



Leave Policy and Summary Charts

(Please also refer to Leave Guidance)

Bentham CP School

Date adopted by School Governing Body	March 2023
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Produced for NYCC maintained schools by NYES HR.

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1.0 Scope

- 1.1 This policy applies to all employees of Bentham CP School, unless specifically stated otherwise in the summary chart. The policy should be read in conjunction with the associated Leave Guidance.

2.0 Statement of commitment

- 2.1 Bentham CP School is committed to supporting the work life balance of its staff and provides a range of leave entitlements, which help accommodate individual needs and commitments outside work. These entitlements are in line with statutory entitlements, and entitlements arising from national and local NYCC collective agreements
- 2.2 Leave entitlement will accrue from the start date of the employment and will be calculated pro-rata to ensure compliance with the Working Time Regulations.
- 2.3 Whilst the entitlements set out in the charts are a guide, many types of leave are subject to manager approval. In considering such requests, the provision of education to the children attending the school is paramount and therefore it must be understood that requests for leave, where there is discretion of the timing of such leave, cannot be guaranteed.

3.0 Key Responsibilities

- 3.1 The following is an outline of key responsibilities expected when following this policy & procedure:

Line Managers (including Headteachers and other school managers):

- Should be supportive of individuals' needs and commitments outside of work, whilst balancing leave requests against the needs of the school.
- Encourage staff to plan to take their full allocation of annual leave within the year, ordinarily within school closure periods.
- Commit to forward planning of leave to ensure appropriate levels of cover for the effective running of the school and the education of pupils.
- Ensure that leave application processes are followed and the outcome of these are recorded.
- Ensure that leave requests are considered in line with statutory provisions and nationally and locally agreed collective agreements which form part of the terms and conditions of employment.

Employees:

- Should consider the needs of the school in which they work when requesting leave.
- Should submit leave requests in accordance with the relevant process and timescales and only take leave when they have received the relevant approval.
- Leave should be requested and approved as far in advance as possible using a 'request for leave of absence' form.
- Should request leave in line with relevant legal minimum periods of notice if

applicable (please also see Leave Guidance)

NOTE: Any employee who absents him/herself without prior authorisation or fails to follow required procedures will be in breach of their contract of employment and may be subject to disciplinary action and a deduction from pay.

4.0 Statutory requirements of leave

4.1 For certain types of leave, there is a statutory entitlement to take leave, as outlined in the statutory leave summary chart. Statutory leave and timescales must be adhered to.

5.0 Contractual entitlements to leave

5.1 Employees of North Yorkshire County Council have a contractual entitlement to some categories of leave, as outlined in the contractual leave summary chart and the supporting guidance document.

Statutory leave entitlement summary chart;

The leave outlined in this chart are statutory entitlements for employees. Please refer to the relevant section of the leave guidance for full details

Leave category	Description	Entitlement for NJC Support Staff and Teachers
Adoption	Applies to an adoptive parent who is the primary carer	Ordinary Adoption Leave of 26 weeks and Additional 26 weeks' adoption leave. Occupational and/or statutory pay applies, dependent on service.
Antenatal for expectant mothers	Care during pregnancy including relaxation and parenting classes.	Paid time off for antenatal care is given to all staff expecting a child. Managers can ask to see appointment cards.
Dependants	Available to all employees with dependants. A dependant is the husband, wife, partner, child or parent of the employee and also includes someone who lives in the same household as a member of the family, but not a tenant or boarder or live-in employees.	Up to 2 days' unpaid leave when an emergency arises regarding a dependant.
Gender reassignment	Employees undergoing 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. To note, there is no specific statutory entitlement to leave for gender reassignment, however the NYCC agreement is to allow credited medical leave for Hospital appointments up to a maximum of 10 visits per annum, with other treatment to be arranged in own time. Pro-rata for part-time staff.
Maternity	Applies to women who are pregnant	Ordinary Maternity Leave of 26 weeks and 26 weeks' additional leave. Occupational and/or statutory pay applies dependent on service.
Unpaid Parental	Available to all with parental responsibilities	All employees with 26 weeks' continuous service are entitled to up to 18 weeks' unpaid leave for each child to be taken before the child's 18th birthday. Leave should be taken in blocks or multiples of one week (except for parents of children in receipt of disability living allowance, where leave can be taken in periods of one day or more), with a maximum four weeks leave in any year.

Leave category	Description	Entitlement for NJC Support Staff and Teachers
Parental bereavement	For parents who lose a child under the age of 18, or suffer a stillbirth from the 24th week of pregnancy	Statutory entitlement to two weeks' leave within the first year after the child's death. To note, whilst the statutory entitlement is to pay for this period at statutory rates, the NYCC collective agreement is to pay parental bereavement leave at normal pay
Paternity	Partner of expecting mother who have responsibility for the upbringing of a baby or adopted child,	Up to 2 weeks' Statutory Paternity Pay (SPP) after 26 weeks' continuous service. Alternatively, if eligible, 1 week Maternity Support Leave at normal pay plus 1 week Paternity Leave with SPP
Shared parental	Regulations allow for the sharing of maternity and adoption leave	This leave is paid at statutory rates

Contractual leave entitlements for NYCC staff (arising from national and local collective agreements, and other agreements with recognised Unions) - summary chart;

The leave outlined in this chart are contractual entitlements for NYCC employees in line with nationally or locally agreed collective agreements, and other agreements with recognised unions. Please refer to the relevant section of the leave guidance for full details.

Leave category	Description	NJC Support staff entitlement	Teachers entitlement														
Annual leave	<p>Support staff Entitlement to paid annual leave with leave year beginning on 1st April and ending on 31st March. Contractual entitlement exceeds statutory requirements.</p> <p>Teaching staff Leave year for ensuring statutory leave requirements have been met is 1st September to 31st August.</p>	<p>NYCC collective agreement to provide the following annual leave entitlements based on length of continuous service (pro-rata for part time staff);</p> <table border="0"> <thead> <tr> <th>Completed Continuous Service</th> <th>Days leave per year</th> </tr> </thead> <tbody> <tr> <td>Under 3 years</td> <td>24</td> </tr> <tr> <td>3 years</td> <td>25</td> </tr> <tr> <td>4 years</td> <td>26</td> </tr> <tr> <td>5 years</td> <td>27</td> </tr> <tr> <td>10 years</td> <td>30</td> </tr> <tr> <td>15 years</td> <td>33</td> </tr> </tbody> </table> <p>Staff working term time only have pro-rata leave included in salary</p>	Completed Continuous Service	Days leave per year	Under 3 years	24	3 years	25	4 years	26	5 years	27	10 years	30	15 years	33	<p>Full-time Teachers are required to work 195 days per school year (Sept-August) (pro-rata for part-time teachers). They do not have a specified contractual leave entitlement so it must be ensured that minimum statutory entitlements are met (usually only relevant when a teacher has been absent for a number of months e.g. maternity leave, sickness absence).</p>
Completed Continuous Service	Days leave per year																
Under 3 years	24																
3 years	25																
4 years	26																
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Leave category	Description	NJC Support staff entitlement	Teachers entitlement
Antenatal appointments for partners	Leave for antenatal appointments during pregnancy including relaxation and parenting classes.	Fathers and partners are entitled to attend up to 2 antenatal appointments with pay. There is a statutory entitlement to attend 2 appointments without pay which has been enhanced by NYCC.	
Attendance at a wedding (paid)	Leave to attend the wedding of a son, daughter, father, mother, brother, sister, or person normally resident with the employee	Paid leave for one day	
Bad weather / emergency	Leave for staff prevented from attending work by severe weather, epidemics, fuel shortages etc. All options should be explored and only in exceptional circumstances does the manager have discretion to authorise paid leave subject to approval as necessary.	<p>All options should be explored in order to maintain the service. These include (where applicable):</p> <ul style="list-style-type: none"> • Working from home • Working at another school / NYCC establishment closer to the employee's home • Different working times • Taking flexi-leave (where applicable) • Taking annual leave (where applicable) • Unpaid leave <p>Where flexi-leave or annual leave entitlements have been exhausted, unpaid leave can be taken. All options should be explored and only in exceptional circumstances does the manager have discretion to authorise paid leave subject to approval as necessary. Please note: the entitlement to leave in relation to infectious diseases is outlined further in the Green Book for NJC staff, and the Burgundy Book for teachers.</p>	
Compassionate leave	Bereavement within family, including in-laws, step families and grandparents. Attending seriously ill dependants. Challenging life events	Up to 5 days' paid leave may be approved for any instance of compassionate leave to deal with challenging life events such as the death of a family member, attending to dependants at a time of serious illness, relationship breakdowns resulting in distress and difficulties for the employee where they need to make alternative domestic and caring arrangements for dependants. Approved leave is subject to discussion with manager. Should further days be needed special leave (unpaid) could be requested and the cost spread over the year. Alternatively, annual leave (and / or flexi leave and TOIL where applicable) could be used. In unfortunate cases of multiple instances, this leave entitlement is not limited to once per year.	

Leave category	Description	NJC Support staff entitlement	Teachers entitlement
Credited medical appointments	Hospital/Clinic Appts Doctor/Dental/ Opticians Appts Specific Medical Appts	Where possible appointments should be made outside working hours – see Leave Guidance for further information. Also see also specific particulars for antenatal, fertility and gender reassignment. Paid where the Headteacher is satisfied that all reasonable effort has been made to make appointments outside of the school day.	
Extended leave (unpaid)	Unpaid leave for a period of not more than 3 months.	Following a minimum of 6 months' NYCC service, an employee may request a period of extended unpaid leave from their post for caring or personal reasons, including personal development. Agreement is at the discretion of the Headteacher / Governing Body	
Fertility treatment	Leave to attend hospital for treatment	Credited medical leave for hospital appointments up to a maximum of 10 visits per annum. Pro-rata for part-time staff.	
Foster Carers' leave	Applies to staff who have been granted foster carer approval.	Up to 5 days' paid leave in the first year of foster caring, during the period when Carers are expected to complete the Training, Support and Development Standards. In subsequent years up to 2 days' paid leave to attend annual review, on-going training and other meetings relevant to the placement of the young person.	
Interview leave – support staff	Leave to attend interviews for other NYCC post or other Local Authority post.	Leave with pay up to one day per annum.	N/A
Maternity support leave	An employee chosen by the expectant parent to be the primary carer when the child arrives.	1 week's paid leave. Pro rata for part time staff.	Teaching staff excluded via Burgundy Book but have Paternity Leave provision
Pre-adoption	Applies to staff applying to be adoptive parents	Paid leave of up to 5 days to attend sessions as part of the adoptive process that cannot be held outside of work time. Pro-rata for part-time staff.	
Public / bank holiday	Entitlement to the following public holidays from the commencement of employment.	<ul style="list-style-type: none"> • New Year's Day • Good Friday • Easter Monday • May Day (first Monday in May) • Spring / Whitsuntide Bank Holiday (last Monday in May) August Bank Holiday (last Monday in August) • Christmas Day • Boxing Day (Where Christmas Day, Boxing Day or New Year's Day fall on a Saturday or Sunday the official Public Holiday is normally moved to the following Monday (or Monday and Tuesday, if both Christmas Day and Boxing Day fall at a weekend). Pro rata entitlement for part-time staff	

Leave category	Description	NJC Support staff entitlement	Teachers entitlement
Public Service	Paid leave for specific public duties, up to 12 days per annum (pro-rata for part time staff), which can be extended at the discretion of the manager	Public service leave allows employees to serve on a public body, or to undertake public duties, for example, a magistrate, a Justice of the Peace, member of a LA (Parish or District Council), statutory tribunal, NHS Trust, Health Authority, Prison Board of Visitor, school governor, election duties, jury service, Territorial Army Service or non-regular forces; and attending relevant training. Staff should give as much notice as possible of requests of absence.	
Study leave	Paid leave for work-related study as approved.	Up to 1 day's paid leave per exam to a maximum of 5 days.	N/A
Time off for trade union duties	Trade Union representatives entitled to reasonable release from duties (paid) to undertake trade union duties	As set out in the Trade Union Recognition Agreement and local facilities agreement	As set out in the Trade Union Recognition Agreement and Burgundy Book
Volunteer leave for stronger communities (paid)	Paid leave for work-related activity.	Up to 1 day's leave per year. For staff within 6 months of retirement date entitlement is for half a day per week and then 1 day per week within 1 month of retirement date.	N/A

Discretionary leave summary chart:

The categories of leave outlined in this chart are discretionary options for schools to consider. Please refer to the relevant section of the leave guidance for full details

Leave category	Description	NJC Support staff	Teachers
Duties in connection with exam boards	Leave to be involved in external marking / moderator for exam boards	N/A	Leave for external marking / moderating at the discretion of the Headteacher. Leave for duties as a chief examiner of up to 10 paid working days per annum also at the discretion of the Headteacher.

Leave category	Description	NJC Support staff	Teachers
Flexi leave / Time off in lieu (TOIL)	If applicable to the school, leave taken with managers approval using hours accrued under any local flexi-time or TOIL scheme.	Where applicable and as outlined in any local scheme.	N/A
Interview leave – Teachers	Leave to attend interviews	See nationally and locally agreed collective agreement leave table	Paid leave for interviews requiring more than one day at the discretion of the HT. May also include pre-interview visits to schools
Leave for religious matters	Employees whose religious beliefs require the observance of festivals which fall on their work days and employees who wish to travel to attend religious gathering	Leave to be requested from line manager and is agreed at their discretion. Such leave would usually comprise annual leave, unpaid special leave or flexi leave / TOIL (where applicable).	Leave to be requested from line manager and is agreed at their discretion. Such leave would usually equate to no more than 3 working days per annum, and if pay is agreed for such leave it would usually be expected that equivalent time should be worked in lieu. Where this is not possible it would usually be expected that leave would be without pay.
Other leave (unpaid)	Staff can apply for up to 10 days additional leave which is unpaid	Up to 10 days' unpaid leave at the discretion of the school, the cost of which can be spread the cost across the rest of the leave for planned unpaid leave. Must be authorised by manager. Can be used to cover any request/reason including the following: <ul style="list-style-type: none"> • Special Leave • Emergency • Bad Weather • Religious This is not pro rata but is subject to manager's discretion in considering service needs.	N/A
Special leave (unpaid)	A number of days (a short period) of unpaid leave may be requested to deal with personal or domestic issues	Agreement is at the discretion of the Headteacher / Governing Body. Staff need to tell their Line manager the reason for the request and their proposed return date as soon as reasonably practicable. It is intended that this scheme allows enough time for the employee to cope with the immediate crisis.	