



**Nurture: Inspire: Challenge - To develop - Creativity: Love of Learning: Excellence**

**Leave of Absence Policy**

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## **Introduction**

This policy serves to assist the headteacher and governing body in making decisions about requests for leave in accordance with legal, contractual and moral obligations and to ensure that such requests are dealt with fairly and consistently.

Any dispute or grievance about a request for leave of absence or payment during leave of absence will be dealt with through the schools grievance procedure.

If an employee takes leave of absence without the prior consent of the headteacher/senior manager this may warrant a sanction under the school's disciplinary policy.

## **Purpose and scope**

This procedure applies to all staff working in the school.

Teachers and 'term time only' support staff have contracts of employment which provide for annual holidays to be taken during school closures. There is therefore no contractual entitlement to time off during term time.

However, employees have an entitlement in law to time off work in certain circumstances, in some cases with pay. This procedure sets out these entitlements, including paternity leave, parental leave and time off for dependents.

It is also recognised that, from time to time, the school may agree to grant individual employees time off (paid or unpaid) during term time for a variety of reasons.

## **Absence entitlements**

The Conditions of Service for School Teachers in England and Wales (generally referred to as the Burgundy Book) gives some broad national agreements of leave of absence for teachers.

The Conditions of Service for Local Government Services (generally referred to as the Green Book) gives some broad national agreements of leave of absence for Local Government employees (generally support staff).

This policy takes account of the provisions of both the Burgundy book and the Green Book and sets them in the context of a predominantly term time only workforce. A schedule of entitlements for staff is attached at Appendix 1.

## **Requesting leave of absence**

Any employee is entitled to submit a request for time off giving reasons and appropriate notice. The headteacher or nominated manager will give due consideration to this request based on the merits of the case and, needs of the service and the employee's contractual arrangements.

The request form for Leave of Absence (Appendix 2) should be completed by all staff as appropriate.

Any implications arising from the decision should be discussed between the headteacher or nominated manager and the individual concerned. If the staff member is still not happy with

the decision they have the right to pursue a grievance in accordance with grievance procedure.

### **Absence without leave**

Staff who fail to attend their place of work (or if homeworking fail to make contact with the headteacher/line manager) and have not complied with the Attendance Policy reporting procedures; or do not have prior authorised leave under this policy, will be deemed to be absent without leave.

If a staff member fails to contact the headteacher/line manager during the first day of absence, the headteacher/line manager should attempt to make contact with the staff member by telephone/text/e-mail to establish why they are not at work; when they are due to return to work.

If the headteacher/line manager is unable to make contact with the staff member within the first two working days of absence, they should write to the staff member. The letter should instruct the staff member to contact the headteacher/line manager or other specified contact (**named**) immediately; remind them of the procedure for notification of absence and indicate the possible outcome/action should no contact be made (i.e. loss of pay, disciplinary action).

If there has still been no contact after 5 working days of absence, the headteacher/line manager should write to the staff member again, using recorded delivery. The letter should require that the staff member contact the headteacher/line manager or other specified contact (**named**) by a certain date (within 2 working days of sending the letter); remind them of the procedure for notification of absence; inform them of previous attempts made by headteacher/line manager to contact them and inform them that with immediate effect their pay will be suspended and failure to make contact within the date specified may result in disciplinary action being taken against them.

If the staff member still fails to make contact within the specified period the headteacher or nominated manager should consider whether to require the staff member to attend an investigatory meeting to establish the facts of the case or to move straight to a disciplinary hearing.

### **Inability to get to normal place of work/emergency school closure**

In the event of disruption to normal travel to work arrangements, for example, because of exceptionally poor weather conditions, employees should make every effort to get to school where it is safe to do so. This includes in circumstances where the school may be closed to pupils.

In some circumstances staff may be instructed to work from home (where the job role allows).

Where the headteacher considers it was not safe/possible for the employee to travel to school, or the headteacher instructed staff not to attend work, and it was not considered possible for an individual to work from home, time off with pay will be granted for the duration of the disturbance.

## **Family-friendly policies guidance**

### **Parental leave**

This section applies to all staff within the school. Parental leave applies to both parents and is distinct from maternity leave. A member of staff is entitled to parental leave (a period of unpaid leave) where they have been continuously employed for a year or more and:

- is the parent (named on the birth certificate) of a child who is under five years old
- has adopted a child under the age of 18 (the right lasts for five years from the date on which the child is placed for adoption, or until the child's 18th birthday, whichever is the sooner)
- has acquired formal parental responsibility for a child who is under five years old. A step-parent will have to apply to the court to acquire formal parental responsibility if they wish to take parental leave in respect of their spouse's child or children
- if the child is disabled (parent is claiming Disability Living Allowance) there is the right to 18 weeks parental leave up to the child's 18th birthday.

All members of staff are entitled to 18 weeks' unpaid leave in respect of each child who qualifies as above.

The key elements of parental leave are:

- leave may be taken in blocks of one week upwards (this minimum period does not apply in relation to a child with disabilities)
- the member of staff must give at least 21 days notice of taking leave
- the employer can postpone leave for up to six months, for example, for business reasons
- a member of staff may not take more than 4 weeks leave in respect of any individual child during one leave year
- outstanding parental leave can be carried over to a new employer, but a further one year qualifying period of service is needed before there is any entitlement to take this leave.

When a member of staff takes parental leave of four weeks or less, they are entitled to return to the job in which they were employed before the absence.

### **Time off for dependents**

This section applies to all staff within the school. This includes staff on fixed term contracts. In these circumstances, there is no qualifying period of service.

A dependent is defined as:

- a spouse or partner
- a child
- a parent
- someone who lives in the same household (with the exception of an employee, tenant, lodger or a boarder)
- anyone who reasonably relies on the member of staff either for assistance or to make care arrangements in the event of illness or injury.

These definitions also include partners or elderly relatives living with the family.

A member of staff is entitled to take a reasonable amount of unpaid time off to:

- help, or make care arrangements, when a dependent becomes ill, gives birth or is injured or assaulted
- make arrangements following the death of a dependent
- because of a disruption or termination of arrangements for the care of a dependent
- to deal with an incident involving a dependent child during school hours on a school trip or in other circumstances where the school has responsibility for the child.

The injury or illness need not be life-threatening and would include both physical and mental illnesses. A member of staff can exercise this right in the unexpected absence of a childminder, nanny or nurse.

The right to time off is intended to cover genuine emergencies – if members of staff know in advance that they will need time off, they should request annual leave or leave of absence.

It is the responsibility of the member of staff to:

- inform the school as soon as is reasonably practicable
- let the school know how long he or she expects to be off work, if this is possible.

It is not necessary for this notice to be given in writing. There is no requirement for the member of staff to produce evidence, either of their relationship to the dependent, or the incident that triggers a request for leave.

Where a request for time off for dependents has been refused and this is not accepted by the employee, initially the employee should seek to resolve the issue with the governing body. If this is unresolved, the employee should seek to use the grievance procedures.

If the school believes that the member of staff is abusing the right to time off, the matter should be dealt with through the disciplinary policy.

## **Maternity leave (teachers)**

### **Notification period**

There is requirement for a woman to provide notification of pregnancy to the school by the end of the 15th week before the expected week of confinement.

Under the statutory arrangements it will also be possible for a teacher to change the date her leave commences provided she gives 28 days' notice (unless this is not reasonably practicable).

Employees must notify the school of the following at least 28 days before their maternity leave absence begins:

- that they are pregnant
- the expected week of childbirth (EWC)
- the date they want their ordinary maternity leave to start (to be notified in writing if requested) This cannot be earlier than the 11th week before the EWC.

Schools can request the following:

- written notification of the date an employee wishes to start their maternity leave
- that an employee produces a MAT B1 certificate from a registered medical practitioner or a registered midwife stating the EWC.

### **Rights of the teacher to time off from work for maternity leave**

The statutory arrangements provide for the following:

Pregnant employees will be entitled to a total of 52 weeks leave. This is made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave, regardless of length of service.

### **Commencement of maternity leave**

The earliest date a woman is able to start her maternity leave will continue to be the beginning of the 11th week before her baby is due. A woman can choose to commence her maternity leave on any day of the week.

### **The sickness/maternity leave ‘trigger’**

A woman’s maternity leave will start automatically if she is absent from work for a pregnancy related illness during the four weeks before the start of her EWC, regardless of when she has said she actually wants her maternity leave to start.

### **Maternity pay**

A teacher must have 26 weeks continuous service with the employing local authority at the 15th week before the EWC and be in employment during the qualifying week. In addition, earnings must be above the lower limit for the payment of NI Contributions. Teachers who meet the criteria will be entitled to receive 39 weeks Statutory Maternity pay (SMP), as follows:

- 6 weeks at 9/10ths of a week’s pay
- 33 weeks at standard rate SMP.

The remaining 13 weeks leave are unpaid.

If a teacher is not entitled to SMP in accordance with the above they must be given a Form SMP1 so that they can claim Maternity Allowance (MA) from the Benefits Agency.

Teachers who also have one year’s continuous service with one or more local authorities at the 11th week before the EWC will receive 18 weeks Occupational Maternity Pay (OMP), as follows:

- 4 weeks at full pay
- 2 weeks at 9/10ths of a weeks’ pay
- 12 weeks at half pay, plus SMP, (reduced by the extent to which the combined half-pay and SMP may exceed full pay)
- 21 weeks Statutory Maternity Pay (SMP).

The remaining 13 weeks leave are unpaid.

Where a teacher has declared in writing that she intends to return to work she will receive half pay without deduction except to the extent that the half pay, plus SMP (or MA and any dependent's allowances if the employee is not eligible for SMP) exceeds full pay. This is paid on the understanding that a woman will return to the school's employment for at least 3 months.

In the event of the teacher not returning to our employment the employee will be required to refund the 12 weeks half pay. If the employee is uncertain about their future intentions, they may wish to delay their decision on receiving payment of their Occupational Maternity Pay until a later date.

### **Acknowledging requests for maternity leave**

Employers must write to the employee within 28 days of receiving the notice from the employee, and inform the employee of their expected date of return should they take their full entitlement.

### **Notification of return to work**

Under the statutory arrangements, where a teacher wants to return to work early from ordinary maternity leave or from additional maternity leave, she must give 28 days' notice. Where this notice is not given, the employer may postpone return for up to 28 days from the date when the teacher informs the employer of the early return.

### **Maternity leave (support staff)**

The following information is a summary of the new statutory rights, and includes details regarding the National Joint Council for Local Government Services Maternity Scheme, covering non-teaching staff.

### **Notification period**

There is a requirement for a woman to provide notification of pregnancy to the school by the end of the 15th week before the expected week of confinement.

Under the statutory arrangements it will also be possible for an employee to change the date her leave commences provided she gives 28 days' notice (unless this is not reasonably practicable).

Employees must notify the school of the following at least 28 days before their Maternity Leave absence begins:

- that they are pregnant
- the expected week of childbirth (EWC)
- the date they want their Ordinary Maternity Leave to start (to be notified in writing if requested). This cannot be earlier than the 11th week before the EWC.

Schools can request the following:

- written notification of the date an employee wishes to start their Ordinary Maternity Leave
- that an employee produces a MAT B1 certificate from a registered medical practitioner or a registered midwife stating the EWC.

### **Rights of support staff to time off for maternity leave**



Pregnant employees will be entitled to 52 weeks Maternity Leave regardless of how long they have worked for their employer.

### **Maternity leave and pay scheme**

The National Joint Council (NJC) for Local Government Services Maternity Scheme will apply to school employees other than teachers.

### **Commencement of maternity leave**

The earliest date a woman is able to start her maternity leave will continue to be the beginning of the 11<sup>th</sup> week before her baby is due. Maternity leave can commence on any day of the week.

### **The sickness/maternity leave ‘trigger’**

A woman’s maternity leave will start automatically if she is absent from work for a pregnancy related illness during the four weeks before the start of her EWC, regardless of when she has said she actually wants her maternity leave to start.

### **Maternity pay (support staff)**

An employee must have 26 weeks continuous service with the employing local authority at the 15th week before the EWC and be in employment during the qualifying week. In addition, earnings must be above the lower limit for the payment of NI Contributions. Employees who meet the criteria will be entitled to receive 39 weeks Statutory Maternity Pay (SMP), as follows:

- 6 weeks at 9/10ths of a week’s pay
- 33 weeks at standard rate SMP.

The remaining 13 weeks leave are unpaid.

If an employee is not entitled to SMP in accordance with the above they must be given a form SMP1 so that they can claim Maternity Allowance from the Benefits Agency.

Employees with at least 1 years continuous service at the 11<sup>th</sup> week before the EWC will be entitled to the following

- 6 weeks at 9/10ths of a week’s pay
- 12 weeks at half pay, plus SMP, reduced by the extent to which the combined half-pay and SMP may exceed full pay
- 21 weeks Statutory Maternity Pay (SMP).

The remaining 13 weeks leave are unpaid.

Where an employee has declared in writing that she intends to return to work she will receive half pay without deduction except to the extent that the half pay, plus SMP (or MA and any dependent’s allowances if the employee is not eligible for SMP) exceeds full pay. This is paid on the understanding that a woman will return to the school’s employment for at least 3 months.

In the event of the employee not returning to our employment the employee will be required to refund the 12 weeks half pay. If the employee is uncertain about their future intentions,

they may wish to delay their decision on receiving payment of their Occupational Maternity Pay until a later date.

### **Acknowledging requests for maternity leave**

Employers must write to the employee within 28 days of receiving the notice from the employee, and inform the employee of their expected date of return should they take their full entitlement.

### **Notification of return to work**

If requested, employees must notify the school in writing at least 7 days before the day on which they propose to return if this is before the end of the 26 weeks ordinary maternity leave. Where the notice given is less than 7 days the school may postpone the employee's return to ensure 7 days' notice, but not beyond the end of the maternity leave period.

If requested, employees must notify the school in writing at least 21 days before the day on which they propose to return if this is before the end of the additional maternity leave period. Where the notice given is less than 21 days the school may postpone the employees return to ensure 21 days' notice, but not beyond the end of the additional maternity leave period.

### **Paternity leave - birth & adoption (teachers)**

There is currently no occupational entitlement to paternity leave, either with or without pay, set out in the Conditions of Service for Teachers in England and Wales (the Burgundy Book). It is not therefore intended to introduce any new clause into conditions of service for teachers, but the minimum statutory provisions apply to teachers.

However, up to 3 days paid Special Leave, normally around the time of the birth, may be granted by the governors. In such cases the school may request appropriate proof of the relationship and the expected week of confinement, or a written declaration that he or she is in an enduring relationship with the mother, will be responsible for the upbringing of the child and will be taking time off to support the mother of the child or care for the child. As this is a locally agreed term and condition, there is no qualifying period of service, as with the Statutory Paternity Leave described below.

### **Ordinary paternity leave - birth and adoption (teachers and support staff)**

To qualify the employee will have worked continuously for 26 weeks ending with the 15<sup>th</sup> week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child. Paternity leave is available to employees who:

- have (or expect to have) responsibility for the child's upbringing
- are the biological father of the child or the mother's husband or partner **and**
- have worked continuously for their employer for 26 weeks ending with the 15<sup>th</sup> week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.

### **Ordinary paternity pay – teachers**

Those who are eligible can choose to take either one week or two consecutive weeks' paid paternity leave (not odd days) at the current rate of SMP.

### **Ordinary paternity pay – support staff**

Those who are eligible can choose to take either one week or two consecutive weeks' paid paternity leave. Paternity pay for employees on NJC terms and conditions:

- one week's pay at normal rate
- one week's pay at SSP or 90% of average earnings, whichever is the less.

Employees who do not qualify for SSP can apply for paternity benefits by completing form SPP1.

### **Additional paternity leave and pay**

For additional paternity leave to be taken the child's mother or adopter must have returned to work. Additional paternity leave allows employees who are eligible to take up to 26 weeks leave to care for their new baby.

APL can only be taken if the mother is entitled to maternity leave and/or SMP or Maternity Allowance (MA) and she has returned to work or is treated as returning to work. Additional paternity leave and pay may be available if:

- you are the father of a child
- your wife, partner or civil partner is pregnant and due to give birth
- you and your partner receive notification that you are matched with a child for adoption
- your wife, partner or civil partner is adopting a child from overseas and the child enters the UK
- the child's mother is entitled to statutory maternity leave, maternity pay or allowance or statutory adoption leave or pay.

Additional paternity leave is for a maximum of 26 weeks. Leave can be taken any time from 20 weeks after the child is born, but it must have finished by the child's first birthday. In the case of adoption it can start anytime between 20 weeks and 52 weeks after the child starts living with the adopter.

To qualify for additional paternity leave and pay employers must receive notice in writing at least eight weeks before the start of the leave. This must include:

- the expected date of the baby's birth or date notified of being matched for adoption
- the actual date of the baby's birth or placement of adoption
- the start date of the additional paternity leave and pay
- relationship to the mother.

An employee cannot take longer APL for a multiple birth although they may be able to take parental leave if they qualify for it.

### **Additional statutory paternity pay (teachers and support staff)**

Statutory Paternity Pay (at the birth), or 90% of your average earnings if that is less than SPP.

## How to give notice for APL and ASPP

You must give your employer at least eight weeks notice before the date you wish to start APL and/or ASPP. Notice must be given in writing stating:

- your full name
- your baby's expected week of childbirth
- your baby's date of birth, and
- the dates you wish to start and end your APL and/or ASPP.

You must also give your employer a signed declaration stating that:

- the information in your written notice is correct
- you are taking APL and/or ASPP to care for your child **and**
- you are the child's father or the mother's husband, partner or civil partner (including same sex partners) and you are responsible for the child's upbringing.

The mother must also give a signed declaration stating:

- her name and address and National Insurance number
- the date she intends to return to work, or will be treated as returning to work, and that she has given her employer notice that she is returning to work
- that she is entitled to SMP or MA and the date her SMP or MA started
- that the person taking APL is the child's father or the mother's husband, partner or civil partner and is responsible for the child's upbringing and is the only person, to her knowledge, taking APL and/or ASPP in respect of their child **and**
- that she consents to the employer processing the information required in the declaration.

Your employer must confirm the dates of your APL and/or ASPP in writing within 28 days of receiving your notice to take APL.

An employer must respond to an employee's notification of intention to take additional paternity leave and pay within 28 days of receiving the notice and all the information that the employee is required to provide.

The employer's response must be in writing and must confirm the start and end dates of the additional paternity leave period. If the employee is entitled to additional paternity pay, the employer's response must include confirmation of the start and end dates of the employee's entitlement to additional paternity pay.

The school will take this opportunity to provide details of practicalities such as arrangements for keeping-in-touch days, and notification procedures should the employee wish to return earlier than the notified return date.

An employee may cancel their APL and/or ASPP, or change the start and end dates of their APL and/or ASPP, provided the employer is given written notice at least six weeks before the old or the new date, whichever is earliest. If it is not possible to give six weeks' notice the employee should give notice as soon as reasonably practicable.

### **Maternity support leave**

Maternity support leave (MSL) provided by the Local Government Scheme is a similar entitlement to paternity leave. There is no qualifying period for this entitlement. This means that employees who qualify for both will be entitled to one week's MSL at full pay and a

second weeks PL at the current rate of SMP or 90 per cent of their average weekly earnings, whichever is less.

### **Adoption leave and pay (teachers and support staff)**

Where a couple adopt a child, only one parent is entitled to take adoption leave. The other parent may be able to take paternity leave (see under heading paternity leave). This includes same-sex couples.

An eligible employee can take up to 52 weeks adoption leave. This is made up of 26 weeks ordinary adoption leave and 26 weeks additional adoption leave. To qualify for adoption leave, an employee must:

- be newly matched with a child for adoption by an adoption agency
- have worked continuously for their employer for 26 weeks ending with the week in which they are notified of being matched with a child for adoption.

Adoption leave and pay are available to:

- individuals who adopt
- one member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave).

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity or additional paternity leave and pay (see above).

Employees must give their employer documentary proof to show that they have the right to paid statutory adoption leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK.

Statutory adoption leave can start either:

- from the date the child starts living with the employee
- up to 14 days before the date the child is expected to start living with the employee.

Employees should tell the employer within seven days of being told that they have been matched with a child, if this is not possible they must tell the employer as soon as possible.

Statutory adoption pay will be payable in the same way and at the same time by the employer. If the employee qualifies it will be payable for 39 weeks at the statutory rate.

Payment for employees with less than 1 year's continuous service, but more than 26 weeks continuous service will be their entitlement to statutory adoption pay (SAP), which will be:

- 6 weeks at 9/10th of a weeks' pay
- 33 weeks at the current rate of statutory adoption pay (or 9/10th of average weekly earnings if this is less than SAP).

Payment for employees with at least 1 years' continuous service will be:

- 6 weeks at 9/10th of a weeks' pay (offset against payments made by way of SAP)
- 12 weeks half pay without deduction except to the extent that half-pay plus SAP exceeds full pay.

- 21 weeks statutory adoption pay. SAP is the same as the standard rate of statutory maternity pay.

The remaining 13 weeks leave are unpaid.

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions will not qualify for SAP and should seek advice from the Benefits Agency. An employee is entitled to a maximum of 3 days paid leave prior to placement for assessment purposes to be taken in multiples of half days. An employee is also entitled to a maximum of 7 days paid leave around the time of placement to make any pre-adoption arrangements necessary.

Employees with less than 26 weeks service will be entitled to take up to six (6) weeks unpaid leave from the date of adoption of a child.

If an employee wishes to change the start date of their adoption leave before the start of their leave then they must give the headteacher/nominated manager at least 28 days notice of the change of date.

Employers must write to the employee within 28 days of receiving the employees' notification of their leave plans. Employers will need to write to the employee setting out the date on which they expect the employee to return to work if the full entitlement (ordinary and additional adoption leave) to adoption leave is taken.

Employees will be sent documentary evidence/matching certificate from the adoption agency when they are matched with a child. Employees should present this certificate as proof of their entitlement to adoption leave. The matching certificate includes basic information on matching and expected placement dates.

### **Return to work after adoption leave**

Employees who intend to return to work at the end of their full adoption leave entitlement do not have to give any further notification to the headteacher/nominated manager.

Employees who want to return to work before the end of their adoption leave period must give the headteacher/nominated manager 28 days' notice of the date they intend to return. If an employee fails to give sufficient notice, employers can postpone the employee's return so that 28 days' notice is given. However, an employee's return cannot be postponed beyond the date on which the leave would normally end.

### **The right to return to work**

Providing an employee fulfils the necessary requirements outlined previously, he or she has the right to return to the job in which they were employed under their original contract of employment and on terms and conditions not less favourable than those which would have been applicable had the employee not taken adoption leave.

Where it is not practicable, by reason of redundancy or re-organisation, for the school to permit an employee to return to their original position, the employee shall be entitled to be offered a suitable alternative vacancy where one exists. This is provided that the work to be done in that post is suitable to the employee and appropriate to the circumstances, and that the capacity and place in which the employee is to be employed and terms and conditions of employment are not substantially less favourable than the employee's original job.

### **Flexible working guidance**

Flexible working regulations were designed to protect the needs of employees with caring responsibilities in the home, and give any employee with a minimum of 26 weeks service the right to request flexible working arrangements.

The employee can only make an application to care for either:

- a child aged 17 or under
- a disabled child who is under 18 **and** is in receipt of disability living allowance (DLA)
- certain adults who require care.

A carer can request flexible working if they care, or expect to be caring, for either:

- a spouse, partner, civil partner or relative
- someone who lives at the carer's address.

A relative is a mother, father, adopter, adoptee, guardian, special guardian, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, uncle, aunt or grandparent. Step-relatives, adoptive relationships and half-blood relatives are also included.

The facility to apply for flexible working is available to all staff.

It should be noted that the advice in this guideline document does not assume an automatic entitlement to work flexibly. It is the responsibility of the headteacher/nominated manager, in conjunction with the school governing body, to authorise flexible working in accordance with legislation covered in these guidelines. Each request should be considered on its merits and on the case put forward.

In every case, the needs of the individual member of staff should be balanced against the needs of the school.

### **Flexible working and the issue of "Work/Life Balance"**

**The right to apply to work flexibly (see Appendices 3 and 4)**

Parents of children aged under 17 years, or of disabled children aged under 18 years, and carers as defined above have a right to apply to work flexibly. Employers have a statutory duty to consider their applications seriously.

This right enables parents and carers to request to work flexibly. It does not provide an automatic right to work flexibly as there may be circumstances when the employer is unable to accommodate the employee's desired work pattern.

The right is designed to meet the needs of both parents/carers and employers. It aims to facilitate discussion and encourage both parties to consider flexible working patterns and find a solution that suits them both. The employee has a responsibility to think carefully about their desired working pattern when making an application and the employer is required to follow a specific procedure to ensure requests are considered seriously.

Eligible employees will be able to request the following:

- a change in the hours they work (staggered, compressed etc)
- a change to the times when they are required to work
- to work from home.

The initial onus will be on the employee to make a considered application in writing. They will be able to make only one application a year under the right, and if it is accepted it will mean a permanent change to the employee's contract of employment, unless the employer and employee agree otherwise.

### **The responsibilities of the school**

Within 28 days the employer must arrange to meet with the employee to discuss the application. The employee will, if they so wish, be entitled to bring a companion to the meeting.

Within 14 days after the date of the meeting the employer must write to the employee to either agree to a new work pattern and a start date; or to provide a clear explanation of reasons why the application cannot be accepted. The employee has a right to appeal against their employer's decision within 14 days of it being notified to them.

### **Other policies and procedures**

This policy will be supported by the following policies and procedures:

- Grievance Policy
- Disciplinary Policy



## Appendix 1: Leave entitlements for all school based staff

Note: All requests for leave are to be submitted to, and approved as appropriate, by the headteacher or nominated manager prior to the leave being taken.

The term 'close relative' should normally include spouse, partner, parent, sibling or child

<b>Type of request</b>	<b>Support Staff</b>	<b>Teachers</b>
<b>Unpaid Leave of Absence</b>	Individuals should make use of periods of school closure, their annual leave entitlements (where applicable) and flexible working hours provision as appropriate, before making such requests for unpaid leave of absence.	Where there is contractual flexibility individuals should make use of applicable paid leave entitlements, periods of school closure and flexible working hours provision, before making such requests for unpaid leave of absence.
<b>Bereavements</b>	Maximum 3 days paid leave except in exceptional circumstances where individual cases will be treated on merit. Parents, spouse/partner/sibling children Any other persons deemed appropriate by the headteacher/manager.	Maximum 3 days paid leave except in exceptional circumstances where individual cases will be treated on merit. Parents, spouse/partner/sibling children Any other persons deemed appropriate by the headteacher/manager.
<b>Funerals</b>	One day paid leave. Husband/Wife/Partner Son/Daughter Parents Parents-in-law Brothers/Sisters Grandparents Funerals other than above may be approved with or without pay at the discretion of headteacher /manager	One day paid leave. Husband/Wife/Partner Son/Daughter Parents Parents-in-law Brothers/Sisters Grandparents Funerals other than above may be approved with or without pay at the discretion of headteacher/manager
<b>Weddings</b>	Wedding of an immediate member of family member, i.e. child, brother, sister, parent – as may be approved by headteacher/manager, with salary.  Wedding other than above – one day. Without salary.	Wedding of an immediate member of family, i.e. child, brother, sister, parent – as may be approved by headteacher/manager, with salary.  Wedding other than above – one day. Without salary.

<b>Degree Graduation ceremonies</b>	Graduation ceremony of self or any immediate family member receiving degree/award/prize, 1 day with salary.	Graduation ceremony of self or any immediate family member receiving degree/award/prize, 1 day with salary.
<b>Speech day attendance</b>	Parent of the child receiving the prize - ½ day, with salary.	Parent of the child receiving the prize - ½ day, with salary.
<b>Attendance/ Observance of Religious Festivals</b>	<p>Requests for time off for religious observance should be considered sympathetically and accommodated wherever possible, although extended absences (in excess of two weeks) will need to be balanced with the operational needs of the school.</p> <p>Individuals should make use of their Annual Leave provision (where appropriate) and flexible working provision, where appropriate before making requests for unpaid leave of absence.</p>	<p>Requests for time off for religious observance should be considered sympathetically and accommodated wherever possible, although extended absences (in excess of two weeks) will need to be balanced with the operational needs of the school.</p> <p>Individuals should make use of any flexible working provision, where appropriate, before making requests for unpaid leave of absence.</p>
<b>Donors</b>	Paid leave, if can be accommodated.	Paid leave, if can be accommodated.
<b>Employment Interviews</b>	For Local Government interviews, time off with pay.	Interview for another teaching post, time off with pay.
<b>Attendance at approved courses</b>	As may be approved by the headteacher/manager, with salary.	As may be approved by the headteacher/manager, with salary.
<b>Approved Examinations</b>	For each half day of approved examination - half day paid leave. Other than approved, without pay. Sitting for an approved examination – not more than 5 days – only to be exceeded in exceptional circumstances as approved by the headteacher. Without salary.	For each half day of approved examination - half day paid leave. Other than approved, without pay. Sitting for an approved examination – not more than 5 days – only to be exceeded in exceptional circumstances as approved by the headteacher. Without salary.
<b>Attendance at examiners' meetings</b>	N/A	Attendance at meetings of examination board – as may be essential with the approval of the headteacher/manager. With salary.

<b>Statutory Tribunals</b>	Paid leave of absence if attending in official capacity. School to deduct any allowance received.	Paid leave of absence if attending in official capacity. School to deduct any allowance received.
<b>Trade Union Courses/ Seminars/ Conferences</b>	Please refer to Local Authority Facilities agreement, as appropriate.	Please refer to Facilities for Teacher Union Representatives arrangements.
<b>National educational conferences</b>	Conferences on educational matters, as may be permitted. With salary.	Conferences on educational matters, as may be permitted. With salary.
<b>Governing Body (Member of) (All Employees)</b>	Attendance at a meeting of a Governing Body, as essential, with salary. "No loss" basis. School to deduct any allowance paid.	Attendance at a meeting of a Governing Body as necessary, with salary. Attendance at a meeting as an elected or co-opted member of a Local Governing Body as may be considered necessary. With salary.
<b>Candidates for Municipal Elections (All Employees)</b>	Prospective candidate at Parish, District or County elections – Polling days, with salary.  Prospective Parliamentary candidate three weeks including the day following the election, without salary.	Prospective candidate at Parish, District or County elections – Polling days, with salary.  Prospective Parliamentary candidate three weeks including the day following the election, without salary.
<b>Civic Duties</b>	If Mayor(ess)/Consort or Deputy Mayor(ess)/Consort are employees – with salary.	If Mayor(ess)/Consort or Deputy Mayor(ess)/Consort are employees – with salary.
<b>Election Duties</b>	Staff, who assist at elections as Presiding Officers, Poll Clerks and Counting Clerks, within the administrative area of this Authority. Leave of absence with pay from their normal duties.	Where contractual obligations allow, staff who assist at elections as Presiding Officers, Poll Clerks and Counting Clerks, within the administrative area of this Authority. Leave of absence with pay from their normal duties.
<b>Local Authority (Member of)</b>	Paid leave for up to 28 days per municipal year, subject to individual assessment where leave appears to be insufficient	Paid leave for up to 28 days per municipal year, subject to individual assessment where leave appears to be insufficient

<b>Health Authority (Member of) (All Employees)</b>	Attendance at a meeting as a member of a statutory body, e.g. Regional or Area Health Authority as necessary, with salary.	Attendance at a meeting as a member of a statutory body, e.g. Regional or Area Health Authority as necessary, with salary.
<b>Duties of Justice of the Peace</b>	Paid leave of absence. School may deduct any allowance received.	Paid leave of absence. School may deduct any allowance received.
<b>Jury Service (All Employees)</b>	With pay. Employee to claim any Juror's Allowance: such amount received to be deducted from pay.	With pay. Employee to claim any Juror's Allowance: such amount received to be deducted from pay.
<b>HM Non Regular Forces (Service in) (All Employees)</b>	Attendance at annual camp as volunteer member of Territorial Army or Officer of a Cadet Force. Up to two weeks with discretion in special cases, with salary.  Officers required to undertake training additional to summer camp who are unable to arrange for such training on days when they would not normally be working - paid leave of absence recommended (maximum of 16 days per annum) by National Agreement.	Attendance at annual camp as volunteer member of Territorial Army or Officer of a Cadet Force. Up to two weeks with discretion in special cases, with salary.  Officers required to undertake training additional to summer camp who are unable to arrange for such training on days when they would not normally be working - paid leave of absence recommended (maximum of 16 days per annum) by National Agreement.
<b>Holiday with partner</b>	This provision is intended primarily for support staff with partners in HM Forces and to meet cases where the employee's spouse is compelled to take his or her main annual holiday during term time.	This provision is intended primarily for teachers with partners in HM Forces and to meet cases where the teacher's spouse is compelled to take his or her main annual holiday during term time.
<b>Special Constables</b>	Paid leave of absence.	Paid leave of absence.
<b>Retained Fire Fighters</b>	Paid leave of absence.	Paid leave of absence.
<b>House Removal</b>	1 day with pay (term time staff)	1 day with pay.

<b>Mountain Fell Rescue and Cave Rescue and Community First Responders</b>	Paid leave with headteacher discretion	Paid leave with headteacher discretion
<b>Maternity/ Paternity/ Adoption Leave</b>	Please refer to relevant document.	Please refer to relevant document.
<b>Special Leave</b>	Discretion of the Headteacher, with or without pay.  Urgent private or family business – as may be approved by the Headteacher. With or without salary.	Discretion of the Headteacher, with or without pay.  Urgent private or family business – as may be approved by the Headteacher. With or without salary.

#### **Governance Duties (with pay)**

1 day annually – information gathering in school  
6 days participation in working parties/committees  
3 days max – recruitment

## Appendix 2

### Request for Leave of Absence (time off in term time)

**Part A - for completion by employee**

<b>School:</b>	
<b>Name:</b>	
<b>Job Title:</b>	

- Type of Time Off Requested:**
- Parental Leave
  - Compassionate Leave
  - Time off for Dependents
  - Reserve Forces
  - IVF
  - Medical Screening
  - Blood donation
  - Religious observance
  - Witness Duty
  - Jury Service
  - Union duties
  - Public duties
  - Other (please detail)

Dates of requested time off:	From	To
Times of absence: (if part-day leave)	From	To
Actual number of working days absent:	days	
Reason for request: <i>(please give details of circumstances)</i>		

Signed:		Date:	
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**Request for Leave of Absence (time off in term time)**

**Part B - for completion by Headteacher (or line manager where applicable)**

<b>School:</b>	
<b>Name:</b>	
<b>Job Title:</b>	

Dates of requested time off:	From	To
Times of absence: (if part-day leave)	From	To
Actual number of working days absent:	days	

- Time off APPROVED**
- With Pay
- Without Pay (**Headteacher to inform payroll**)
- Time off NOT APPROVED**

**SIGNED:** (*Headteacher or line manager*)

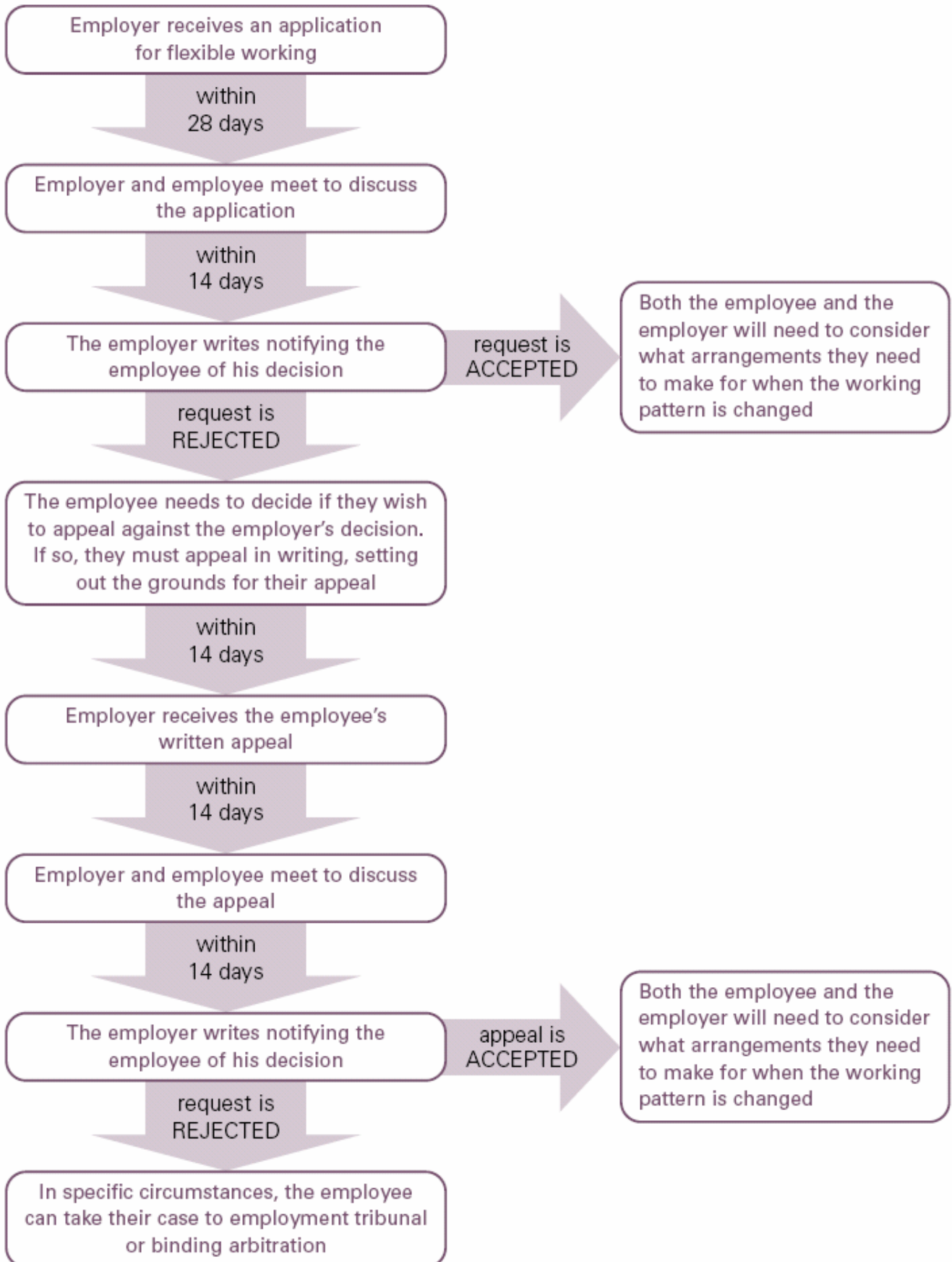
**DATE:**

**Date result conveyed to employee:**

**Completed form (both part A and part B) to be held by School**

**NB If leave is to be unpaid, copy part B only to payroll**

### Appendix 3: Flexible working requests flowchart





## Appendix 4: Flexible Working Request Form

### Note to the employee

You can use this form to make an application to work flexibly under the right provided in law to help eligible employees care for their children or for an adult.

You should note that under the right it may take up to 14 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid.

When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

Once you have completed the form, you should immediately forward it to your line manager (you might want to keep a copy for your own records) who will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

### 1. Personal Details

Name:

Post:

Line Manager:

### To the employer

I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I meet each of the eligibility criteria as follows:

#### Either

- I have responsibility for the upbringing of either:
  - [ ] a child under 17; or
  - [ ] a disabled child under 18.
- I am:
  - The mother, father, adopter, guardian, special guardian or foster parent of the child; or
  - Married to, or the partner or civil partner of, the child's mother, father, adopter, guardian, special guardian or foster parent.
- I am making this request to help me care for the child.

Or

- I am, or expect to be, caring for an adult.
- I am:
  - The spouse, partner, civil partner or relative of the adult in need of care; or
  - Not the spouse, partner, civil partner or relative of that adult, but live at the same address.
- I am making this request to help me care for the adult in need of care.

- I have worked continuously as an employee of the company for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Date of any previous request to work flexibly under this right:

If you are unable to tick all of the relevant boxes then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you will have to explore this separately with your line manager.

**2a. Describe your current working pattern (days/hours/times worked):**

**2b. Describe the working pattern you would like to work in future (days/hours/times worked):**

**2c. I would like this working pattern to commence from:**

Date:

**3. Impact of the new working pattern**

I think this change in my working pattern will affect my employer and colleagues as follows:

**4. Accommodating the new working pattern**

I think the effect on my employer and colleagues can be dealt with as follows:

Employee Signature: ..... Date:.....

**This form should be passed to your employer**

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**Note to employer:**

**You must meet with the employee within 28 days of receipt of the application to work flexibly:**

**Employer's Confirmation of Receipt** (to be completed and returned to employee)

Date

Dear

I confirm that I received your request to change your work pattern on (insert date)

I have arranged a meeting on (insert date) at (insert time) to discuss the content of your Application Form.

If you wish you may be accompanied by a colleague or your trade union representative.

Yours sincerely

Name

Job Title

## Appendix 5: Flexible working application acceptance form

### Note to the employer

You must write to your employee within 14 days following the meeting with your decision. If you cannot accommodate the requested working pattern you may still wish to explore alternatives to find a working pattern suitable to you both.

Please note that Appendix 6: Flexible working application rejection form, should be used if the employee's working pattern cannot be changed, and no other suitable alternatives can be found.

Date

Dear

Following receipt of your application and our meeting on: (date) I have considered your request for a new flexible working pattern.

I am pleased to confirm that I am able to accommodate your application. OR

I am unable to accommodate your original request. However, I am able to offer the alternative pattern which we have discussed and you agreed would be suitable to you.

Your new working pattern will be as follows:

Your new working pattern will begin from: (date)

The change in your working pattern will normally be a permanent change to your terms and conditions of employment and you have no right in law to revert to your previous working pattern, unless otherwise agreed.

Yours sincerely

Name

Job Title

## Appendix 6: Flexible working application rejection form

### Note to the employer

You must write to your employee **within 14 days** following the meeting with your decision. This letter can be completed by you when declining an application. However, you must ensure that full consideration has been given to the application. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in the circumstances.

Date

Dear

Following receipt of your application and our meeting on: (date) I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request for the following business ground(s):

The grounds apply in the circumstances because:

*(You should explain why any other work patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary).*

If you are unhappy with this decision you have the right to appeal against it, and you must write to me setting out your grounds for appeal within 14 days after receiving written notice of the decision

Yours sincerely

Name

Job Title

### To the employer

If you reject your employee's request for flexible working, your employee has the right to appeal against your decision.

If your employee appeals against your decision to refuse a request for flexible working, you must arrange a meeting with your employee to discuss the appeal within 14 days after receiving the appeal letter.

After the meeting has been held you must write to your employee within 14 days to notify him of the outcome of the appeal.

## Appendix 7: Flexible working employee appeal template letter

You can use this letter to tell your employer you wish to appeal against your employer's decision about your application to work flexibly.

Date

Dear

I am appealing against your decision to decline my application for flexible working on the following grounds:

Please continue on a blank sheet if necessary

Yours sincerely

Name: [your name]

## Appendix 8: Flexible working appeal reply

### Note to the employer

You should reply to an appeal that an application to work flexibly has not been properly considered. You must give notice of your decision, **within 14 days** after the meeting at which you both discussed the appeal. If you decide to turn down the appeal, you must state the grounds for your refusal.

Headed paper

Date

Dear:

**Following our meeting on XX, I have considered your appeal against the decision to refuse your application to work a flexible working pattern.**

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from: (date)

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

Yours sincerely

Name  
Job title

## Appendix 9: Flexible working extension of time limit form

### Note to the employer

This letter is provided for you to complete when confirming agreement with your employee that you wish to extend a time limit for part of the procedure, from that set out in the regulations. You may extend the time limit for any part of the process, providing your employee agrees to the extension.

Date

Dear:

I wish to extend the amount of time that the regulations allow me to:

- Arrange a meeting to discuss your application (28 days)
- Notify you of my decision regarding your application (14 days)
- Arrange a meeting to discuss your appeal (14 days)
- Notify you of my decision regarding your appeal (14 days)

I wish to extend the time limit to      days. This means that I will have until:      (date) to complete the necessary action. I need the extra time for the following reason:

If you agree to this extension, please complete the slip below and return it

Yours sincerely

Name  
Title

---

### Note to the employee

To allow proper consideration of your request, your employer may wish to extend the permitted time limit for any part of the process. Your employer will need your agreement to any extension of the time limit. If you agree to the above request, please complete the agreement slip below and return it to your employer.

### Employee's Agreement to Time Extension (to be completed and returned to employer)

Dear

I accept your request to extend the amount of time to:      (date).

Yours sincerely



## Appendix 10: Flexible working notice of withdrawal form

### Note to the employee

This form provides notification to your employer that you wish to withdraw your application to work flexibly. Once you have withdrawn your application, you will not be able to make another application until 12 months from the date your original application was made.

Date

Dear:

I wish to withdraw my application to work flexibly which I submitted to you on: (date).

I understand that I will not be able to make another application until twelve months after the above date.

Yours sincerely

Your name

### Note to the employer

Once your employee has completed this letter and returned it to you, the application is considered as withdrawn and you are not required to give it any further consideration. You should send the letter below to confirm your receipt of the withdrawal notice

#### Employer's Confirmation of Withdrawal (to be completed and returned to employee)

Date

Dear

I confirm that I have received notice that you wish to withdraw your application for flexible working which you submitted to me on: (date).

Under the right to apply, you will not be eligible to submit another application until twelve months after the above date.

Yours sincerely

Name

Job title