required.

- b) If the employee wishes to take parental leave commencing immediately on the adoption of a child, they should give notice of this intention at least 21 days before the start of the expected week of placement (EWP). If this is not possible, they must give as much notice as they can. The notice must specify the EWP and the duration of the period of leave required.
- c) In all other circumstances, the employee must give notice of their intention to take parental leave at least 21 days before they intend the leave to start. The notice must specify the dates on which the period of leave is to begin and end.

If an employee wishes to take a period of parental leave immediately after a period of paternity leave, it would be helpful if they could give the Headteacher notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, they should give as much notice as they can. If they do not give notice at least seven days before their period of paternity leave starts, the Academy might not allow the employee to take the period of parental leave requested. However, the Academy shall consider each case on its merits.

Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless the employer agrees otherwise or the child is disabled. For the purposes of this policy, a disabled child means a child who is entitled to a disability living allowance, armed forces independence allowance or personal independence payment. Employees cannot take off more than four weeks during a year per child. A year for this purpose begins on the date when they became entitled to take parental leave in relation to the child in question. A week is based on an employee working pattern.

Before an employee takes a period of parental leave under this policy, the Academy may ask to see evidence of:

- a) the employee's responsibility or expected responsibility for the child, such as a birth certificate, adoption or matching certificate, parental responsibility agreement or court order; or
- b) the child's date of birth or date of adoption placement.

For details of what evidence is required in each particular circumstances, or if the employee has difficulties obtaining the evidence, please contact the Headteacher.

Although the Academy will always try to accommodate requests for parental leave, it might postpone a requested period of parental leave for up to six months where the requested leave would unduly disrupt the Academy, for example, where:

- a) the employee wishes to take parental leave during a peak period;
- b) a number of employees wish to take leave at the same time;
- c) the employee's work at that time is of importance to a time-critical project; or
- d) cover for the employee's work cannot be found before the date on which the parental leave is due to start; or
- e) for any other reason

If the Academy needs to postpone a request for parental leave, it will consult with the employee about alternative dates. The Academy will notify the employee in writing of the reason for postponement and the new start and end dates for the parental leave, no more than seven days after receipt of the request for leave.

The Academy will not postpone parental leave if the employee has requested it to start immediately on the birth or adoption of a child.

The Academy will not postpone parental leave if the postponement would result in the leave being taken after the child's 18th birthday.

An employee will remain employed while on parental leave and some terms of the contract, such as contractual notice and redundancy terms, still apply.

Employees are normally entitled to return to work following parental leave to the same position. The employee's terms of employment will be the same as they would have been had they not been absent.

However, where a period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave, it might not be possible in some cases for the employee to return to the same job. In such circumstances, the Academy will offer the employee a suitable and appropriate alternative position on no less favourable terms.

The Academy will deal with any requests by employees to change their working patterns (such as working part-time) after parental leave on a case-by-case basis. There is no absolute right to insist on working part-time, but employees do have a statutory right to request flexible working and the Academy will try to accommodate employee's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the Academy. It is helpful if flexible working requests are made as early as possible.

Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue under the Disciplinary Procedure.

E Shared Parental Leave (SPL)

Shared Parental Leave Regulations give working couples greater flexibility to share childcare.

The regulations give the birth mother or primary adopter the option to end their maternity or adoption leave and pay entitlements early; in order to transfer to, or share with their partner of either sex, any remaining leave and/or statutory pay entitlements. If both are eligible, they will be able to choose how to split the available leave and can decide to be off work at the same time or at different times. Employees may be able to take leave in more than one block.

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



- a) they are the child's mother, and share the main responsibility for the care of the child with the child's father or with partner;
- b) they are the child's father and share the main responsibility for the care of the child with the child's mother; or
- c) 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 following conditions must also be fulfilled:

- a) the employee must have at least 26 weeks continuous employment with the Academy by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
- b) the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Expected Week of Childbirth or Adoption (EWCA) and had average weekly earnings of at least £30 during 13 of those weeks; and
- c) the employee and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (**SMP**) or maternity allowance (**MA**) periods.

The total amount of SPL available is 52 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).

If the employee is the mother, she cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

If the employee is the child's father or the mother's partner, they should consider using their two weeks' paternity leave before taking SPL. Once the employee starts SPL they will lose any untaken paternity leave entitlement. SPL entitlement is additional to paternity leave entitlement.

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

- a) their name and the name of the other parent;
if they are the child's mother, the start and end dates of the maternity leave;
- b) 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;
- c) the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
- d) how many weeks of the available SPL will be allocated to them and how many to the other parent (the employee can change the allocation by giving the Academy a further written notice, and the employee does not have to use their full allocation);
- e) 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;



- f) how many weeks of available ShPP will be allocated to the employee and how much to the other parent (the employee can change the allocation by giving the Academy a further written notice, and they do not have to use their full allocation);
- g) an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as possible about the employee's future intentions; and
- h) declarations by the employee and the other parent that both meet the statutory conditions to enable them to take SPL and ShPP.

If the employee is the child's mother and wants to opt into the SPL scheme, they must give the Academy at least eight weeks' written notice to end the maternity leave (a **curtailment notice**) before they can take SPL. The notice must state the date the maternity leave will end. The employee can give the notice before or after they give birth, but they cannot end the maternity leave until at least two weeks after birth.

The employee must also give the Academy, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that the other parent has given their employer an opt-in notice and that the employee has given the necessary declarations in that notice.

The other parent may be eligible to take SPL from their employer before the maternity leave ends, provided the employee have given the curtailment notice.

The curtailment notice is binding and cannot usually be revoked. The employee can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:

- a) if the employee realises that neither they nor the other parent are in fact eligible for SPL or ShPP, in which case **the employee** can revoke the curtailment notice in writing up to eight weeks after it was given;
- b) if the employee gave the curtailment notice before giving birth, they can revoke it in writing up to six weeks after birth; or
- c) if the other parent has died.

Once the employee has revoked a curtailment notice they will be unable to opt back into the SPL scheme.

If the employee is not the mother, but the mother is still on maternity leave or claiming SMP or MA, they will only be able to take SPL once she has either:

- a) returned to work;
- b) given her employer a curtailment notice to end her maternity leave;
- c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- d) given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

The employee must also provide on request:

- a) A copy of the birth certificate (or if they have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- b) The name and address of the other parent's employer (or a declaration that they have no employer).

Having opted into the SPL system, the employee must book their leave by giving the Academy a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.

The period of leave notice can either give the dates the employee wants to take leave or, if the child has not been born yet, it can state the number of days after birth that they want the leave to start and end. This may be particularly useful if the employee intends to take paternity leave starting on the date of birth and wish to take SPL straight afterwards.

Leave must be taken in blocks of at least one week.

If the employee's period of leave notice gives a single continuous block of SPL they will be entitled to take the leave set out in the notice.

If the employee's period of leave notice requests split periods of SPL, with periods of work in between, the Academy will consider the request as set out below.

An employee can give up to three period of leave notices. This may enable them to take up to three separate blocks of SPL (although if they give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice.

In general, a period of leave notice should set out a single continuous block of leave. The Academy may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best to discuss this with the Headteacher in good time before formally submitting the period of leave notice. This will give the Academy more time to consider the request and hopefully agree a pattern of leave from the start.

If the employee wants to request split periods of SPL, they must set out the requested pattern of leave in their period of leave notice. The Academy will either agree to the request or start a two-week discussion period. At the end of that period, the Academy will confirm any agreed arrangements in writing. If we have not reached 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, the employee may:

- a) choose a new start date (which must be at least eight weeks after the date they submitted the notice requesting split periods of leave), and tell the Academy within five days of the end of the two-week discussion period; or
- b) withdraw the notice and tell the Academy within two days of the end of the two-week discussion period (in which case it will not be counted as a period of leave notice, and they may submit a new one if they choose).

An employee can cancel a period of leave by notifying the Academy in writing at least eight weeks before the start date in the period of leave notice.

An employee can change the start date for a period of leave by notifying the Academy in writing at least eight weeks before the original start date or the new start date, whichever is earlier.

An employee can change the end date for a period of leave by notifying the Academy in writing at least eight weeks before the original end date or the new end date, whichever is earlier.

An employee can combine discontinuous periods of leave into a single continuous period of leave.

An employee can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. The Academy does not have to grant the request but will consider it.

A notice to change or cancel a period of leave will count as one of the three period of leave notices, unless:

- a) it is a result of the child being born earlier or later than the EWC;
- b) the employee is cancelling a request for discontinuous leave within two days of the end of the two-week discussion period;
- c) it is at the Academy's request; or
- d) we agree otherwise.

Where the child is born early (before the beginning of the EWCA), the employee may be able to start SPL in the eight weeks following birth even though they cannot give eight weeks' notice. The following rules apply:

- a) If the employee has given a period of leave notice to start SPL on a set date in the eight weeks following the EWCA, but the child is born early, they can move the SPL start date forward by the same number of days, provided they notify the Academy in writing of the change as soon as they can. (If the period of leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)
- b) If the child is born more than eight weeks early and the employee wants to take SPL in the eight weeks following birth, please submit the opt-in notice and the period of leave notice as soon as possible.

The employee may be able to claim ShPP of up to 39 weeks (less any weeks of SMP or MA claimed by them or their partner) if they have at least 26 weeks' continuous employment with the Academy at the end of the Qualifying Week and the average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.

The employee should tell the Academy in their period of leave notice(s) whether they intend to claim ShPP during their leave (and if applicable, for what period). If it is not in the period of leave notice they can tell the Academy in writing, at least eight weeks before they want ShPP to start.



The terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual leave entitlement will continue to accrue at the rate provided under the contract. If the SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting the leave can be carried over and must be taken immediately before returning to work **OR** within three months of returning to work unless the Headteacher agrees otherwise. Please discuss holiday plans with the Headteacher in good time before starting SPL. All holiday dates are subject to approval by the Headteacher.

If the employee is a member of the pension scheme, the Academy will make employer pension contributions during any period of paid SPL, based on their normal salary, in accordance with the pension scheme rules. Any employee contributions the employee makes will be based on the amount of any shared parental pay they are receiving, unless they inform the Headteacher that they wish to make up any shortfall.

If the employee's post is affected by a redundancy situation occurring during their leave, the Academy shall write to inform the employee of any proposals and shall invite them to a meeting before any final decision is reached as to redundancies.

The Academy may make reasonable contact with the employee from time to time during the SPL although we will keep this to a minimum. This may include contacting the employee to discuss arrangements for their return to work.

The employee may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (**KIT days**) during SPL without bringing SPL to an end. This is in addition to any KIT days that they may have taken during maternity leave. KIT days are not compulsory and must be discussed and agreed with the Headteacher.

The employee will be paid at their normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

If the employee wants to end a period of SPL early, they must give the Academy eight weeks' written notice of the new return date. If they have already given the Academy three period of leave notices they will not be able to end their SPL early without the Academy's agreement.

If the employee wants to extend SPL, assuming they still have unused SPL entitlement remaining, they must give the Academy a written period of leave notice at least eight weeks before the date they were due to return to work. If they have already given three period of leave notices they will not be able to extend SPL without the Academy's agreement. The employee may instead be able to request annual leave or ordinary parental leave (see our Parental Leave Policy), subject to the needs of the Academy.

Employees are normally entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for the Academy to allow the employee to return into the same position, it may give the employee another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:



- (a) if the SPL and any maternity or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- (b) if the employee took SPL consecutively with more than four weeks of ordinary parental leave.

If the employee wants to change their hours or other working arrangements on return from SPL they should make a request under the Flexible Working Policy. It is helpful if such requests are made as early as possible.

If the employee decides they do not want to return to work they should give notice of resignation in accordance with their contract.

Expecting parents may wish to use an on line 'ready reckoner' to calculate any entitlement to maternity, paternity or shared parental leave, and how much (if any) statutory pay they will be entitled to during such leave. This does not take into account that Academy employees on maternity or adoption leave may also be eligible for additional 12 weeks contractual maternity pay.

F Time Off for Dependents

Employees have the right to take a reasonable period of **unpaid** time off work to deal with an emergency or sudden problem involving a dependent, such as illness, accident or an unexpected breakdown in care arrangements, and not to be dismissed or victimized for doing so.

In recognising Family Friendly issues, and at the discretion of Trust Leaders or Headteachers, the Trust may allow employees up to five days leave in a rolling year to assist them in managing a personal emergency. The Headteacher in consultation with the Chair of Governors will consider and agree how much leave is reasonable in the circumstances and whether or not it is paid.

Circumstances under which employees may take time off

The right enables employees to deal with an unexpected or sudden problem and make any necessary longer-term arrangements:

- if a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically;
- when a dependant is having a baby;
- to make longer term care arrangements for a dependant who is ill or injured;
- to deal with the death of a dependant; for example, to make funeral arrangements or to attend a funeral;
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when the childminder or nurse fails to turn up;
- to deal with an incident involving the employee's child during school hours; for example, if the child has been involved in a fight or is being suspended from school.

Definition of Dependant

A dependant is the partner, civil partner, child or parent of the employee, or someone who lives in the same household as the employee as part of their family, for example, this could be an elderly aunt or grandparent who lives in the household. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, for example, a live-in housekeeper.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

Amount of Time Off allowed

There is not a set limit to the amount of time off which can be taken. In most cases, the amount of leave will be 1 or 2 days at the most, but this will depend on individual circumstances. It should be remembered that these provisions relate only to an emergency involving a dependant, although an employee may be able to take a longer period of leave under other arrangements with the employer. For example, if a child falls ill, the leave should be enough to help the employee cope with the crisis - to deal with the immediate care of the child, visiting the doctor if necessary, and to make longer term care arrangements. It does not mean that the employee may take 2 weeks leave to look after a sick child.

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

Time Off will be without pay

The statutory right does not include a right to be paid. Whether or not the employee will be paid will depend on the existing terms and conditions of employment. These arrangements remain unchanged.

Notice employees are required to give

Employees need to tell the employers as soon as possible about their absence, the reason for it and how long they expect to be away from work. There may be times when an employee returns to work before it was possible to contact his or her employer, but he or she should still tell his or her employer the reason for the absence on return to work.

If an employee fails to notify the employer as set out above, they may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.

Refusal of Time Off

Employees who think they have been unreasonably refused time off, or victimised for taking it, may complain using the formal grievance procedure.

Employers may in some cases ask employees to provide evidence for their reasons for taking the time off, either in advance or on their return to work. Suspected abuse of this policy will be dealt with as a disciplinary issue under our Disciplinary Procedure

Other Requests for Leave of Absence and Suggested Approach

The Trust will consider requests for compassionate leave due to other traumatic events, such as the death of a close friend, or difficult personal circumstances on a case-by-case basis but generally, as outlined below.

If an employee is unable to return to work following compassionate leave or other leave, they should contact the Headteacher. The Academy may at its discretion grant the employee further unpaid compassionate leave in those circumstances.

If the employee needs longer term changes to their working arrangements, please talk with the Headteacher in the first instance and consider making a request under our Flexible Working Policy.

Requesting other leave

The Trust recognises that it may not always be possible to request compassionate or other leave in advance. However, where it is possible, the employee should make a request to the Headteacher. The employee should tell them the reasons for the request and the number of days leave they would like to take.

Where it is not possible to request leave in advance, the employee should contact the Headteacher as soon as possible to tell them the reason for their absence and the number of days they expect to be absent. Someone can do this on the employee's behalf if necessary.

In exceptional circumstances, the Trust may have to refuse a request for compassionate leave. We will give the employee a written explanation setting out our reasons. If the employee is dissatisfied with the decision, they may appeal to the Headteacher in writing within 10 days of receiving the written reasons

Death of a Partner or Child

- 2 weeks' paid leave
- additional leave at the discretion of the Headteacher/Academy

Death of a Relative or Close Friend

- up to 2 school days' paid leave
- a further 1 school day paid leave for travelling if out of the County
- an additional 5 school days' unpaid leave if appropriate decided by the Academy

A close relative means a spouse or partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, step-sibling, or sibling-in-law

Terminal Illness of Partner, Child, Near Relative or Close Friend

- the employee must be the main carer
- 2 weeks' paid leave to be taken when needed as appropriate
- up to 12 weeks' unpaid leave also to be taken when needed by the employee

Compassionate Leave

- in circumstances not covered by any of the above, at the discretion of the Academy
- up to 1 weeks paid leave
- up to 6 weeks' unpaid leave

Funerals

- 1 day's paid leave depending on the circumstances
- a further 1 school day paid leave for travelling if out of County
- if an employee intends to attend an overseas funeral then the Academy has the discretion to grant additional unpaid leave

Leave of Absence for Public Duties

Leave of absence with full pay is granted to enable employees to attend to public duties as a:

- Justice of the Peace;
- member of a local authority (including a parish council or a county council established under the Local Government Act 1972);
- member of a police authority;
- member of a relevant health body;
- member (in England and Wales) of the managing or governing body of an educational establishment maintained by a local authority and members of the governing body of a further or higher education corporation;
- member of the General Teaching Council for England and Wales;
- member of the Environment Agency or the Scottish Environment Protection Agency;
- member (in England and Wales) of boards of prison visitors, and in Scotland, prison visiting committees;
- member of the service authority for the National Criminal Intelligence Service or the service authority for the National Crime Squad;
- member of a water customer consultative panel.

Jury Service

- Employees should tell the Headteacher as soon as they are summoned for jury service and provide a copy of their summons if requested
- Depending on the demands of the Academy, we may request that an employee applies to be excused from or defer the jury service

Employers are not required by law to pay employees while they are absent on jury service. The Trust will pay the employee at their normal basic rate of pay, while they complete jury service up to a maximum of 2 weeks. If the period of jury service lasts longer than 2 weeks, the situation will be reviewed and at this point, employees may be required to claim money back through the court for loss of earnings. Employees will be advised at court of the expenses and loss of earnings that they can claim.

Court Action

- if the court action is external to the school, then leave will be granted on an unpaid basis
- if the court action is related to the person's employment, whether directly or as a witness, then paid leave would be granted

Agreed Training

- if the training has been agreed as part of the professional development of the employee (and therefore to the mutual benefit of the school and employee) leave with pay would be appropriate
- if the training is primarily to the benefit of the individual, unpaid leave would be appropriate but it would be at the Academy's discretion to vary this

Approved Union Activities for Accredited Representative

- necessary paid time off within the conditions of service

Staff Governor

- necessary time, with pay, to attend meetings

Governor/Trustee of a School other than own School

- reasonably necessary paid time off
- the Academy has the discretion to grant additional unpaid leave if appropriate

Interviews for Posts related to the Education Service

- paid leave for the duration of the selection process
- up to 1 school days' paid leave where necessary if out of County travel is involved



Interviews for Posts not related to Education

- as above, unpaid

Graduation Ceremony

- 1 school day's paid leave
- up to 2 school days' paid leave for travel if out of County

Hospital Appointments

- Trust policy is: all appointments to be made outside of school hours
- if unavoidably in school hours, necessary time off with pay

Optician and Dental Appointments

- outside school hours except in an emergency

Leave of Absence for Religious Observance

Many religions or beliefs have special festival or spiritual observance days. An employee may request holiday in order to celebrate festivals or attend ceremonies. The Academy should sympathetically consider such a request where it is reasonable and practical for the employee to be away from work, and they have, where appropriate, sufficient holiday entitlement in hand. Employees specifically contracted to work term time must be treated equally and consistently. For example, using the criteria mentioned above, employees contracted to work in term time should not be granted time off other than in exceptional circumstances to be decided by the Academy. The Academy should consider carefully whether the criteria for deciding who should and who should not be granted leave may indirectly discriminate. Staff may request annual leave, if appropriate, to coincide with religious festivals. Refusal to grant such leave may be discriminatory if it cannot be justified by a legitimate business need, which cannot be met by any other reasonable means.

Reserve forces duties

The Academy is aware that employees who are members of the Reserve Forces (the Army Reserve, Royal Naval Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be deployed on full-time operations, and are expected to attend regular training.

The Academy is under no obligation to offer leave (either paid or unpaid) for reservists to undertake training and where possible employees should use existing holiday entitlement to meet training commitments. At times the Trust may consider offering up to ten days special unpaid leave per year (in addition to existing paid holiday entitlements).

If the Academy receives notice that an employee has been called-up for active service, we may apply to an adjudication officer for the notice to be deferred or revoked if the absence

would cause serious harm to the Academy (which could not be prevented by the grant of financial assistance).

Once the military service has ended the employee may submit a written application for reinstatement to their employment. This should be made by the third Monday following the end of the military service and should notify the Academy of the date on which they will be available to restart work.

If it is not reasonable and practicable to reinstate the employee into their former employment, the Academy will offer the employee the most favourable alternative on the most favourable terms and conditions which are reasonable and practicable.

When calculating the length of continuous employment with the Academy, the period of absence on military service will not be counted. The period of employment before mobilisation and the period after reinstatement will be treated as continuous.

