

# *Leave Entitlements and Arrangements*

## About this policy

### Purpose

This document describes the policy on leave entitlement and flexible working arrangements. Refer to the table of contents, below, for a full list of topics covered.

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## Version control

The table below shows the history of the document and the changes made at each version:

Version	Date	Summary of changes
1.0	October 2010	First published version – withdrawn.
2.0	April 2011	Minor changes to clarify dependency leave and other special leave, following further union consultation.
3.0	December 2011	Section 8.11, 'Parental Leave – unpaid' added.
4.0	March 2013	Section 8.11 updated to reflect Statutory increase to 18 weeks parental leave for each child.
5.0	August 2014	Section 6.2, Annual leave entitlement corrected in line with Single Status agreement & carryover leave date amended in line with agreed change.

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## Distribution

This policy is available on Trustnet and a copy is held by the School.

## 1. Introduction

The School recognises and understands that employees have responsibilities outside work. Therefore we are committed to providing adequate support to enable our employees to balance the allocation of work and life commitments.

## 2. Aim

It is the aim of the policy to outline the various leave entitlements available to staff and the appropriate notification procedure. The policy aims to ensure there is a balance between ensuring service delivery and that employees are provided with support to manage their work as flexibly as needed.

## 3. Equal opportunities

The School is committed to promoting equality in all areas of employment and ensuring that no member of staff is discriminated against or victimised for any reason.

The School will make every effort to address the needs of those members of staff with a recognised disability, and reasonable adjustments will be made to working arrangements so as to ensure that no disabled person is placed at a disadvantage.

This policy applies to all employees (subject to eligibility) regardless of hours worked per week or whether the contract is permanent, temporary or fixed term.

## 4. Scope

This policy covers all staff employed within the School on support staff terms and conditions or teacher's terms and conditions. For further information relating to the respective terms and conditions, please also refer to:

- National Joint Council for Local Government Service – National Agreement on Pay and Condition of Service – “The Green Book”.
- School Teachers' Pay and Conditions Document.
- Conditions of Service for School Teachers in England and Wales – “The Burgundy Book”.

## 5. Continuous service

Continuous service is defined as working for any organisation covered by the Local Government Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 (S1 1999 No.2277) where there has not been a break in employment. The Learning Trust's HR Team will have more information on this.

## 6. Annual leave entitlements

### 6.1. Annual leave – teaching staff

In accordance with the School Teachers Pay and Conditions Document, annual leave for teachers coincides with periods of School closure and public holidays.

### 6.2. Annual leave – support staff

Employees are expected to plan, and take their annual leave entitlement during the leave year. Support staff will **not normally** be permitted to take leave during term time.

The annual leave period is from 1 April to 31 March. Staff will not be permitted to use annual leave from the following annual leave year period.

An employee who transfers from the service of one authority to another takes their leave entitlement with them.

All employees must apply for annual leave in advance, so that adequate service provision can be maintained. It is possible that leave may be refused by the Headteacher, if the request is submitted without reasonable notice and the service would be adversely affected.

There may be occasions when staff have emergency or unforeseen problems and would want to ask for leave at short notice and managers can consider these requests on their merits.

The annual leave entitlement for all employees, irrespective of grades within the scope of this agreement is set at 27 days. After five years' service the annual leave provision increases to 32 days.

### 6.2.1. Bank holidays and extra statutory days

There are eight bank holidays in a year, but in any leave year there could be as many as 10 or as few as six subject to timing of the Easter Holidays (i.e. whether the Easter Holidays are in March or April will determine which leave year they fall into).

As a guide, the following will apply subject to the employee's working week and hours or work.

Staff	Entitlement
Full time staff working a five day week	Employees are entitled to all the bank holidays at the time they fall during the year.
Part timers and job sharers	Employees are entitled to the bank holidays falling within a leave year in proportion to the hours they work.

### 6.2.2. Calculation of annual leave

Annual leave is calculated as follows:

- If a member of staff starts on 1 April they will receive a full year's entitlement.
- If a member of staff starts anytime throughout the year they will receive a pro-rata amount which is calculated on the number of full months until the end of the annual leave year (e.g. an employee starts in August would be entitled to seven months worth of leave). This is rounded up to the nearest half day.

$$\text{Full year's entitlement} \times \frac{\text{Full months left in the year}}{12} = \text{Pro-rata entitlement}$$

Using an example of someone starting in August:

$$27 \text{ days} \times \frac{7 \text{ months}}{12} = 15.75 \text{ (rounded up to 16 days)}$$

The same calculation applies to part time staff. However, annual leave is proportional to the hours worked.

#### Calculation for part-time employees

For part time staff, their annual leave entitlement will be expressed in hours, calculated as follows:

$$\text{Basic entitlement} \times \frac{\text{Standard weekly hours}}{5 \text{ days}} \times \frac{\text{Employee's weekly hours}}{\text{Standard weekly hours}} = \text{Pro-rata entitlement (hours)}$$

Using an example of someone working 14 hours per week, with a basic holiday entitlement of 24 days:

$$24 \text{ days} \times \frac{35 \text{ hours}}{5 \text{ days}} \times \frac{14 \text{ hours}}{35 \text{ hours}} = 67.2 \text{ hours}$$

### **6.2.3. Carry over of annual leave**

All employees should be encouraged to plan their leave in conjunction with their manager at the beginning of the leave year. In situations where this is not possible, employees can carry over five days' entitlement to the next leave year. Requests to carry over anything in excess of five days will only be agreed in outstanding circumstances. All approved carry over leave must be taken by 31 August of the next leave year, and any leave untaken by this date will be forfeited.

Where employees have been absent from work due to maternity leave or long term sickness absence they should take any outstanding annual leave before they return to work. In exceptional circumstances, however, if this is not possible, such employees may request consideration to be able to carry forward their accrued statutory holiday entitlement.

### **6.2.4. Payment of untaken annual leave**

Employees will not be paid in lieu for any untaken annual leave. All employees are expected to plan and take their annual leave during the leave year. This is to ensure staff members have sufficient rest and relaxation to enable them to contribute fully when they are at work.

Employees who resign are not entitled to be paid for accrued annual leave. They should take any outstanding leave prior to the last working day unless they are transferring to the service of another Local Authority where NJC Conditions of Service apply.

Calculations surrounding untaken annual leave should be based on the total leave entitlement for the year divided by 12. This amount is then multiplied by the number of complete months worked (rounded to the nearest half day).

Employees whose services are terminated on the grounds of ill health or employees who are dismissed for reasons of gross misconduct are entitled to payment for accrued statutory annual leave up to their last day of service.

### **6.2.5. Reimbursement of annual leave**

Employees who have left employment with the School and who have taken excess annual leave will have the relevant amount deducted from their final pay.

### 6.2.6. Long service leave

Long service leave of five additional days is awarded to employees who have completed five years continuous service.

If the day the person reaches five years continuous service falls part way through the leave year, their entitlement will be calculated on a pro-rata basis for the rest of the annual leave year. For example, if someone's five year day occurs in August, the calculation is as follows:

$$\text{Full year's long service entitlement} \times \frac{\text{Full months left in the year}}{12} = \text{Pro-rata long service entitlement}$$

Using an example of someone starting in August:

$$5 \text{ days} \times \frac{7 \text{ months}}{12} = 2.91 \text{ (rounded up to 3 days)}$$

#### Part-time working

Entitlement for employees working part time entitled to long service leave will be calculated as in *Calculation of annual leave*, on page 7.

### 6.2.7. Term-time-only staff

Employees who are employed to work "term time only" receive a payment in their monthly salary which is equivalent to their annual leave entitlement and therefore are not permitted to take annual leave during term time. However, they may, in certain circumstances, be granted special leave (refer to *Special leave*, on page 12).

### 6.2.8. Time off in lieu

Time off in lieu must be recorded separately to flexitime as it is important for managers to manage the working arrangements of staff and ensure that the service is adequately maintained when staff members take time off. Staff must get permission in advance to take time off in lieu. If time off in lieu is taken as a result of overtime worked this must be recorded separately and not taken as flexi leave. Time off in lieu is taken at plain time rate, i.e. the number of extra hours actually worked.

## 7. Dependency leave

Dependency leave is leave to deal with an unforeseen emergency involving a dependant of the employee.

Whilst managers have the discretion to approve dependency leave for unforeseen emergencies, it is recommended that they allow a maximum of **seven days** paid dependency leave within any academic year to all employees irrespective of terms and conditions. No qualifying period of service is required.

Headteachers must consider each case on its merits and the individual circumstances which may be involved. Dependency leave is not an extension of annual leave and employees have no automatic right to this provision. This provision is for cases of unforeseen emergencies only.

### 7.1. Definition of an unforeseen emergency

As a guide, the following examples would constitute an emergency:

- The employee could not be expected to make other arrangements for the dependant to be cared for.
- The dependant is unable to care for themselves.
- No other carer is available.
- The case is serious enough to warrant constant care for the dependant e.g. a child or relative is too ill or too young to care for themselves and the illness is unexpected.
- Child-care arrangements are withdrawn without notice.

As a guide, the following would **not** be considered as an emergency:

- The childminder is on holiday.
- The children's school is shut for the holidays.
- The dependant has dentist/hospital appointments.
- An adult dependant is ill but does not require the employee for any assistance.

### 7.2. Procedure

Employees must contact their Headteacher at the time of the emergency, explaining the problem and requesting leave. The Headteacher will consider each case on its merits and the individual circumstances which may be involved.

Employees are expected to make alternative arrangements to provide care on subsequent days. As a guide, no more than two consecutive days' dependency leave should be granted without documentary evidence.

In all circumstances, Headteachers must consider each case on its merits, and in cases of non emergency, or where the member of staff has annual leave to take the situation must be dealt with using annual leave, where applicable.

Managers must ensure that all dependency leave is properly recorded and staff should complete a form on their return to work with the necessary information.

When employees have exhausted their dependency leave entitlement they may with authorisation revert to unpaid leave.

### 7.3. Unpaid time off for family and domestic reasons

All employees are entitled to take a reasonable period of unpaid time off to deal with certain unexpected emergencies involving dependants. No qualifying period of service is required and all employees have the right to a reasonable amount of unpaid time off.

Time off will be granted so that the employee can make long-term care arrangements if required, but not normally to carry out prolonged care themselves.

An emergency is defined as arising when someone who depends on the employee:

- Is ill and needs the employees help.
- Is involved in an accident or is assaulted.
- Needs the employee to arrange longer-term care in relation to illness/injury.
- Needs the employee to deal with an unexpected disruption or breakdown in care, such as a child minder or nurse falling ill or failing to turn up.
- Goes into labour.
- Dies (subject to the provision in *Bereavement leave*, on page 14).
- Has an unexpected incident at school (children only).

A dependant is defined as:

- A spouse, partner or civil partner.
- A child.
- A parent.
- A person living in the same household (other than an employee, tenant, lodger or boarder).
- Any person who reasonably relies on the employee for assistance on such an occasion as when the person falls ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury (for example elderly relatives not living in the same household but reliant on the employee to assist them in the event of illness or injury).

## 7.4. Procedure

Employees should contact their Headteacher as soon as reasonably practicable, informing them of the reason for the absence and for how long the absence is expected to continue.

# 8. Special leave

## 8.1. Special leave for public duties

The following is the special paid leave provisions for employees holding a public office position whilst employed:

Office	Maximum leave entitlement
Member with a Local Authority	20 days a year
Leader of a Local Council	20 days a year
Mayor of a Local Council	26 days a year
Justice of the Peace	20 days a year
School Governor	5 days a year

Employees holding more than one public office position can only take the maximum entitlement. The provisions are **not** accumulative.

Headteachers can consider requests for additional leave over and above those stated. In these circumstances time off would be unpaid or taken as annual leave (where applicable) and should not have an adverse affect on service delivery.

Requests to serve on any other public body would require support and agreement from the Headteacher; otherwise the time will need to be taken as unpaid leave.

## 8.2. Domestic violence leave

Headteachers have discretion to grant special leave with pay to employees who are fleeing domestic violence situations. As a guide, the following should apply:

- Employee with dependants - maximum of 20 days.
- Employee without dependants - maximum of 10 days.

Headteachers can request written evidence to support the request from any relevant parties i.e. Housing office, support group, refuge centre. The Chair of Governors is responsible for making the final decision in these cases.

### 8.3. Jury service leave

Employees required to serve on a jury must:

- Provide the letter summoning them to serve as a juror.
- Provide the Jurors allowance leaflet.
- Record their time on jury service as required by the manager.
- Return to work if at any time they are exempt from jury service.
- Return to work on any day not required by the court.
- Claim any loss of earnings under the jurors allowance regulations.
- Complete the required form for submission to Payroll.

The School will pay the difference between the loss of earnings allowance and normal full pay. If the jury service is for more than 30 days and the employee is in the Local Government Pension Scheme they can opt to continue paying contributions.

If the employee's absence is likely to have serious service implications, the School can apply to have the employee exempted. Otherwise, employees should be given time off to serve as a juror.

### 8.4. Leave for election duties

Employees carrying out election duties on polling days for the London Borough of Hackney, Parliamentary or European elections or Referendums held within the Borough are entitled to paid leave for that day.

**Note:** Election duty for another Borough would require unpaid leave or annual leave (where applicable) to be taken.

### 8.5. Study and exam leave

All study and exam leave is only applicable for staff undertaking training sponsored and paid for by the School.

**Note:** As general guide, the School will only authorise paid leave for training courses where it will further the employee's professional development.

Exam and study leave is not applicable for staff studying on a full time, block release or sandwich course.

The leave provisions for all other forms of study are as follows:

- Exam leave - maximum of 5 days per academic year.
- Study leave – maximum of 5 days per academic year.

As a guide, staff should be allowed 1 day's exam leave per exam and 1 day's study leave per exam. The two provisions should not be used in any other way to substitute for any other form of study.

Staff members who are undertaking training which is not sponsored by the School but are being allowed time off to do so, can apply for study and exam leave and managers have discretion to consider the request in line with the normal provisions.

In cases where staff members are undertaking training and it is being done in their own time, preparation for study and exams must also be done in their own time. Headteachers have the discretion to grant paid leave where the training is relevant to professional development.

## 8.6. Bereavement leave

A death in the family can be a difficult and emotional time for someone and time-off may be needed at short notice to grieve, make funeral arrangements or to deal with the estate. Bereavement leave supports employees at this difficult time.

### 8.6.1. Bereavement leave and pay

Employees may take up to three days' paid bereavement leave where a close relative has died. A close relative is:

- A partner.
- Mother or father.
- Son or daughter.
- Brother or sister.

Employees may take one day's paid bereavement leave where someone other than a close relative has died. The Headteacher must be satisfied that this is reasonable given the employee's relationship with the person.

Headteachers should consider requests on a case by case basis. For example, a step-parent or grandparent who raised the employee should be treated in the same way as a parent. If the employee has responsibility for arranging the funeral and dealing with the estate, then up to three days may be given even if the person is not a close relative.

Headteachers have discretion to agree more than three days in exceptional circumstances e.g. where the person who has died is a distance away.

Headteachers have the discretion to grant more than one day if the staff member has to make the funeral arrangements.

### 8.6.2. Notification of bereavement leave

Employees must let their manager know why they are absent and how long they expect to be away, as soon as they can. This will normally be done in person and before the normal starting time. However, the employee may have other priorities and managers should be sympathetic and flexible where possible.

It is not necessary to provide notice of bereavement leave. However, evidence may be required to support the request.

## 8.7. Other special leave – paid

All applications for special leave must be submitted in advance to the Headteacher who must take advice from HR and, if granted, a copy of the request and authorisation should be placed on the employee's personal file. All unpaid leave granted must be notified to your payroll provider.

These notes are intended to provide guidance to Headteachers concerning the treatment of requests for special leave with pay. Such requests need to be treated fairly and consistently, and the needs of the employee should be balanced with the requirements of the service.

Whilst decisions on special leave should reflect the School's role as a caring and reasonable employer, it needs to be emphasised that special leave is at all times subject to the exigencies of the service and is entirely at the discretion of the line manager.

The guidelines recognise that by virtue of the nature of special leave hard-and-fast rules cannot always be followed rigidly. Line managers may sometimes need to apply an element of discretion in individual cases depending on the circumstances.

In determining special leave Headteachers should take into consideration all relevant factors:

- Nature of the emergency.
- The relationship of the person to the employee.
- The employee's length of service.
- The employee's work record.
- Amount of outstanding and uncommitted leave (if applicable).
- Service requirements.
- The possibility of unpaid leave.
- The possibility of temporary variation in working times.

In addition to emergency situations of a personal or domestic nature, special paid leave may be granted for the following reasons. The recommended guidance for paid special leave is as follows:

Purpose	Paid leave available
Funerals	1 day (3 days if more than half a day's journey from London)
Weddings (father, mother, child, brother, sister, or person for whom employee is standing in loco parentis)	1 day (3 days if more than half a day's journey from London)
Removals	1 day
Interviews	3 days per rolling 12 month period
Presentation of degree to a full-time teacher, husband, wife, son or daughter	1 day
Court attendance (i.e. called as witness) <b>Note:</b> Documentary evidence of required attendance should be provided.	Full pay for all staff who would normally have received pay for that period
Inquests	As necessary
Annual training for members of the <ul style="list-style-type: none"> <li>• Territorial Army</li> <li>• RAF</li> <li>• ATC</li> <li>• Cadet Units</li> <li>• Officers Training Corps</li> <li>• Royal Naval Volunteer Reserve</li> </ul>	1 week
Attendance at summer camp as a volunteer member of non-regular forces (outlined above)	Up to 2 weeks a year
Attendance at appeal hearings before any Whitley body at provincial or national level	As necessary
Religious observance Please note that if a staff member wishes to request to take Christmas/New Year as unpaid leave and transfer the annual leave to a religious holiday of their own choice, they should specify this on their special leave form. All Year around support staff can book annual leave on religious holidays.	Religious days – 2 days paid upon request. May request additional unpaid days (at the manager's discretion).

## 8.8. Special leave - procedure

Applications for special leave should be made, using the [Special Leave Application Form](#), in advance of the requested absence or on the first day of absence in the event of emergency situations.

At all times line managers may require confirmation or proof of the need for special leave to be approved, and must be aware of the requirement to avoid discriminatory treatment or victimisation.

It should be noted that for an extended period of unpaid leave (i.e. exceeding one month) there are implications for pension and accrual of holiday entitlement.

Visits to the doctor, dentist and hospital clinics shall normally be regarded as outside the provisions of special leave, but provision relating to request for time off for dental and hospital appointments are in *Dental, doctor and hospital appointments*, on page 20.

Staff are entitled to paid time off for the purpose of attending ante-natal classes, and in all such cases Headteachers may request to see appointment cards, and wherever possible employees are expected to make appointments at the beginning or end of the day in order to minimise any disruption at work caused by their absence.

Line managers are permitted to approve special leave up to a maximum of 5 days per individual over a 12 month rolling period, but managers can grant a further 3 days in exceptional circumstances.

## 8.9. Other special leave - unpaid

Subject to the provisions for paid special leave outlined in this policy, the Headteachers have discretion to grant unpaid leave to staff who may need time off in circumstances such as:

- Visits to family abroad.
- Urgent domestic problems.
- Family illness.
- Religious festivals or holidays
- Personal circumstances.

Headteachers should consider each case on its merits and in particular the member of staff's personal situation and the implications their absence would have on the service.

## 8.10. Sabbatical leave

### 8.10.1. Paid sabbatical leave

Sabbatical leave is a provision which exists to allow staff to take time off and pursue a particular interest or study. It can be paid or unpaid. Managers have the discretion to agree or refuse such requests.

Paid sabbatical leave would be paid in cases where the interest or study:

- Is work-related and of relevance to the service delivery and/or will facilitate the introduction of new ideas or concepts into the business.

or

- Will create the opportunity for the development of those or other staff.

As a guide, the following would apply:

Continuous Service with Hackney	Paid Leave
5 Years	3 Months

During the period of paid sabbatical leave, continuity of service is maintained and the contract of employment continues to apply throughout the period.

Periods of unpaid sabbatical leave can be considered if the staff member requires more time off than the provisions covered in this section.

### 8.10.2. Unpaid sabbatical leave

In these cases, although the continuity of service is maintained, other employment conditions are not maintained i.e.

- Employee receives no pay/pension contributions.
- Annual leave does not accrue.

## 8.11. Parental Leave - unpaid

If an employee has a child aged under five, (or under 18 if the child is disabled), they have the right to parental leave. To qualify they must have at least one year's continuous service.

They must also be either the parent:

- named on the child's birth certificate
- named on the child's adoption certificate
- with legal parental responsibility for a child under five (under 18 if the child is disabled).

If the employee is separated and doesn't live with their children, they have the right to parental leave if they keep formal parental responsibility for the children.

Employees may receive up to 18 weeks unpaid leave to care for each individual child.

Parental leave can be taken up to and including the child's fifth birthday. Where the child is adopted, the parental leave can be taken up to the fifth anniversary of the child's placement or the child's 18th birthday, whichever is sooner.

Leave can only be taken in blocks of a week, so a full-time employee who takes two days leave will have "used up" one weeks' leave (unless the child is disabled).

If the child is disabled, the employee may take up to 18 weeks' leave by the child's 18th birthday and leave may be taken in blocks of a day.

Employees may take up to four weeks' of parental leave in any one year, for each child. The year starts from the point the employee qualifies for parental leave i.e. at one year's service or the date the child is born/adopted, whichever is later.

Parental leave may also be taken by a prospective father who wishes to attend the birth of the baby or adoption of a child.

The unpaid leave is not a break in service.

The employee will continue to accrue annual leave during the period of parental leave.

### 8.11.1. Applying for parental leave

Applications for parental leave should be made, using the [Parental Leave Application Form](#). Employees must give their manager at least 21 days notice of their intention to take parental leave and provide the dates that they plan to start and end the parental leave. A prospective father should let their manager know the expected date of childbirth.

The employee must provide verifying evidence, if requested, such as the birth certificate of the child.

### 8.11.2. Postponing Parental leave

The school may postpone the parental leave for up to six months if necessary due to operational needs. However, managers will make every effort to accommodate the employee and parental leave would only be postponed in exceptional circumstances.

Where an employee has requested parental leave to attend the birth of a baby or on the date of the adoption of a child, then it will not be possible to postpone the parental leave.

### 8.11.3. Returning from Parental Leave

Employees who take parental leave for a period of four weeks or less are entitled to return to their old job.

Employees must return to work on time after a period of parental leave. If the employee decides to resign, they must give the school the appropriate notice (in accordance with their contract of employment).

### 8.11.4. Record keeping

Employees have only one parental leave entitlement that follows them if they change employment. The leave should be monitored and recorded on the individual's personnel file. Details of parental leave may be requested from an employee's future employer.

## 8.12. Dental, doctor and hospital appointments

An official appointment card must accompany request for time off for dental and hospital appointments. If, due to exceptional emergency reasons, you are unable to produce a valid appointment card, employees will be expected to produce written verification from their doctor, hospital consultant or dentist confirming attendance. Failure to produce either a valid appointment card or other relevant proof may result in a deduction of salary. Staff will be notified in writing, prior to any proposed deduction of salary.

Appointment should always be made in order to ensure minimal disruption to attendance at work. Employees are encouraged to attend appointments before the start or at the end of the working day. Where this is not possible they should make up the equivalent of the time they have been absent from duty.

Where an employee needs to attend a series of appointments for on-going treatment, the Headteacher should be told about the arrangements as soon as possible. If appropriate, the absence should be recorded as sickness absence and dealt with within these procedures.

A record will be kept at the times a member of staff arrives at School late or leaves early due to medical/dental appointments. Members of staff are required to inform the Headteacher (Deputy Head/SMT if Headteacher is not available) and sign their record, which is kept by the School bursar, when a member of staff leaves the School early or when they return late. The Headteacher will monitor this record.

### **8.12.1. Cancer screening**

Staff will be granted paid time-off in order to attend cancer-screening appointments, but will be required to give the Headteacher/line managers reasonable notice of the appointment and produce their appointment card. The appointment, for the purposes of this policy, will be treated in accordance with the provision for dental, doctor or hospital appointments.

### **8.12.2. IVF treatment**

Staff will be granted paid time-off in order to attend IVF-treatment, but will be required to give the Headteacher/line managers reasonable notice of the appointment and produce their appointment card. The appointment, for the purposes of this policy, will be treated in accordance with the provision for dental, doctor or hospital appointments.

## **9. Further information**

Further information and advice may be obtained from Human Resources.

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