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Special Leave of Absence & Parental Bereavement Leave Policy

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Special Leave of Absence Policy

1. Introduction and Purpose

The provisions outlined in this policy serve as a guide to the Principal and the Governing Body in determining fair and reasonable practices for staff leave of absence. Leave of absence may be defined as leave given in addition to annual leave and may be paid or unpaid.

The policy aims to maintain consistent, positive practices to minimise the negative effects of absence on student learning and the imposition of increased pressure on colleagues. This may not entail identical decisions in all cases, as each individual case will be assessed according to circumstances.

Holyhead believes, as an organisation committed to providing equal opportunities for all, that it should support flexible working practices. It seeks to help employees balance the demands of domestic and work responsibilities, particularly at times of urgent and unforeseen need, providing paid or unpaid leave as appropriate.

Where possible, a flexible approach will be adopted to enable staff to meet these different needs. This will only be achieved if staff also recognise their responsibilities with regard to making reasonable adjustments to working hours and using annual leave where circumstances allow.

When considering requests for leave of absence which require discretion to be exercised, the HR Manager, Senior Vice Principal, Principal or Chair of Governors should have regard to fairness and consistency within the context of:

- the operational needs of Holyhead
- the needs of the pupils of Holyhead
- the individual needs of the person concerned
- the length of time requested
- the amount of notice given

2 Scope

This policy will be applied to all employees of Holyhead.

The policy covers the provision of paid or unpaid leave requested under the following categories:

- Statutory Leave (eg paternity leave and parental leave)
- Leave for Public Duties (eg governing body duties and jury service)
- Discretionary Leave (eg medical appointments, compassionate leave)

This policy does not cover periods of absence for sickness, maternity leave or adoption leave. Separate procedures outline these provisions.

3. Decision Maker and Appeals

The table below sets out the persons to be appointed, where possible, throughout the stages of the Special Leave of Absence Request procedure depending on the person making the request.

<i>Employee Level</i>	<i>Person to notify in an emergency</i>	<i>Decision maker for upcoming requests</i>	<i>Appeal Manager</i>
Headteacher	HR Manager	HR Manager	Governors' Appeal Panel appointed by the Vice-Chair
Senior Vice Principal	Principal	HR Manager	Principal
Other Leadership Spine	Senior Vice Principal	HR Manager	Principal
Other Teaching Staff	Vice Principal Responsible for arranging sickness absence cover	HR Manager	Principal
Other Associate Staff	Associate Vice Principal	HR Manager	Principal

The HR Manager will be informed of the emergency leave and is the person who will manage any contact and any requests for further time off. The HR Manager will be responsible for recording the absence, ensuring that the policy is fairly applied and for raising any concerns regarding multiple requests.

In the absence of the HR Manager, the Associate Vice Principal and Senior Vice Principal will ensure fair application of the policy.

Any appeals arising from the decision in relation to leave should be made through Holyhead's Grievance Procedure.

4. Making a Request for Leave

Requests for leave of absence should always be made in at least 7 days in advance. In the case of religious observance, the request should be made as far as possible in advance, with a minimum of a full-term being the expectation. Where the actual date is unknown (for example, the day on which Eid falls will depend on the lunar cycle and when the new moon is sighted) the employee is required to inform the Academy as soon as possible of the range of possible dates.

All requests for leave should be made via the Holyhead School HR Portal, Access HR.

Procedures for reporting sickness absence are set out in the Attendance Management Policy.

5. Use of Annual leave for Associate staff

For Associate staff that have a contract for 52 weeks per year, the leave entitlement is dependent on grade and continuous Holyhead service. This leave will normally be taken during the school holidays and must be agreed with the Principal or nominated person in reasonable time, prior to the leave being taken. Only in exceptional circumstances and with the express consent of the Principal, can leave be taken at other times.

Staff will not be permitted to take leave during the term unless express consent from the Associate Vice Principal (with advice from the HR Manager) has been given. If leave is granted, this will be unpaid for term-time only staff.

6. Teacher Working time

A Teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days of which he/she may be required to teach students and perform other duties and 5 days must be days on which he/she may only be required to perform other duties. The same applies for a Teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties.

These provisions do not apply to Senior Vice Principal, Vice Principals, or teachers in receipt of an acting allowance for carrying out the duties of a Principal, Senior Vice Principal or Vice Principal.

7. Discretionary Leave

The table attached in Appendix A details the amount of leave that there is the discretion to grant. There is no statutory right to have any special leave of absence (with the exception of Emergency leave for a Dependent which is detailed below) and the request can be turned down.

7.1 Reasonable Time Off For Dependents

Section 57a of the Employment Rights Act 1996 states that:

'An employee is entitled to be permitted by their employer to take a reasonable amount of time off during the employee's working hours in order to take action which is necessary'.

A dependent is defined as:

- Spouse/civil partner
- Child,
- Parent,
- Person living in the same household (who is not a lodger or an employee e.g. a nanny)

The statutory right to reasonable time off for dependents is for such matters as illness, births, deaths, injuries, unexpected disruption of care arrangements or an unexpected incident involving a child at school.

It should only be used for emergency and unforeseen circumstances and it is not to be requested for regular or ongoing time off to care for dependents.

Employees with caring responsibilities are urged to plan in advance for the possibility that normal caring arrangements may be disrupted at any time, for example, if a child's school is closed unexpectedly.

7.2 Close Family Members

Where the Policy and Procedure refers to a close family member, this is defined as:

- A parent
- spouse/civil partner
- common law (including same sex) partners
- sibling
- child
- grandparent
- grandchild
- parent-in-law
- daughter or son-in-law

7.3 Medical appointments

Routine medical/dental appointments should be taken outside of school/working hours. Recognising there is less flexibility for hospital/specialist appointments, paid leave of absence may be given should the appointment fall at a time when the individual would normally be working. This does not apply to medical appointments for treatment of children or other relatives.

Part-time workers are expected to make a request for consultant appointments to be on a non-working day or during non-working hours.

An employee with a chronic health condition or a disability who requires regular specialist appointments may be asked to try to arrange these appointments at the start or end of the day to minimise the impact on the operational needs of Holyhead.

7.4 Jury Service

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to Holyhead's payroll team. The certificate will be returned to the member of staff completed to show to what extent the salary will be stopped during their absence. The amount will then be claimed from the court.

7.5 **Leave for accredited representatives of recognised associations and unions**

Holyhead recognises the legal requirement for employers to allow reasonable time off work for the elected representatives of recognised trade unions to carry out their duties. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work
- consultation on recruitment and selection policies, redundancy and dismissal arrangements
- meetings with Holyhead's Leadership Team on matters of joint concern
- representing a union member at grievance, capability or disciplinary interview
- attendance at relevant training courses organised by the trade union

The amount of time allowed will be in accordance to that which has been agreed by the Governing Body and the Trade Unions.

7.6 Court proceedings not specifically covered by regulations (ie being called as a witness)

Leave with pay for the necessary period of absence when such absence is unavoidable. Evidence of a court summons and of attendance must be provided.

APPENDIX A

Discretion Delegated to Leaders at Holyhead School

Type of Leave	Maximum time at discretion of Manager	Paid/Unpaid	Comments
Compassionate and Emergency Leave			
Emergency and unforeseen Time required for a dependent (statutory right)	The time to manage the emergency	Paid	The employee must contact the HR Manager later in the day to provide an update on the emergency situation.
Time off for a sick dependent (not the emergency)	Up to 3-days per year	Paid	The expectation is for employees to have plans in place for such circumstances
Death of a close family member	Up to 5-days including funeral	Paid	Refer to 7.2 for close family members.
Funeral of other relatives and close friends	1 day	Paid	
Parental Bereavement Leave	14 days	Paid	Refer to section below on Parental Bereavement Leave
Medical Appointments			
Consultant Appointments	The time for the appointment and reasonable travel	Paid	The appointment letter must be shared when making the request. Part-time staff must try and have the appointment on a non-working day.
Routine dentist/GP appointments	Must be taken in own time		Must be taken in own time
Emergency dentist/GP appointments	The time for the appointment and reasonable travel	Paid	The employee must contact school following the reporting sickness absence procedures. The employee will be recorded as sick as they are not fit to be in school.
Other Time			
House Removal	1 day per academic year	Paid	The employee is expected to inform vendors and solicitors of a preferred date during school closure
Examination Leave	1 day per exam, plus 1 day revision	Paid	Where the course is approved by Holyhead and is pertinent to CPD and future development.
Religious days of observance	Up to 2 days per year if the Religious day falls on a school	Paid	The employee must request the leave as early as possible and at least one term in advance.

	day. (E.g. Eid, Divali, Yom Kippur)		
Participation in sporting events such as Commonwealth games and Olympics.	Paid - Up to 3-days per year	Paid	The employee must request the leave as early as possible and at least one term in advance.
Chief Examiner/moderator Meetings	Up to 10-days per year	Paid – if Examining Board reimburse the school	
Assistant Examiner/moderator meetings	Up to 5-days per year	Paid – if Examining Board reimburse the school	
Interviews	.	Paid	Many Senior appointment processes are a minimum of 2-days. Which is why an extra day for SLT members is at the discretion of the school.
To stand as a candidate at Local Government election	1 day	Unpaid	
Public Duties			
School Governor	Up to 3-days per year	Paid	
Magistrate/Member of Public Body	Up to 10-days per year	Paid	
Jury Duty	As required	Unpaid – claim from court	Relevant paperwork must be submitted to school as evidence of requirement to attend and attendance.
Other Family Occasions			
Close family weddings	1 day, or 2 in exceptional circumstances where travel is required.	Paid	This is not for the employee's own wedding. There is no provision for employees to be given time off for their own wedding.
University Graduation of immediate family	1 day (or 2 with travel)	Paid	This is for University Graduation only
Child starting at Primary School	Up to 2-hours maximum to accompany child on 1 st day at primary school only	Paid	Only the time to accompany the child to class. Any on-going settling in periods are not covered by this policy

Parental Bereavement Leave

1. Introduction

Holyhead School recognises that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

This policy reiterates our commitment to supporting employees through their grief by ensuring that bereaved parents can take parental bereavement leave.

This policy applies to employees who have suffered the loss of a child (i.e. under the age of 18) on or after 6 April 2020. The policy also applies to parents who suffer a stillbirth after 24 weeks of pregnancy.

2. Who can take parental bereavement leave

Whatever your length of service, you can take parental bereavement leave if you are the:

- parent of a child who has passed away; or
- partner of the child's parent, where you live in an enduring family relationship with the child who has passed away and their parent; or
- "parent in fact" of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child and had "day-to-day responsibility" for the child (but you have not been paid to look after the child);
- "intended parent" of a child who has passed away, ie a parent using a surrogate;
- "natural parent" of a child who has passed away who is named in a court order, ie where a court orders some contact for an adopted child's birth parent; or
- adopter of a child who has passed away.

In practice, this means that most employees with parental responsibility for a child who has passed away on or after 6 April 2020 can take parental bereavement leave.

If you have suffered a bereavement, but are unsure if you are entitled to parental bereavement leave, you should contact [name of individual/the HR department] for clarification.

3. What leave a bereaved parent can take

For each child who has passed away, a bereaved parent can take one or two weeks' parental bereavement leave.

Parental bereavement leave is not available as individual days.

4. Timing of parental bereavement leave

If you are a bereaved parent, you are able to take the leave as:

- a single block of two weeks; or
- two separate blocks of one week at different times.

The leave must be taken within 56 weeks of the date of the death of your child.

This lengthy period recognises that, as a bereaved parent, you may need some flexibility as to when you take the leave. For example, you may:

- wish to take leave around the first anniversary of your child's death or at another particular time that is special, such as your child's birthday; or
- already be on another type of leave, such as maternity leave or sickness absence.

5. Notice to take parental bereavement leave

Informal notification, such as a phone call or email, is sufficient to take parental bereavement leave.

If you intend to take parental bereavement leave within the first 56 days after your child's death, you can take the leave straight away. You do not have to provide a period of notice. This means that you can begin parental bereavement leave by letting the HR Manager know no later than when you are due to start work or, if that is not feasible, as soon as is reasonably practicable.

If you intend to take parental bereavement leave more than 56 days after your child's death, you have to give [your line manager/the HR department] at least one week's notice of your intention to take parental bereavement leave.

6. Cancellation of parental bereavement leave

If you have asked to begin parental bereavement leave within the first 56 days of the date of your child's death, you can cancel your parental bereavement leave, as long as you let the HR Manager know before you would have been due to start work.

If you have asked to begin parental bereavement leave more than 56 days after your child's death, you can cancel your parental bereavement leave, as long as you let the know at least one week in advance.

You cannot cancel any week of parental bereavement leave that has already begun.

7. Pay during parental bereavement leave

Recognising the need to provide bereaved parents with support, we will continue to pay normal pay during parental bereavement leave.

8. Rights during parental bereavement leave

During parental bereavement leave, all terms and conditions of your contract will continue. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

9. Returning to work following parental bereavement leave

You have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

You are entitled to return to another job that is suitable and appropriate for you, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to most other periods of statutory leave taken in relation to the same child; and
- it is not reasonably practicable to return you to the same job.

10. Data protection

When dealing with parental bereavement leave, line managers and the HR department will process any personal data collected in accordance with our data protection policy. In particular, line managers and HR will record only the personal information required to deal with a request for bereavement leave and keep this information only for as long as necessary to deal with the request and provide the necessary support.