

Leave Guidance

(please also refer to Leave Policy and Summary Charts)

Appleton Wiske Community Primary School

Date adopted by School Governing Body (based on NYHR model policy)	June 2020
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1. Annual leave

The annual leave year runs from 1 April to the following 31 March.

1.1 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).

Month Continuous Service Commenced (Credit for full months only)	□												
		April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Accrued Continuous Service(years) in leave year													
0	23	23.0	21.5	19.5	17.5	15.5	13.5	11.5	10.0	8.0	6.0	4.0	2.0
1	23	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0	23.0
2	24	24.0	23.5	23.5	23.5	23.5	23.5	23.0	23.0	23.0	23.0	23.0	23.0
3	25	25.0	24.5	24.5	24.5	24.5	24.5	24.0	24.0	24.0	24.0	24.0	24.0
4	26	26.0	25.5	25.5	25.5	25.5	25.5	25.0	25.0	25.0	25.0	25.0	25.0
5	27	27.0	26.5	26.5	26.5	26.5	26.5	26.0	26.0	26.0	26.0	26.0	26.0
6	27	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0
7	27	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0
8	27	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0
9	27	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0	27.0
10	30	30.0	30.0	29.5	29.5	29.0	29.0	28.5	28.5	28.0	28.0	27.5	27.5
11	30	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0
12	30	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0
13	30	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0
14	30	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0
15	33	33.0	33.0	32.5	32.5	32.0	32.0	31.5	31.5	31.0	31.0	30.5	30.5

NB: The leave calculator is based on whole months worked. However, when someone leaves NYCC employment their outstanding leave needs to be calculated manually for part months.

NB Statutory holiday entitlement is 28 days including public/bank holidays. This equates to 5.6 weeks for someone working 5 days a week. The County Council offers an additional 3 days leave entitlement from the point at which someone starts their employment with the Council rising to an additional 13 days after 15 years employment. Annual leave is pro rata for part-time staff, see 1.4.

1.2 Entitlement: annual leave for Soulbury staff

All Soulbury staff are entitled to 32 days of paid annual leave per annum rising to 33 after 15 years continuous service. Pro rata for part time staff.

1.3 Entitlement: annual leave for JNC staff (Youth & Community)

All JNC staff are entitled to 32 days of paid annual leave rising to 37 days after 5 years of continuous service. Pro rata for part time staff.

1.4 Leave calculations

There is now an electronic [Leave calculator](#) within the leave section of Staff Information on the intranet. The calculator is very simple to use, just input some basic details and it will calculate the leave entitlement for you.

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:

- Find the relevant full time days from the grid above.
- 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 entitlement.

E.g. Member of staff with contract for 20 hours per week accrues 3 year service by the February. Grid confirms 24 days.

$$24/5 = 4.8 \text{ weeks.}$$

$$4.8 \times 20 = 96 \text{ hours}$$

1.5 Working term time only

- This includes support staff working term time only in schools and colleges
- 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

Accrued continuous service (years) at 1 April	Number of contracted weeks					
	38	39	40	41	42	43
0	5.1	5.3	5.4	5.5	5.7	5.8
1	5.1	5.3	5.4	5.5	5.7	5.8
2	5.3	5.5	5.6	5.7	5.9	6.0
3	5.5	5.7	5.8	5.9	6.1	6.2
4	5.7	5.8	6.0	6.1	6.3	6.4
5 to 9	5.9	6.0	6.2	6.4	6.5	6.7
10 to 14	6.5	6.7	6.8	7.0	7.2	7.3
15	7.1	7.3	7.5	7.7	7.8	8.0

- 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 above.
- Outstanding leave should be taken in the leave year if there is sufficient time to take it in school closure periods or in term time. Under working time regulations leave should be taken in the leave year in which it accrues if possible.
- 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 her annual leave year for her to take her remaining annual leave, she must be allowed to carry over her 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 only plus a specified number of additional weeks, their pro-rata leave entitlement will be shown in their Statement of Particulars.**

1.6 **Outstanding annual leave**

- Where an employee leaves the employment of the County Council, 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

1.7 **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. Employees should consider the business needs of the service for which they work, prior to their request for leave. Managers will try to accommodate individual's needs and commitments outside of work wherever possible. However, leave may not be approved where it cannot be accommodated for business reasons.
- It is the responsibility of all line managers to 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.
- If an employee is unable to take all of their leave in the current leave year due to the demands of the service they can, with the agreement of their line manager, carry over a maximum of **five** days annual leave (pro rata for part time employees) to the next year which must be taken before the **31st May**.
- If you return from maternity leave please refer to the [Parental Leave Policy](#) for details.
- In exceptional circumstances and where justification can be given, where the demands of the service do not allow for carry over of annual leave or when, due to an employee leaving the County Council 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 for the line manager to seek approval for payment in lieu of untaken annual leave.

- Any such requests should be authorised by the Head of Service or Assistant Director.

1.7.1 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.

1.8 Banking annual Leave

- Employees may wish to 'bank' leave from one year into another in order to take a longer than usual break to visit relatives abroad or attend a religious festival. The amount will be at the manager's discretion but should not be more than half of the annual entitlement. Where this arrangement is agreed to, the normal carry forward for untaken annual leave will not also apply (i.e. the maximum 5 days). Employees cannot take any credit for the following leave year. These arrangements should be agreed on a one off basis and will not be a regular entitlement.

1.9 Continuous service

- Annual leave entitlements are calculated on continuous service (service that is unbroken). This includes continuous previous service with any public authority to which the [Redundancy Payments \(Continuity of Employment in Local Government, etc\) \(Modifications\) Order 1999](#) applies.
- Where an employee returns to local government service following a break for maternity reasons, he or she will be entitled to have previous service taken into account in respect of the sickness and maternity schemes only provided that the break in service does not exceed eight years and that no permanent paid full time employment has

intervened.

- Where an employee is transferred to an organisation not covered by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999, continuity of service is protected under TUPE Regulations where there is a TUPE transfer. However, if that employee transfers voluntarily to local government service continuity is broken. Where an employee returns in such circumstances, without a break between employments, all previous continuous service will be recognised for the purposes of calculations of entitlements to annual leave, occupational maternity leave/pay and occupational sick pay. This is subject to the return to local government service being within five year of the original transfer.

1.9.1 **Continuous service - other organisations**

- Where an employee has joined NYCC from the NHS or one of the named discretionary organisations to those public bodies covered under the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 and Amendments, and their service is unbroken there is a discretionary provision to have this service recognised as continuous for the purposes of annual leave entitlement where the service is relevant to the role within NYCC and/ or it would be in the best interests of the service for recruitment and retention purposes. Such recognition would be entirely at the discretion of NYCC.

Further information is available in the [Continuous Service Guidance for Schools and Academies](#).

2. **Compulsory unpaid leave**

- 2 days unpaid leave for all staff is applied. This is pro-rata for part-time staff. Where possible this will be taken between Boxing Day and New Year, with the remainder being taken as annual paid leave, to limit the impact on productivity and to facilitate a Christmas closedown for appropriate Council buildings. There will be some exceptions to these arrangements as determined by Management Board. If this unpaid leave cannot be taken during the Christmas closedown, it will need to be taken at another time during the year. Staff, who have been absent due to maternity leave or long term sickness, and have been unable to take their unpaid leave, should take this leave before their return to work.
- Employees who are members of the LGPS will have the option of buying back any pension lost during compulsory unpaid leave. If employees decide to buy back pension 'lost' within 30 days of returning to work after the period of compulsory unpaid leave, then the cost of this would be shared with NYCC 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 Employment Support Services on 01609 532190.
- Where an employee leaves NYCC before taking their unpaid leave, the proportionate amount of unpaid leave should be factored in to their notice period and taken before they finish working for NYCC.

3. **Public/bank holiday entitlement**

All employees are entitled to the 8 Public Holidays as paid leave and for part-time employees this is a pro rata calculation:

- New Year's Day – 1st January (or 1st normal working day thereafter)
- Good Friday - Friday immediately before Easter Sunday

- Easter Monday - Monday immediately after Easter Sunday
- May Day – First Monday in May
- Spring or Whitsuntide (Last Monday in May). Late Summer/August – Last Monday in August
- Christmas Day – 25th December (or 1st normal working day thereafter)
- Boxing Day 26th December (or 1st normal working day thereafter).

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 it could be more or less and will be pro-rata for those on part-time contracts.

3.1 **Payment of public/bank holiday working**

Payment arrangements for working on the Public/Bank Holidays are set out in a supplement to the Local Conditions of Service Agreement following the Pay and Reward Review of 2007.

Public/bank holidays – Full time, full year entitlement is 59.2 hours (8 days). 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

4. **Flexi leave** (for designated staff only)

Entitlement: Up to 12 days leave per year in half or full days: no more than 2 days per month. Carry forward of no more than 15 hours credit or 7.5 hours debit per month. Pro rata for part-time staff. Flexi-leave is only applicable to certain services. It does not apply to front line staff working on set shifts or for staff in posts at Band SM1 or Soulbury equivalent and above.

5. **Time off in lieu (TOIL)** (for designated staff only)

Similar to flexi-time, this is a method of allowing staff time off for extra hours worked. Specific guidance is available on the use of TOIL within Directorates.

6. **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.

6.1 **Antenatal appointments**

Entitlement: 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. This paid entitlement is also extended 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.

6.2 **Hospitals and medical clinic appointments** (including those held at GP surgeries)

Entitlement: 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 this policy.

6.3 **Specific medical / screening appointments**

Entitlement: 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 men and women 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.

6.4 **Fertility treatment**

Entitlement: Credited medical leave for hospital appointments up to a maximum of 10 visits per annum, pro rata for part-time staff.

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.

6.5 **Gender reassignment**

Entitlement: Credited medical leave for hospital appointments up to a maximum of 10 visits per annum, pro rata for part-time staff. Employee will use their own time for other treatment.

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.

7. **Parental leave – paid**

7.1 Parental leave includes maternity, paternity, fostering, adoption and shared parental leave. For full details please see the [Parental Leave Policy](#).

7.2 **Fostering leave**

Entitlement: Employees who have been granted foster carer status are eligible for up to 5 days paid leave in the first year of foster caring, during the period when Carers are expected to complete the Training, Support and Development Standards. In subsequent years up to **2 days paid leave** to attend annual review, on-going training and other meetings relevant to the placement of the young person. Timing of leave is subject to agreement by their line manager.

8. Other paid leave

8.1 **Compassionate leave**

Entitlement: Up to 3 days paid leave may be approved for attending dependants at a time of serious illness, or for bereavement of a close relative. A close relative is defined as a parent, sibling, partner, child, in-laws, step families, grandparents and grandchildren.

The above may be extended up to 5 days paid leave when the arrangements for dealing with a family bereavement are the responsibility of the employee.

In the case of a death the 3 days may be extended up to 5 days at the discretion of the Service Head.

For all other relatives not included in the definition above other leave arrangements will need to apply. E.g. annual leave, flexi leave or toil.

In schools:

Any further leave will normally be unpaid and at the discretion of the Governing Body. Authorisation is not automatic. The head teacher, in consultation with the Governing Body where appropriate, may approve compassionate leave following a request for authorisation.

8.2 **Interview leave**

Entitlement: Paid Leave to attend interviews for other NYCC post or other Local Authority post up to one day per annum.

In schools: Interviews requiring 3 days absence would be at the discretion of the Head Teacher.

8.3 **Public service**

Entitlement: Up to 12 days paid leave (pro rata for part time staff) can be agreed to allow staff to serve on a public body, or to undertake public duties, for example, a magistrate, a Justice of the Peace, member of a local authority (Parish or District Council), statutory tribunal, NHS Trust, Health Authority, Prison Board of Visitor, or school governor; and attending related training. Staff should give as much notice as possible of requests for absence.

8.4 **Jury service/witness in court/inquests**

Entitlement: 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 payroll, 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 NYCC 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.

8.5 **Election duties**

Entitlement: 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. Employees in the NYCC Committee Services Unit would not be entitled to the District payment, but where out of hours work is required the Unit Head will make arrangements for payment.

8.6 **Service in non-regular forces or territorial army**

Entitlement: 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.

8.7 **Study and training leave**

Entitlement: 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.

8.8 **Time off for trade union duties**

Please refer to the Time off for trade union duties & activities agreement.

Other paid leave in schools:

Leave for accredited representatives of recognised teachers' and support staff organisations

Entitlement: Accredited representatives of recognised teachers' and support staff unions and professional associations shall be afforded union facilities and rights in consequence of their position.

Duties in connection with exam boards

Entitlement: A teacher wishing to be involved in external marking/moderator for exam boards should firstly seek permission from the Headteacher. All release vouchers (payment of supply cover) must be returned to school as soon as possible. Duties as a chief examiner will be given as up to 10 paid working days per annum but must be discussed and approved by the Head teacher beforehand.

Attendance at a wedding

Entitlement: Leave to attend the wedding of a son, daughter, father, mother, brother, sister, or person normally resident with the employee: - 1 day's paid leave.

8.9 **Volunteering for stronger communities**

Staff can apply for up to 1 day's paid leave per annum to participate in voluntary activities within the stronger communities programme. 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.

Eligibility to claim paid time is dependent on the voluntary activity being advertised through the Stronger Communities scheme. The relevant voluntary organisation is responsible for determining suitability, providing induction, training and liability insurance. Staff will investigate Stronger Communities voluntary activities and confirm

their suitability and interest through completion of a registration of interest form to their line manager before applying for paid time off. Schools staff are not eligible for this scheme unless the school chooses to adopt it.

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.

9. Unpaid leave

9.1 Parental leave - unpaid

Entitlement: All employees with 26 weeks continuous service are entitled to up to 18 weeks unpaid leave for each child to be taken before the child's 18th birthday.

Leave should be taken in blocks or multiples of one week (except for parents of children in receipt of disability living allowance, where leave can be taken in periods of 1 day or more), with a maximum 4 weeks leave in any year. 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.

9.2 Dependants leave - unpaid

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.

In schools: 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.

Entitlement: Up to 2 days unpaid leave can be requested when an emergency arises regarding a dependant, for example a child, parent, spouse or other householder. Manager should act reasonably when considering such requests.

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.

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.

9.3 **Extended leave** (unpaid, replaces Career Break Scheme)

Entitlement: Following a minimum of 6 months NYCC service an employee may request a period of unpaid extended leave from their post for caring or personal reasons, including personal development. 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.

Please refer to the [Leave](#) page on CYPInfo for further information.

9.4 **Other unpaid leave**

Staff can apply for up to 10 days unpaid leave and spread the cost across the rest of the leave year. The cost 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.

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.

9.4.1 **Doctor, dental, optician appointments**

Entitlement: Appointments with doctors, dentists (and opticians where it is not a Display Screen User Eye Test) will not be credited and employees will use either unpaid leave or the flexi-time scheme to attend them. Where possible the above appointments should be made outside working hours.

9.4.2 **Bad weather/emergency leave**

Entitlement: 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 i.e. annual, flexi or lieu time. 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.

These include:

- Working from home
- Working at a NYCC establishment closer to the employees home
- Different working times
- Taking flexi leave (if schools have arrangements for this to happen)
- Taking annual leave (including support staff in schools & colleges working full year)

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.

Where flexi leave or annual leave have been used, unpaid leave can be taken. All options should be explored and only in exceptional circumstances, the manager has discretion to authorise paid leave subject to approval as necessary.

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.

☞ **Note:** Managers may need to seek further advice on any tax implications for claims for home to work travel.

Managers have to balance their duty of care to all staff with the need to maintain services if possible. Any decision to send staff home early should reflect the employee's individual circumstances.

Staff should use flexitime where possible to accommodate late starts or early finishes. Alternatively annual leave can be used. Staff who have no flexi or annual leave entitlement and who have no alternative working arrangements may request unpaid leave.

In schools: If staff can satisfy the school that they have made every effort to get to work, any time lost may be classed as time off with pay. If the school is not satisfied, then time off will be unpaid.

9.4.3 **Special leave (unpaid)**

A number of days of unpaid leave may be requested to deal with personal or domestic issues. This must be approved by your Line Manager and is generally expected to be used for shorter periods of leave.

In schools: Requests for paid leave in exceptional circumstances should be made in writing to the head teacher who will consider the circumstances. Authorisation is not automatic. The Head teacher in consultation with the Governing Body 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.

9.4.4 **Religious festivals/holidays and cultural needs**

Entitlement: Negotiated time off with Line Manager using annual leave, flexi leave, unpaid leave or lieu time. A number of days (unpaid) special leave can be taken to attend religious gatherings and festivals.

Employees whose religious beliefs require the observance of festival which fall on their work days and employees who wish to travel to attend religious gatherings can negotiate time off with their line manager. A number of unpaid special leave can be taken in addition to the use of annual, unpaid leave, flexi-leave or lieu time, subject to the needs of the service. Managers are expected to take a reasonable approach to such requests, balancing the needs of the service, colleagues and the individual. Directorates will determine approval mechanisms and reporting arrangements.

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 service 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. The use of flexi-time arrangements 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 can not 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 a flexible working arrangement.

9.5. 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 NYCC 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 Employment Support Services on 01609 532190.
- 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.
- Further details can be obtained from the North Yorkshire Pension Fund on pensions@northyorks.gov.uk.
- 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.
- 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.
- The line manager is responsible for informing employment support services and pensions of the period of unpaid leave.

* In schools, the term 'service director' will be read as 'governing body' or 'head teacher', if so delegated.

10. Strike/industrial action

Any industrial action is a form of breach of contract and as such is unpaid.

- 10.1 **Annual leave**: 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.
- 10.2 **Child care arrangements**: 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.
- 10.3 **Sick leave**: 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.