



Boroughbridge High School and King James's School Federation

Leave Guidance for Maintained Schools (please also refer to Leave Policy and Summary Charts)

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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 that 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	Further details can be found in the Parental Leave Policy.
Antenatal for expectant mothers	All pregnant employees are entitled to paid time off to attend antenatal appointments. Time off for antenatal care should be paid at the employee's normal rate of pay. Antenatal care may include relaxation and parent 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.
Carers Leave	The definition of 'dependant' for carers leave mirrors the definition used for the right to time off for dependants (see below). A person has a long-term care need if; - They have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months, - they have a disability for the purposes of the Equality Act 2010, or - they require care for a reason connected with their old age Employees must give notice, in writing, of their intention to take carers leave giving at least twice the amount of notice than the period of leave requested. Or, if longer, three days' notice. Requests can be made in consecutive or non-consecutive half-days or full days. Employers can postpone a request if the operation of the business would be unduly disrupted. In these circumstances the employer must give notice of the postponement before the leave was due to begin, and must explain why the postponement was necessary. The employer must then allow the employee to take leave within one month of the start-date of the leave originally requested, and should discuss with the employee how the leave may be rescheduled.

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. If an employee is able to attend work, for a reasonable proportion of the day, time off will be paid, otherwise it will be unpaid. A reasonable period would be classed as being able to carry out a productive and useful proportion of your duties. 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. • 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. Employers should apply discretion when considering what is ‘reasonable’ time off, taking into account the circumstances of the employee and their support network available. It is a statutory right to time off to deal with the emergency as described. If additional time off is needed, for example, if there is a longer term need to be away from work to care for a dependant, it may be appropriate to consider a period of parental leave.
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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. 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 County Council.
Maternity	For full details please see the Parental Leave Policy.
Neonatal Care Leave	Day one right for employees of up to 12 weeks leave available to parents whose child is admitted into hospital for a minimum continuous period of seven full days in the first 28 days after the child is born. This leave is in addition to other family leave. If eligible will qualify for Statutory Neonatal Care Pay.
Parental	A year is based on the birth date of the child. Employees should give 21 days' notice of their request to take 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, a minimum of 28 days' notice is required before the beginning of the expected week of childbirth and should specify 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	For full details please see the Parental Leave Policy
Shared parental	For full details please see 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 Book). There is a leave calculator available on the CYPs portal which can be used to calculate pro-rata leave for staff who work full year, or for those who start/leave midway through a leave year. When someone leaves NYC employment their outstanding leave needs to be calculated manually for part months. 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: • Determine the full time days leave entitlement based on length of service. • 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 leave entitlement in hours. Where a staff member starts or leaves during the leave year, the leave entitlement should be calculated based on the number of whole months worked. Working term time only • 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 pro-rata total leave entitlement is recalculated annually with effect from 1st April and takes into account completed years' service and weeks worked.

- The actual number of weeks of total leave included in annual salary - all to be taken outside of term-time - is shown in the grid below.

		Weeks worked					
		38	39	40	41	42	43
Length of service	Less than 5 years	44.1	45.2	46.4	47.6	48.7	49.9
	5 years or more	45.3	46.5	47.7	48.9	50.1	51.3

If, on a term-time only employee's return from maternity leave, there are insufficient school closure periods to accommodate the employee's outstanding annual leave entitlement the employee must be allowed to take any remaining leave during term time.

Where there is not enough time on the employee's return before the end of their annual leave year for them to take their remaining annual leave, they must be allowed to carry over their leave to the next leave year. An employee can be required to take this during the remaining periods of school closure after the employee's annual leave entitlement for that leave year has been accommodated.

If you return from maternity leave please refer to the Parental Leave Policy for details.

Where employees work term time their pro-rata leave entitlement will be shown in their Statement of Particulars.

Outstanding annual leave

Where an employee leaves the employment of the school, staff will be expected to take all of their apportioned annual leave entitlement during their notice period up to their date of leaving to be agreed with their line manager. 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

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, it is possible to process payment in lieu of untaken annual leave beyond the statutory minimum 20 days plus 8 public holidays. Any such requests should be authorised by the Headteacher. If an employee moves to another NYC 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.
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	Continuous service Please refer to the Continuous Service Guidance for Schools and Academies.
Antenatal appointments for partners	This paid entitlement is extended within NYC 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.
Attendance at a wedding (paid)	Employees must request such leave with as much notice as possible, and it is expected that this is with a minimum of one term.
Bad weather / emergency	Unpaid 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.
Compassionate leave	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. Authorisation is not automatic.
Credited medical appointments	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 Unpaid leave section of the policy and guidance. 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.
Development Day	Added as part of the 2023 collective agreement for support staff, new entitlement to 1 day of paid leave for personal development to further internal career progression (within North Yorkshire Council) or change. This is at management discretion, and managers may feel it appropriate that school based staff undertake development in school holiday periods. However, there may be times when a relevant course or development opportunity takes place in term time and managers are expected to give due consideration to all requests.
Extended leave (unpaid)	The general expectation is that the extended leave period will be for a period of not more than 3 months, but each case will be considered on its merits. Authorisation is not automatic and agreement is at the discretion of the school.
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 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 County Council.
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 one day of absence would be at the discretion of the Head Teacher.
Maternity support leave	For full details please see the Parental Leave Policy.
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 and the inclusion of any nationally recognised additional days, it could be more or less and will be pro-rata for those on part-time contracts. Payment of public/bank holiday working Payment arrangements for working on the Public/Bank Holidays are available on request from NYES HR. Public/bank holidays example – Full time, full year entitlement is 59.2 hours (based on there being 8 days in the leave year). Part timers are entitled to pro rata as follows: $59.2 \times \text{contracted hours} / 37 = \text{entitlement in hours}$ e.g. $59.2 \times 20/37 = 32$ 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 NYC 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. <u>Election duties</u> <u>Entitlement:</u> Staff who carry out election duties for County, District, Parish, General or European elections (undertaken in the region) will be paid for these duties by the District body. However, as this is a long-day the County Council will also give the employee paid time off for their normal working day. <u>Service in non-regular forces or territorial army</u> <u>Entitlement:</u> 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.
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 trade union duties	Please refer to the Time off for trade union duties & activities agreement and leave for accredited representatives of recognised teachers' and support staff organisations. <u>Entitlement:</u> Accredited representatives of recognised teachers' and support staff unions and professional associations shall be afforded union facilities and rights in consequence of their position.
Volunteer leave (paid)	Staff can apply for up to 1 day's paid leave per annum to participate in voluntary activities for a local charity or community activity (pro-rata for part time staff). The time can be taken in hours (up to 7.5hrs, pro rata for part-time staff) spread over several occasions. This paid time needs to be authorised by the line manager; approvals will be considered on their individual merits taking into account service needs which will be the determining factor. No other payments can be claimed e.g. mileage or other allowances. For staff who are within 6 months of their planned date of retirement the entitlement is for a half a day a week and then within 1 month of their planned date of retirement will be able to take 1 day per week of paid time for Stronger Communities voluntary activity. If skills training is provided in house where relevant to the chosen voluntary activity, then this can be carried out within work time.

4. Discretionary leave guidance

Leave category	Guidance
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Duties in connection with exam boards	All release vouchers (payment of supply cover) must be returned to school as soon as possible
Flexi leave / Time off in lieu (TOIL)	Insert detail of your local scheme
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 three 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 Headteacher / Governing Body should give reasonable consideration to all such requests and should 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.
Other leave (unpaid) – for support staff only	The cost of unpaid leave to the employee will be based on their basic salary worked out as 1/5th 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. 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 opticians appointments, study leave, religious festivals/holidays. The 10 days unpaid leave is not pro rata but is at the manager's discretion in considering service needs.
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 head teacher who will consider the circumstances. The Headteacher may approve special leave following a request for authorisation. Up to one working day may be granted; however this may be extended at the discretion of the Governing Body. Up to one day unpaid leave may be granted for occasions where employees are unable to make alternative arrangements e.g. house moves.

5. 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 appointments	credited and employees will be expected to arrange outside of working hours. Where this is not possible it is expected that employees will use either unpaid leave to attend them.
Strike/industrial action	Any industrial action is a form of breach of contract and as such is unpaid. 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.

6. 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. If employees decide to buy back pension 'lost' due to periods of unpaid leave within 30 days of returning to work after the period of leave, then the cost of this would be shared with NYC paying two thirds of the cost and the employee paying one third.
- To find out how much it would cost to buy back pension, employees should contact the schools' 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 school is responsible for informing their payroll and pensions provider of the period of unpaid leave.