

(please also refer to Leave Policy and Summary Charts)

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Produced for Academies and Independent Settings by NYHR.

1. Introduction

This guidance provides further clarity regarding the statutory, contractual and discretionary leave entitlements outlined within the Leave Policy and Summary Charts, and should be read in conjunction with this document.

Where there is a choice as to the timing of when leave will be taken, the default position for school staff is that leave should be taken in school holiday periods wherever possible. Authorisation of leave during term time will only be granted in exceptional circumstances, or where the statutory or contractual leave provisions allow.

2. Statutory leave

Leave category	Guidance
Adoption	Please see further guidance in the NYHR template Parental Leave Policy.
Antenatal for	All pregnant employees are entitled to paid time off to attend antenatal appointments. Time off for antenatal
expectant	care should be paid at the employee's normal rate of pay. Antenatal care may include relaxation and parent
mothers	craft classes, as well as medical examinations related to the pregnancy. The entitlement to paid time off for
	antenatal appointments applies regardless of the employee's length of service. The employer can ask for appointment cards/evidence except for the very first appointment.
Dependants	It is inevitable that emergencies and unforeseen situations involving dependants will arise from time to time. The employer would wish to allow the employee enough time to cope with the crisis, e.g. to deal with the immediate care of a child, and to make longer term care arrangements. This leave is for dealing with the immediate issue and making other arrangements for the long term if necessary; for example, for the longer term care of the dependant.
	Key points of the scheme are as follows: -
	Time off under the scheme can only be taken in relation to certain needs of a "dependant". A dependant is anyone who, in relation to the employee is:
	A spouse
	A child
	A parent

	 A person who lives in the same household otherwise by reason of being their employee, tenant, lodger or boarder.
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	• Any person who reasonably relies on the employee to make arrangements for the provision of care.
	Staff need to tell their Line Manager the reason for the absence and their expected return date as soon as is reasonably practicable. This need not be in writing. Reasons for taking time off in relation to a dependant are broadly defined as:
	Suddenly falls ill
	 Is injured
	 Is assaulted
	Gives birth
	 The consequences of the death of a dependant
	 Where a child is involved in a serious incident in school or during school hours or where there may
	be a school closure.
Gender reassignment	It is discriminatory to treat an employee, who is absent from work to undergo gender reassignment, worse than someone who is absent from work for another reason - for example, because they are ill, injured, recuperating, or having counselling or medical appointments.
	Depending on an employer's policy for managing absence, it may wish to record absences because of gender reassignment. But, it should take great care if including them in 'managing absence triggers' - these are the number of days' absence when managers would consider warnings, and ultimately dismissal, unless attendance at work improves. An employer is likely to find it difficult to justify such an approach. For some aspects of gender reassignment, some employers also offer limited special leave, which may be paid or unpaid depending on policy.
	Employees attending hospital visits for consultation and pre-surgery treatment will receive credit of the actual time taken from their standard working day up to a maximum of 10 visits in total per annum, pro-rata for part-time staff. An appointment card/letter must be shown to the manager. Post-surgery recuperation will be under the provisions of the occupational sickness scheme of the Trust.
Maternity	Please see further guidance in the Parental Leave Policy
Unpaid Parental	A year is based on the birth date of the child. Employees should give 21 days' notice of their request to take

Leave	leave. Managers can postpone when this leave is taken up to a maximum 6 months for business reasons, except for requests to take leave immediately after a child is born or placed for adoption.
	Qualifying employees who wish to take leave which is to begin on the date on which the child is born or adopted, must give a minimum of 28 days' notice before the beginning of the expected week of childbirth and should specify the duration of the period of leave to be taken.
	If the leave is not to be taken immediately after the birth or adoption of a child, then the employer may postpone it if they consider that the 'operation of its business would be unduly disrupted' if the employee took leave during that period. The employer must agree with the employee to allow the same length of leave to begin no later than 6 months after the commencement of the postponed period.
Parental bereavement	There is a right to two weeks' leave which can be taken as one block or as two one-week blocks and taken within the first year after the child's death.
Paternity	Please see further guidance in the Parental Leave Policy
Shared parental	Please see further guidance in the Parental Leave Policy

3. Contractual leave entitlements

Leave category	Guidance														
Annual leave	The annual leave year runs from 1 April to the following 31 March Support staff who work full year and therefore have an entitlement to booked annual leave should request and take their leave within the school closure periods as the default position. Only in exceptional circumstances will leave be approved within term time. Entitlement: annual leave for NJC staff (all year round contracts) Entitlement accrues from the first day of employment and takes account of relevant continuous service (as set														
	out in the Green Be	ook).			-										
	Month Continuous Service														
	Commenced	à A	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	

There is now an electronic Leave calculator within the leave section of CYPS info, which is available for schools to use by inputting the specific details and it will calculate the leave entitlement based on the NYCC entitlements

(as shown above).
To calculate leave for full time, full year staff; Entitlement is based on the total service that can be accrued by the end of the annual leave year and is generally rounded up to the nearest half day.* * In a year where a full year increase of 1 additional day is due, rounding only applies to staff that started employment prior to October in any given year.
 To calculate leave for part time, full year staff; The following should be applied: Find the relevant full time days from the grid above. Divide that figure by 5 to give the number of weeks. Multiply that number of weeks by the number of contracted hours per week to give the full year pro rata entitlement.
 E.g. Member of staff with contract for 20 hours per week accrues 3-year service by the February. Grid confirms 24 days. 24/5 = 4.8 weeks. 4.8 x 20 = 96 hours
 Working term time only This includes support staff working term time only in schools and colleges Term-time only staff receive a pro rata leave entitlement for both annual leave and Bank and public holidays This total leave entitlement is incorporated as part of the payment of the pro rata salary calculation The term time only leave calculation is as follows; (Below is the NYCC arrangements, amended in April 2020)
Weeks worked 38 39 40 41 42 43

	Less than 3 years	5.6	5.6	5.6	5.7	5.9	6.0		
e of	3 years	5.6	5.7	5.8	5.9	6.1	6.2		
Length of service	4 years	5.7	5.8	6.0	6.1	6.3	6.4		
enç	5 years	5.9	6.0	6.2	6.4	6.5	6.7		
» ت	10 to 14 years	6.5	6.7	6.8	7.0	7.2	7.3		
	15 years	7.1	7.3	7.5	7.7	7.8	8.0		
If, on a accom remain Where take th employ leave of Where entitler	 Recommended; T and takes into acc The actual numbe time - is shown in Outstanding leave closure periods or year in which it ac a term-time only employed imodate the employed ing leave during term there is not enough their remaining annual yee can be required to entitlement for that leave employees work terment should be detailed 	ount comp r of weeks the grid ab should be in term tin crues if po oyee's retu- e's outstan time on the leave, the take this c ave year ha	oleted year of total le oove. taken in t ne. Under ssible. urn from n ding annu e employee y must be luring the r as been ac nly plus a	s' service ave includ he leave y working ti naternity le al leave e e's return e allowed emaining ccommoda	and week ed in annu vear if ther me regulat eave, there ntitlement before the to carry o periods of ated.	s worked. Ial salary - e is sufficie ions leave e are insuff the employ end of the ver their le school clos	all to be take ent time to ta should be ta ficient schoo vee must be ir annual lea eave to the r sure after the	en outside of te ke it in school aken in the leave I closure period allowed to take ave year for the next leave year employee's an	rm- e Is to any m to . An nual
Outsta	anding annual leave								
	e an employee leaves I leave entitlement dur					•			

Payment for untaken leave would not normally be permitted. Where an employee has taken in excess of their annual leave entitlement at their date of leaving then this will be recovered from their final salary payment. For full time employees the calculation will be based on 1/5th of a week's pay for each day). For part time employees then the calculation will be based on the number of hours outstanding. This calculation needs to reflect any relevant provisions in the Trust Pay Policy.

Carry over and untaken annual leave

It is the responsibility of the employee to request leave and obtain approval from their line manager as far in advance as possible.

It is strongly recommended that line managers regularly review and monitor the utilisation of annual leave for each member of their team throughout the year to ensure the requirement to carry over leave into the next year is avoided or, where this is not practicable, kept to a minimum.

In exceptional circumstances and where justification can be given, where the demands of the school do not allow for carry over of annual leave or when, due to an employee leaving the school or where an employees contract has been terminated, it is not possible for them to take the leave to which they are entitled, payment for untaken leave can be processed.

If an employee moves to another Trust school their annual leave entitlement should be calculated by the outgoing school and taken as a leaver, with a further pro-rata entitlement being calculated by the new school. Outstanding leave from within the current leave year should not be transferred to the new school, unless all of the annual leave has been used at the time of leaving.

Annual leave and long term sickness absence:

If an employee has been absent through long-term sickness and has been unable to take any holiday throughout the year, they can carry over a maximum of **20** days leave (pro rata for part time employees) to the next leave year. This is in line with the European Working Time Directive entitlement. This leave can then be taken alongside the contractual leave in the current year and should be taken within 12 months (or up to 15 months' subject to the operational demands of the service). Current case law indicates that an employee **on long-term**

	sick leave does not need to request to defer their holiday entitlement.
	However, where a holiday request is received from the employee during the leave year, the employee will stop their sick leave and take contractual holiday instead subject to their manager's agreement. This means that the employee will, for the duration of the holiday requested, be paid at their full-time rate. If at the end of the holiday period, they are still sick, their sickness period would recommence from that time.
	Payment for untaken holiday from a previous leave year is limited to the 20 days European Working Time Directive entitlement and is only made in circumstances where the employee's contract is terminated. This would be in addition to the payment for untaken contractual leave in the current year.
	Where an employee has been on long-term sickness but previously took some holiday, the carry forward entitlement would be 20 days less the number of days taken in the leave year in which the long term absence began.
	Impact on leave entitlement of continuous service
	Please refer to the Continuous Service Guidance for Schools and Academies.
Antenatal appointments for partners	This paid entitlement is extended to fathers and partners to attend up to 2 antenatal appointments. The employer can ask for appointment cards/evidence except for the very first appointment.
Bad weather / emergency	Leave can be granted to deal with serious home or domestic problems or other unforeseen emergencies, at the manager's discretion. This is a provision for one-off emergency situations and should not be used on a regular, non-emergency basis or where other types of leave may be used. Its main purpose is to give the employee time to deal with the emergency or make arrangements to have it dealt with. This leave should not be longer duration than is necessary to reasonably deal with the particular issue.
	 Employees may be prevented from attending work for a variety of external reasons, such as: Severe weather (floods, snow, gales) National fuel shortages
	Epidemics (e.g. foot & mouth)

Emergencies affecting their normal place of work.
Employees with a disability may be prevented from attending work for reasons other than their impairment, for example a breakdown in their usual travel or work arrangements, which require extra adjustments or flexibility.
Managers should be supportive of staff difficulties in attending work whilst ensuring that all options are explored in order to maintain the service, as outlined in the summary chart.
Managers and staff should discuss how working flexibly might help, for example working from home or another work base or another school, or exploring other travel options. Necessary additional costs can be claimed if agreed first, but not additional travel time.
All options should be explored and any time lost may be classed as time off without pay. Where staff can satisfy the school that they have made every effort to get to work, and only in exceptional circumstances, the Headteacher may authorise paid leave. If the school is not satisfied, and annual leave (or flexi leave) have been used, time off will be unpaid.
Where staff are not able to work because of childcare due to school closures or because they have dependants whose care arrangements are disrupted by bad weather the criteria for dependants leave will apply.
As outlined in the leave policy and summary chart. Any further leave will normally be unpaid and at the discretion of the Headteacher or Governing Body/Board of Trustees. Authorisation is not automatic.
Please note that credited medical time off will not be classed or recorded as sick-leave. The exception to this would be where the employee was admitted as a day patient for a procedure or tests.
Hospitals and medical clinic appointments (including those held at GP surgeries) Where possible the above appointments should be made outside working hours. Where this is not possible, time off with pay will be given for hospital visits or attendance at Medical Clinics held in Medical Centres for the actual time spent away from work up to a maximum of the standard day or part day. If possible employees should attend work both before and after the hospital /Medical Centre visit. An appointment card/letter must be shown to the manager. For general doctor, dentist, optician appointments please refer to the <u>Unpaid leave</u> section of the policy and guidance.

Extended leave	Specific medical / screening appointments Time off with pay will be given for medical visits for ante-natal care, eye tests for Display Screen Use, cervical smear tests, mammograms or other forms of cancer screening for employees for the actual time spent away from work up to a maximum of the standard day or part day. If possible employees should attend work both before and after the medical visit. Appointment cards/letter must be shown to the manager. The general expectation is that the extended leave period will be for a period of not more than INSERT AGREED
(unpaid)	MAXIMUM DURATION (NYCC is 3 months), but each case will be considered on its merits. Authorisation is not automatic and agreement is at the discretion of the Trust.
Fertility treatment	Wherever possible, employees should attend fertility clinics/hospital for treatment during their own time and attend work before and after their visit to the fertility clinic. Most fertility clinics work extended hours to provide treatment so employees should be able to make early or late appointments to minimise disruption to their working day.
	However, if employees have to attend clinic/hospital visits during work time for consultation and pre-surgery treatment they will receive credit of the actual time taken from their standard working day up to a maximum of 10 visits per annum, pro-rata for part-time staff. An appointment card/letter must be shown to the manager. Post-surgery recuperation will be under the provisions of the occupational sickness scheme
Flexi leave / Time off in lieu (TOIL)	This is available in consultation with the HT upto a maximum of 2 days per term
Foster Carers' leave	As outlined in the leave policy and summary chart. Timing of leave is subject to agreement by their line manager.
Interview leave – support staff	Interviews requiring more than 1 day of absence would be at the discretion of the Head Teacher.
Interview leave – Teachers	As per leave policy and summary chart.
Leave for religious matters	Prayer times Employees may require prayer time and they should inform their manager of this. Managers are expected to make reasonable efforts to provide a quiet area for prayer, balancing this with the needs of other staff and the school needs.

	Fasting Some religions require individuals to fast at various times of the year and managers need to be aware of the significance of this to individual employees. A flexible management approach may support the employee during this period.
	In schools: religious observance School based staff who are members of religions other than Christianity may have days falling on term-time weekdays on which attendance at a religious ceremony or observance of a religious festival is a religious obligation.
	Where this is the case, and members of staff give adequate notice of their request for leave to attend or observe such events, leave may be granted with pay for up to 3 working days per annum. As the dates of these 'religious days' will normally be known well in advance there should not be a reason why adequate notice cannot be given.
	It is understood that equivalent time to the leave granted with pay for this purpose should be made up in a manner mutually agreed between the employee and their Headteacher/line manager. This is because it is not normally possible for school based staff (both teachers and support staff) to take paid leave during term-time and if the time is not made up this will give an unfair advantage to one group of staff over their colleagues. Alternative working arrangements should include the advance preparation of activities / lessons and marking of pupils' work, as appropriate, and need not necessarily take place within school.
	In the interests of cultural diversity and community cohesion, the Trust will give reasonable consideration to all such requests and will grant them wherever possible. However, it could be the case that the need to ensure the effective running of the school may mean that, on occasions, requests are unable to be granted.
	Where school support staff are contracted to work full-year then it may be possible to deal with absence on 'religious days' through annual leave or flexible working arrangement.
Maternity support leave	Please see further guidance in the Parental Leave Policy
Other leave (unpaid) – for support staff	The cost of unpaid leave to the employee will be based on their basic salary worked out as 1/5 th of a weeks pay for each day unpaid leave day taken. This will be taken from gross pay and therefore saving on National Insurance contributions and tax.

only	For Schools who buy into Payroll services from ESS, this leave is not to be processed through MyView. Once it has been approved by the manager, the Manager will need to contact Employment Support Service to arrange for the deductions to be taken over the remainder of the leave year.
	This can cover unpaid leave for a variety of situations including but not limited to additional annual leave, bad weather, doctor, dentist and optician's appointments, study leave, religious festivals/holidays.
	Unpaid leave is at the manager's discretion in considering service needs.
Pre-adoption	Employees should provide sufficient notice of appointments and provide evidence of appointments.
Public / bank holiday	Public Holiday entitlement reflects the Public Holidays that are scheduled within each 'leave' year, whilst this is typically 8 days per year, depending on where Easter falls it could be more or less and will be pro-rata for those on part-time contracts.
	Public/bank holidays – Full time, full year entitlement is 59.2 hours (8 days). Part timers are entitled to pro rata as follows: 59.2 x contracted hours / 37 = entitlement in hours e.g. 59.2 x 20/37 = 32 hours
Public Service	Staff should give as much notice as possible of requests for absence.
	<u>Jury service/witness in court/inquests</u> <u>Entitlement:</u> Time off with pay is given to employees required to do jury service, attend as a witness in court or attend inquests. Salary will be reduced up to a maximum of any allowances which may be claimed. When an employee is called for jury service the court service issue the employee with a pack which includes a form for the employer to complete relating to earnings. This form must be sent to ESS who will complete and return the form to the employee/manager. A copy of the earnings request will be kept on file by payroll). The court service will make a payment to employees for loss of earnings. The employee must send payroll the details of the payment the court has made. The amount paid will be deducted from the employee's next salary payment. Expenses for lost earnings are not reimbursed to employees attending as a witness for employment tribunals outside of Trust cases. In these cases, time off with pay is given for a maximum of one day, beyond which the employee can utilise annual leave, flexi leave or unpaid leave.
	Service in non-regular forces or territorial army

	Entitlement: Volunteer members of non-regular forces who attend summer camps or medical assessments should be granted up to 12 working days paid leave per year. Consideration should also be given to paid leave to attend training in addition to summer camps where this cannot be arranged at weekends.
Special leave (unpaid)	A number of days of unpaid leave may be requested to deal with personal or domestic issues. This will be considered in line with the needs of the school and must be approved by your Headteacher / Line Manager and is generally expected to be used for shorter periods of leave – approval is not automatic.
	Requests for paid leave in exceptional circumstances should be made in writing to the Headteacher who will consider the circumstances. The Headteacher may approve special leave following a request for authorisation. Up to 1 working day may be granted; however, this may be extended at the discretion of the Governing Body. Up to 1 day unpaid leave may be granted for occasions where employees are unable to make alternative arrangements e.g. house moves.
Study leave	Paid leave for revision or exams where approved will not normally exceed 1 day's leave for each exam to a maximum of 5 days.
Time off for	Employees who are union representatives of an independent trade union recognised by their employer are to
trade union	be permitted reasonable time off during working hours to carry out certain trade union duties. Further guidance
duties	is available in the relevant ACAS Code of Practice.

4. Categories / types of leave which are not covered by the policy

Leave category	Guidance
Doctor, dental,	Appointments with doctors, dentists (and opticians where it is not a Display Screen User Eye Test) will not be
optician	credited and employees will be expected to arrange outside of working hours. Where this is not possible it is
appointments	expected that employees will use either unpaid leave to attend them.
Strike/industrial	Any industrial action is a form of breach of contract and as such is unpaid.
action	Annual leave during strike / industrial action: Late requests for annual leave on dates when Strike/ Industrial action will take place will not be approved, unless managers have ensured that essential cover is in place. For the same reason ad hoc requests to work from home on that day will not be approved. Leave requests already approved will be honoured if possible, but managers may need to withdraw approval to cover services if required. Child care arrangements during strike / industrial action: Schools may close due to Strike/Industrial Action. Where staff have school age children it is their responsibility to plan alternative child care arrangements so that they can attend work normally if they are not taking part in the industrial action. Any late leave requests to cover

childcare if approved will be under 'special leave' provision and will be unpaid. **Sick leave during strike / industrial action**: Staff who are off sick on the day of action, are required to complete a self-certificate note on their return. If they do not ring in or the manager is not satisfied that it was in fact a genuine sickness absence -pay will be withheld.

After a period of extended leave, and at least five weeks before the return date the employee must contact their line manager to make arrangements for their return. Where possible it is strongly recommended that they visit the workplace before their first day of return to catch up on work events.

5. Pensions

- Members of Teachers' Pensions should contact Capita/TP on www.teacherspensions.co.uk or 0845 6066166 for full details of scheme regulations relating to unpaid leave.
- For members of the Local Government Pension Scheme (LGPS), the employee must pay the contributions based on the pay he or she would have received if they had not been on leave if the leave is for 30 days or less. Employer contributions will also be paid. Employees who are members of the LGPS, and who take any unpaid leave, will have the option of buying back any pension lost during the period of unpaid leave.
- To find out how much it would cost to buy back pension, employees should contact the Trust's payroll or pension provider.
- For leave of 31 days or more, an employee may elect to pay contributions for the whole break up to a maximum of 36 months. Election must be made within 60 days of return to work or 60 days of leaving if he or she does not return. Where the election is made, employer contributions will be paid.
- For AVC queries, employees should contact Prudential on 0845 600 0343 or avc.admin@prudential.co.uk (or their own provider in the case of a free standing AVC) for further information. This is particularly important if the arrangement includes life cover.
- The Trust is responsible for informing their payroll and pensions provider of the period of unpaid leave.