

# **Personnel Policy- absence from work**



## **Personnel Policy - Absence from Work**

**Reviewing Member of Staff:** RJA  
**Date updated:** January 2022

# Personnel Policy- absence from work

This is a Balcarras Trust Policy. All schools in Balcarras Trust are required to follow the guidance set out below.

This document has been written to clarify the situation regarding the following:

1. **Maternity leave**
2. **Paternity leave**
3. **Adoption Leave**
4. **Compassionate leave**
5. **Leave – dependants**
6. **Annual leave**

## Maternity

### 1. Antenatal

- a) All pregnant staff are entitled to paid time off to attend antenatal appointments. Please confirm your appointment times with your Line Manager or Head of Department giving as much notice as possible. You may be asked for your appointment card.
- b) Parent craft classes or relaxation classes should be attended out of core working hours wherever possible. Where this is not possible please discuss with your Line Manager or Head of Department giving as much notice as possible.
- c) The School will carry out a health and safety assessment once notified of your pregnancy. If you work in an area where you are exposed to chemicals or are required to lift heavy items it would be beneficial if you notify someone at the School as soon as possible of your pregnancy in order that appropriate steps can be taken to protect you and your unborn child from health and safety risks.

### 2. Teaching Staff

- a) Regardless of length of service, teachers will be entitled to 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML).
- b) Pay during this time provided you have 1 year's continuous service at Balcarras as at 15 weeks before the expected week of childbirth (EWC): 4 weeks full, 2 weeks @ 90% pay, 12 weeks @ 50% pay plus flat rate maternity pay (SMP), and finally 21 weeks flat rate maternity pay. Refer to HMRC website for up-to-date figures (details available from Finance Office and on the U:\drive\Maternity notes). This enhanced entitlement is subject to the employee returning to work for at least 13 weeks following maternity leave. If the employee does not return to work for at least 13 weeks following maternity leave the School may request that any maternity pay which exceeds SMP is repaid.
- c) Teaching staff who have more than 26 weeks but less than a year's service at Balcarras by the 11th week before the EWC will be entitled to statutory maternity pay only, which equates to 6 weeks at 90% of salary followed by 33 weeks at the current SMP rate.
- d) Entitlement to SMP provided there has been 26 weeks continuous service preceding the 15th week before the expected week of childbirth (EWC) and have given 28 days notice confirming the commencement date of their maternity leave.
- e) Maternity leave can start any time after the 11th week before the (EWC).
- f) It is a statutory requirement that by the 15th week before the EWC you notify the headteacher of your pregnancy, the date you would like to start your maternity leave and when your baby

## **Personnel Policy- absence from work**

is due. By the 15th week before the EWC you must also provide us with a copy of form MATB1 which will be provided to you by your midwife. The headteacher will write to confirm the arrangements for maternity pay and state a date for your return to work. You should confirm your acceptance of this or alert the headteacher if your intentions are different.

- g) If you decide to change the dates i.e. return earlier, you must give the school at least 8 weeks notice.

### **3. Support staff**

The arrangements for support staff are as above save for the following:

- a) Continuous service includes local government and some other organisations – see policy.
- b) Maternity pay for support staff with more than 1 year's continuous service is 6 weeks @ 90% full pay, 12 weeks @ 50% pay plus flat rate maternity pay (providing an intention to return to work for at least 3 months has been declared) and flat rate SMP for a further 21 weeks. This enhanced entitlement is subject to the employee returning to work for at least 13 weeks following maternity leave. If the employee does not return to work for at least 13 weeks following maternity leave the School may request that any maternity pay which exceeds SMP is repaid
- c) Support staff who have more than 26 weeks but less than a year's continuous service by the 11th week before the EWC will be entitled to statutory maternity pay only, which equates to 6 weeks at 90% of salary followed by 33 weeks at the current SMP rate.

### **4. Keeping in Touch Days**

- a) During the maternity leave period the School may make reasonable contact with you. We will keep you informed of promotion opportunities or information relevant to your job.
- b) During the maternity leave period, by agreement with the School you may do up to ten days' work. These are known as Keeping in Touch days. You will be paid for any Keeping in Touch Days at a rate agreed with the School. The type of work you may carry out will be a matter to be agreed between you and the School, and may include attending training. Keeping in Touch days may not take place within two weeks after the baby is born.
- c) Keeping in Touch days are not compulsory and you will not suffer any consequence if you decline the offer of a Keeping in Touch day. Similarly, you do not have a right to Keeping in Touch days and the School is under no obligation to agree to a Keeping in Touch day.

## **Paternity Leave**

### **5. Teachers and support staff**

In order to be eligible for paternity leave you must:

- a) Have or expect to have responsibility for the child's upbringing;
- b) Be the biological father of the child or the mother's husband, civil partner or partner; and
- c) Have 26 weeks continuous service leading into the 15th week before the baby is due.

### **6. Ordinary Paternity Leave**

- a) Staff who are eligible are allowed 2 weeks ordinary paternity leave (OPL).
- b) The pay for OPL will be full pay for the first week and SPP rate (as with SMP rate, please consult the HMRC website for exact figures, which are subject to annual change) for the second week. This can be taken as 1 week or as 2 consecutive weeks.

## **Personnel Policy- absence from work**

- c) This leave must be completed within 56 days of the child's birth.
- d) The leave can only start from the date of child's birth and not before.
- e) The member of staff must give notice in writing before the 15th week before the EWC.
- f) If you decide to change the dates of OPL you must give the school at least 28 days' notice.

### **7. Additional Paternity Leave**

- a) If as well as meeting the criteria above:
  - i. The baby's mother has been entitled to maternity leave, statutory maternity pay or maternity allowance in respect of the pregnancy; and
  - ii. The baby's mother has returned to work.you may be entitled to additional paternity leave (APL).
- b) To claim entitlement to APL you will need to give the School the following information at least 8 weeks before the date on which you would like to start your leave:
  - i. Written notice stating the expect week of childbirth, the baby's actual date of birth and the dates on which you would like your APL to start and finish;
  - ii. A signed employee declaration confirming that you are either the biological father of the child or the mother's husband, civil partner or partner, that you have or expect to have responsibility for the child's upbringing and you wish to take APL in order to care for the child, and
  - iii. A written declaration from the child's mother stating her name, address and National Insurance number, the date she intends to return to work, your relationship with the child, that to her knowledge you are the only person exercising an entitlement to APL in respect of the child and that she consents to us processing the information she has provided.
- c) A leave notice, employee declaration and mother declaration form can be obtained from the School Office. You may also be required to provide a copy of the child's birth certificate. Providing false information in order to claim APL will be a disciplinary offence.
- d) APL must be taken as multiples of complete weeks and as one period. The minimum amount of additional paternity leave that can be taken is 2 weeks and the maximum is 26 weeks. APL must be taken in the period beginning 20 weeks after the date the baby is born, and ending 12 months after the baby's date of birth.
- e) We will write to you to confirm the dates of your APL within 28 days of receiving the information above.
- f) You can cancel or vary the start and/or finish dates of your APL by giving us written notice at least 6 weeks before the date you originally intended to start your APL, or if you wish to start your APL earlier than that original start date, at least 6 weeks before the date on which you now wish your APL to start.
- g) If you are unable to give 6 weeks notice you should give the School written notice of your wishes as soon as possible. However, in these circumstances, if we are unable to accommodate your request we may require you to take a period of APL of up to 6 weeks starting on either your original or revised start date.

If you take APL in accordance with this policy, you may be eligible for additional statutory paternity pay. This is subject to the child's mother having returned to work without having taken at least two weeks of their maternity allowance or maternity pay. Your entitlement to additional statutory paternity pay will equate to the number of weeks of expired maternity allowance or maternity pay that remained when the child's mother returned to work. Any pay will be SPP (as with SMP rate, please consult the HMRC website for exact figures, which are subject to annual change).

## **Personnel Policy- absence from work**

As with maternity leave, during APL you may do up to 10 Keeping in Touch days.

### **8. Adoption**

- a) To be eligible for this the employee must be the child's adopter and have 26 weeks continuous service by the end of the notification week.
- b) In addition, the employee must have notified the adoption agency that they agree that the child should be placed and, on the date of adoption. Adoptive parents are able to take adoption and paternity leave. It is up to them which partner takes adoption leave and who takes paternity leave – i.e. it is not gender specific.
- c) Up to 52 weeks adoption leave may be taken by the main carer.
- d) Pay for the main carer for adoption leave is 6 weeks at 90% full pay, 12 weeks at 50% pay plus flat rate SMP/SPP, with a further 21 weeks at flat rate SMP/SPP.
- e) Paternity pay for the partner is full pay for the first week of OPL and at flat rate SMP/SPP for the second week. The partner may also be entitled to APL and will be entitled to flat rate SMP/SPP provided the main carer was entitled to either SMP or maternity allowance and has returned to work with some of that entitlement remaining. Entitlement to APL and pay in the case of adoption is subject to the same certification requirements as set out in the Paternity Leave policy.
- f) Where possible 28 days notice of the start of adoption leave should be given.
- g) Start dates for adoption leave can be up to 2 weeks before the date of placement, or the date of placement.
- h) Notification of the intention to take adoption leave (or paternity leave associated with adoption) must be given no more than 7 days after the notice of the placement has been received (or as soon as reasonably practical). Notice must include the date of placement and the type and length of leave to be taken.
- i) For more details about notification and information needed by the School in respect of adoption leave please contact {name}.

These provisions apply to adoption of children within the UK. If you are adopting a child from overseas please contact the School Office for details of the entitlement.

It is appreciated that placement of children can often occur at short notice and it would be helpful if the headteacher was informed of the adoption process in advance so that some preparations can be made.

# Personnel Policy- absence from work

## Discretionary Leave

### 9. Special leave (compassionate/discretionary)

The need for this type of leave must be discussed with the headteacher – it is entirely at his/her discretion. Each case will be considered, taking into account the needs of the school and approved if appropriate. The following leave will normally be paid:

- a) If there is a dangerous illness or emergency involving a near or dependent relative. This should not exceed 5 days.
- b) Death of a near relative, which includes spouse, mother, father, sister, brother, child – not exceeding 5 days.
- c) Death of in-law not exceeding 3 days.
- d) Moving house – one day.
- e) Wedding of son, daughter, sister or brother – not exceeding one day.
- f) To seek another appointment – not exceeding 2 days at a time (teachers) or 5 days in any one academic year.
- g) To seek another appointment within local government – not exceeding 5 days per annum (support staff).
- h) Approved vocational exams – the period of the exam.
- i) Approved vocational courses – the period of the course.

Exceptional circumstances – 2 days per year at the discretion of the head and governors.

### 10. Leave Dependants

There is no statutory requirement to pay for this type of leave though the entitlements are mandatory. Balcarras school policy is that we will pay for the first day (or first part day) of leave only in these instances, and we will pay for a maximum of two days (or two part days) of such absences in any one academic year.

Dependants include spouse, child, parent and someone who lives in the same household, or someone who reasonably relies on you.

Circumstances in which leave without pay should be granted:

- a) Dependant is ill or gives birth.
- b) To make provision for care of a dependant who is ill or injured.
- c) Death of a dependant.
- d) The unexpected disruption of care of a dependant.
- e) To deal with incidents which involve a child at school.

## Annual leave

### 11. Teachers

Teachers do not have an entitlement to leave as such although the time off during School holidays ensures compliance with the Working Time Regulations. Teachers who work 195 days are entitled to a full year's salary. Staff teaching a full term are entitled to a third of a year's salary.

Supply teachers (short notice teachers) receive a salary based on a daily rate enhanced to include the equivalent of a leave entitlement.

Updated January 2022

# Personnel Policy- absence from work

## 12. Support staff – all year employment

The Working Time Directive gives all employees an entitlement to a minimum of 4 weeks paid leave per year (including bank holidays). Employees within Balcarras have entitlements within their Conditions of Service which exceed this figure. The details vary depending on the type of employment involved. Details of the various circumstances are given below.

All Year Employed:

First 5 years 6.5 weeks

After 5 years 7.5 weeks

Leave runs 1st April - 31st March

The entitlement includes 20 personal days (25 after 5 years), 8 bank holidays and 4.5 locally agreed days – agreed with line manager and usually associated with bank holidays.

Staff commencing work during the course of the leave year receive a pro-rata entitlement based on the proportion of the leave year served.

All holiday time must be agreed with the line manager at least two weeks before the holiday commences.

Balcarras does allow, provided it is **beneficial to the school**, all year employed support staff to carry over a maximum of five days of leave through to the next holiday year, but only until the end of April. Any support staff member wishing to do this must obtain agreement with their line manager before the end of February.

### For all year round support staff:

For the first 5 years of service the holiday entitlement is 24.5 days plus 8 statutory days, this is accrued at a rate of 2.7083 days per month (32.5/12 x number of months worked). The holiday entitlement rises to 29.5 days plus 8 statutory days after 5 years service and accrued at the rate of 3.125 days per month (37.5/12 x number of months worked).

### Term Time Only Staff

Support staff in this group receive a pro-rata leave entitlement based on the relationship that their working year bears to that of their colleagues who work full year. The calculation is as follows:

This is calculated as:  $6.5 (7.5) \times \frac{\text{Weeks worked}}{\text{Working weeks in the year (excluding leave)}}$

This leave entitlement will be built into annual salary payments. Leave must normally be taken when school is not in session and when the individual's working programme allows. Requests for leave during Term time must be referred to the Head Teacher and Governors. It is anticipated that leave will only be granted on this basis in only the most exceptional circumstances.

### Casual Support Staff

Updated January 2022

## **Personnel Policy- absence from work**

These are staff employed on a short term/short notice basis and who are paid by claim on an hourly rate.

Under current Balcarras policy such staff are entitled to receive a proportionate leave entitlement to enable the school to comply with the Working Time Regulations and equal treatment rules. This is achieved by paying such staff an enhanced salary to include the leave entitlement. The method used to calculate the holiday pay entitlement is to multiple the hourly rate by 12.07%.

***When this policy was reviewed, an equality impact assessment was conducted to ensure any changes did not have an adverse effect under the terms of the Equality Act 2010. Should you have any comments regarding this policy, please contact the school.***



# Personnel Policy- absence from work

## Annex 1 Maternity Protocol

When about to take maternity leave, staff should complete the following check list and ensure that each task is completed before maternity leave commences.

### Interims and Reports

Look forward in the school calendar and see which interims and reports are due for completion while on maternity cover.

<b>Tick when completed</b>	
<input type="checkbox"/>	<b>Pupil Data</b> –complete a progress grade, and effort grade and a concern comment (if necessary) for <b>every pupil</b> you teach and ensure this passed on to your Head of Department two weeks before you start your maternity leave.
<input type="checkbox"/>	<b>Reports</b> – for reports in the first 6 weeks of maternity leave, complete a paragraph for each pupil that can form the basis of the report, as well as an effort and progress grade. For reports within maternity leave, but more than 6 weeks from when the maternity leave commences, complete two sentences for each pupil that can be added to, and form the basis of a report, as well as an effort and progress grade. Pass all of these to your HoD two weeks before maternity leave commences.

### Lessons and Revision

Make sure to plan with your HoD what form the lessons are going to take when maternity leave commences. It is important that a clear picture of where each class has got to in the Scheme of Work and with any revision.

<input type="checkbox"/>	Meet with HoD at least two weeks before maternity leave commences and discuss lesson plans and revision.
--------------------------	--

### Risk assessment

Complete a risk assessment and hand it to Mr Cadogan, to consider any risks and mitigations that may need to be put into place for you to continue to teach your classes before maternity leave commences.

<input type="checkbox"/>	<b>Risk Assessment</b> –complete a risk assessment and hand to TPC.
--------------------------	---

<input type="checkbox"/>	By the 15th week before the EWC you must also provide us with a copy of form MATB1 which will be provided to you by your midwife
<input type="checkbox"/>	<b>Read carefully the personnel policy</b> , to ensure you understand all of the details. It is a statutory requirement that by the 15th week before the EWC you notify the headteacher of your pregnancy, the date you would like to start your maternity leave and when your baby is due.