
LEAVE

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LEAVE OF ABSENCE**1.0 Introduction**

- 1.1 The provisions relating to time off for both teaching and support staff are primarily embodied in the nationally and locally agreed conditions of service which in turn reflect the legal requirements relating particularly to time off for public duties.
- 1.2 The following section details the main provisions in this respect. It does not, however, relate to leave of absence due to trade union activities which is detailed elsewhere.
- 1.3 Applications for leave should be processed through the School Governing Body or Education Personnel unless such leave falls within the Headteacher's discretion.
- 1.4 A table of the entitlement of staff to leave of absence is attached in the following pages.
- 1.5 For the purpose of sickness and maternity leave, continuous service from previous employment with other public authorities may be taken into account when calculating entitlement. Please contact Education Personnel Services for further information.



2. Annual Leave

REASON FOR ABSENCE	TEACHING STAFF	SUPPORT STAFF	SPECIAL COMMENTS
A. Annual Leave Entitlement	To be taken during school closure	<p>Less than 3 years' service – 23 days</p> <p>3 years or more but less than 5 years – 25 days</p> <p>5 years or more service – 28 days</p> <p>Staff graded scp 30 to scp 34 with 10 years or more service – 29 days</p> <p>Staff graded scp 35 or above with 10 years or more service – 31 days</p> <p>Entitlement to additional leave based on length of service is effective following completion of the required period on a pro rata basis in the first leave year of entitlement to the higher level.</p> <p>Staff working less than a five day week, have a reduced entitlement pro rata.</p> <p>Staff on long term sickness absence, who are employed to work 52.14 weeks, may request to take annual leave during their sickness absence. Where the long term absence spans across two leave years, they will be able to carry forward a maximum of 5 days at the discretion of the Headteacher. Any leave carried forward must be taken in the next holiday year.</p>	<p>I. The leave period is from 1 April to 31 March.</p> <p>II. Annual leave entitlement will be calculated from the first day of employment.</p> <p>III. During the first year of employment, leave may be limited to the amount accrued at that time, at a rate on one-twelfth.</p> <p>IV. Employees leaving the service are entitled to a proportion of their leave entitlement which will be calculated up to and including their last day of service. Any leave taken in excess of entitlement will have to be refunded.</p> <p>V. Ordinarily holidays should be taken when the school is closed unless at the discretion of Headteacher.</p> <p>VI. Up to 5 days leave can only be carried forward into the next leave year in exceptional circumstances.</p>
B. Bank and Public Holiday Entitlement		<p>Good Friday - Easter Monday</p> <p>May Day - Spring Bank Holiday</p> <p>Late Summer Holiday</p> <p>Christmas Day - Boxing Day - New Years Day</p>	Part-time staff for whom the bank or public holiday is not a normal working day should be credited with time off in lieu calculated as one fifth of their normal contracted weekly hours.

3. Special Leave



REASON FOR ABSENCE	TEACHING STAFF	SUPPORT STAFF	SPECIAL COMMENTS
A. Compassionate Leave Bereavement or serious illness of: Husband/wife/partner/father/ mother/son/daughter/brother/ sister Attendance at a funeral of other than a near relative	Up to 5 working days Up to 3 working days	As necessary up to three working days. Where the employee has sole responsibility for funeral arrangements up to a maximum of 5 working days at the discretion of Governing Body. Also includes step relatives, adoptive parents, grandparent, grandchild, aunt/uncle, parent-in-law, brother/sister-in-law, other parent of your child. Normal annual leave arrangements would apply.	With pay. The three days may be extended and include others at the discretion of the School Governing Body.
B. Attendance at the wedding of child, father, mother, brother, sister or person normally resident with the applicant.	Up to 2 working days.	Normal annual leave arrangements would apply.	With pay
C. Birth of a child to partner (Maternity Support Leave)	Up to 2 working days	Up to 5 working days claimed within 2 months of birth, irrespective of how many children born. Also applies to adoptive parents.	With pay. Also refer to Paternity Leave provisions.
D. House removal	1 working day, 2 days in exceptional circumstances		With pay. Employees must not be within their notice period on the date of removal.
E. Examinations	1 working day for each day of examination	Half a days paid leave per subject up to a maximum of 3 days per annum. Paid leave of absence to be granted for the purpose of sitting for exams applicable to Local Government service.	With pay. Employee must have received sponsorship by the Authority.
F. Attendance at interviews	Discretion of Headteacher as to frequency and level	To be agreed by Headteacher/Governing Body	With pay – local government With pay – same Authority Without pay – non-local government

REASON FOR ABSENCE	TEACHING STAFF	SUPPORT STAFF	SPECIAL COMMENTS
G. Religious Observance Days	Up to 3 working days per school year		With pay
H. Service in the Territorial Army		As necessary up to 10 working days.	With pay.
I. Public Duties i. A Justice of the Peace ii. A Member of the Local Authority iii. A member of any statutory tribunal iv. A member of a Regional Health Authority v. A member of a Water Authority vi. A member of a managing or Governing Body of an educational establishment maintained by the LEA. vii. A member of a Board of Visitors for Prisons, Remand Centres & Young Offenders Institutions	Up to 18 working days each school year (to be taken in full days) 5 additional working days each school year for compulsory training (Magistrates)	Maximum of 30 days paid leave for public service with maximum of 17 days paid per annum for duties connected with any one public service. The granting of requests for leave should be determined by the Headteacher/Governing Body having regard to the needs of the school, the implications of allowing each individual request, the overall limit and guidelines on reasonableness.	Leave is subject to the employee proving that time off was required and ensuring that his/her employer is notified well in advance of his/her requirement of such duties. Annual or flexi-leave to be used if in excess of 17 days. No travelling or subsistence allowance will be paid. The paid time off should include pay where appropriate, average bonus and contractual or conditional overtime.
J. Attendance at meetings or conferences of societies on educational matters.	As necessary at the discretion of the School Governing Body		With pay.

REASON FOR ABSENCE	TEACHING STAFF	SUPPORT STAFF	SPECIAL COMMENTS
K. Parliamentary Candidates	From either the date of the issue of the Writ or the dissolution of Parliament until the declaration of the poll. The contract of employment of a successful candidate will be deemed to have been terminated from the date of election.		Without pay
L. Decorations and Honours	As necessary at the discretion of the Governing Body	Normal annual leave arrangements would apply.	With pay
M. Sporting Activities (National Level)	Up to 10 working days per school year. Any additional days at the discretion of Governing Body		With pay
N. Television and sound broadcast	As necessary at the discretion of the Governing Body		
i. with a direct educational bearing ii. without a direct educational bearing			Paid with salary subject to any fees Without pay.
O. Witnesses in court, jury service, inquests.	As necessary		Salary will be reduced up to a maximum of any allowances which may be claimed.



REASON FOR ABSENCE	TEACHING STAFF	SUPPORT STAFF	SPECIAL COMMENTS
P. Staff prevented from reaching work due to inclement weather	If staff can satisfy their supervising officer 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 so satisfied, then the time off will be regarded as unpaid leave.		
R. Speaking Engagements		At discretion of Headteacher	With pay – fee declared to school Without pay – fee need not be declared
S. Special Leave		At discretion of Headteacher	May be with or without pay

All special leave applications must be made in writing, giving as much notice as possible in order to arrange appropriate cover.

NB: Education Catering Staff and Midday Supervisors are not entitled to take paid annual leave in term time. Normal annual leave entitlement is covered by a payment to such staff, usually with the summer advance of pay.

4.0 Sickness Leave**4.1 Support Staff Allowance (including Weekly Paid)**

During first year of service	1 month full pay and (after completing four month's service) 2 months half pay
During second year of service	2 months full pay and 2 months half pay
During third year of service	4 months full pay and 4 months half pay
During fourth and fifth years of service	5 months full pay and 5 months half pay
After five years full service	6 months full pay and 6 months half pay

In determining the amount of full pay or half pay sickness allowance, any paid sickness absence taken during the previous 12 months immediately preceding the first day of absence will be taken into account.

Any period of sickness broken by annual leave but covered by a GP's certificate, will be considered as continuous.

4.2 Teaching Staff Allowance

During first year of service	25 working days full pay (and after completing four month's service) 50 working days half pay
During second year of service	50 working days full pay and 50 working days half pay
During third year of service	75 working days full pay and 75 working days half pay
During fourth and successive years of service	100 working days full pay and 100 working days half pay

In determining the amount of full pay or half pay sickness allowance, any paid sickness absence taken during the previous year preceding the first day of absence will be taken into account. In this respect the year shall be deemed to begin on 1 April and end on 31 March of the following year. Where a teacher is absent on 31 March a new period of sick leave entitlement shall not begin until he or she has resumed teaching duty.

5.3.6 Exercise of the right to return to work

If you qualify for leave under 5.1.3 you shall notify your line manager, in writing, at least 21 days before the day on which you propose to return or the date of your intended return if this is before the end of the 18 weeks' maternity leave.

If you qualify for leave under 5.1.4 you shall notify your line manager in writing at least 21 days before the day on which you proposed to return, of the date of your intended return.

If because of an interruption of work (whether due to industrial action or some other reason) it is unreasonable to expect you to return on the notified day, you may instead return when work resumes, or as soon as reasonably practicable thereafter.

Postponement of Return

Neither you nor the employer has the right to postpone your return to work at the end of the maternity leave period. If you are unable to return to work due to sickness absence the sickness scheme shall apply.

5.3.7 Employee Protection

Unfair Dismissal

From the time your employer knows of your pregnancy, you have the right not to be dismissed for any reason connected with your pregnancy.

If you are dismissed at any time during your pregnancy or maternity leave you will be entitled to be provided with written reasons for your dismissal (whether requested or not).

Your employer is entitled to dismiss you for reasons unconnected to your pregnancy, e.g. misconduct reasons. You need to have one years' service to make an unfair dismissal claim in these circumstances.

Detrimental Treatment

From the time your employer knows of your pregnancy, you have the right not to be subjected to detrimental treatment on the grounds of pregnancy, childbirth or maternity. You may seek redress through an employment tribunal if this right is infringed.

5.3.8 Health and Safety Arrangements

Introduction

Bournemouth Borough Council has a statutory duty to ensure health, safety and welfare of all its employees whilst they are at work.

Protective Measures

Where a significant hazard has been identified at the workplace and it presents an unacceptable risk to the employee, the Authority will first take any protective or preventative measures required by the health and safety legislation to eliminate it. Where this would not avoid the risk the following hierarchy of measures should be carried out.

- i If it is reasonable to do so, alter working conditions or hours of work
- ii If it is not reasonable to make such alterations, or if the risk cannot be avoided in this way, you will be offered suitable alternative employment. Suitable alternative employment means work which is both suitable in relation to yourself and appropriate for you to do in the circumstances and on existing terms and conditions which are not substantially less favourable
- iii If no suitable alternative work is available, you will be "suspended". This means you will be entitled to paid leave or where suitable alternative work is available but refused by you, providing you with unpaid leave

5.3.9 Suspension on Health and Safety Grounds

Particular duties such as heavy lifting may present an increased risk of injury during pregnancy. It is important therefore that your line manager is informed at the earliest possible date that you are pregnant. If your job presents risks you can be suspended, on health and safety grounds, for periods both before and after childbirth. This means that you can be suspended in any period starting from when you become pregnant until either:-

- i The date on which you notify the commencement of your maternity leave
- ii The beginning of the sixth week before the expected week of childbirth, if this date has not been notified, or if the date falls after the sixth week and the suspension takes place beyond this time (because this will automatically trigger the maternity leave)

Suspension may also occur during any period from the end of your maternity leave up until the sixth month from the date of childbirth (later if breast feeding goes beyond this date).

These Notes of Guidance are intended to provide you with an outline of the main conditions in respect of maternity leave and maternity pay. Any further queries should be addressed to Personnel Services.



5.7.6 Annual Leave Entitlement – Support Staff Only

Annual leave accrues over the whole of your maternity leave period, i.e. during both the ordinary and additional maternity leave. If you are intending to return to work, therefore, you may wish to take a proportion of your annual leave entitlement in advance, subject, of course, to the exigencies of the service. Please note that if you do not return to work after your period of maternity leave and your employment is subsequently terminated, the Authority will reclaim any monies owing in respect of leave taken in excess of entitlement.

If your maternity leave spans two annual leave years, you will be entitled to carry over 5 days leave from the previous year at the discretion of your Headteacher.

For staff not wishing to return to work, annual leave will be calculated up to the last day of paid employment only i.e. date of termination.

Ordinary maternity leave and additional maternity leave shall be regarded as continuous service for the purpose of the National Joint Council's sickness and maternity schemes and annual leave.

5.7.7 Relationship with Sickness

Maternity leave will not be treated as sick leave and will not, therefore, be taken into account for the calculation of a period of entitlement to sick leave.

If you fall sick before the 4th week before the expected week of childbirth, you will be entitled to statutory sick pay and occupational sick pay. If you are absent through sickness after the 4th week, you will only be entitled to statutory sick pay where the sickness is not related to the pregnancy. Where the sickness is pregnancy related, triggering statutory maternity leave, SMP will become payable. If you become sick during your maternity pay period, you will have not entitlement to SSP because you will be receiving SMP.

5.7.8 Unfair Dismissal

From the time the Council/School knows of your pregnancy you have the right not to be dismissed for any reason connected with your pregnancy.

5.7.9 Detrimental Treatment

From the time the Council/School know of your pregnancy, you have the right not to be subjected to detrimental treatment on the grounds of pregnancy, childbirth or maternity. You may seek redress through an employment tribunal if this right is infringed.

Prior to the maternity leave commencing, the school will seek agreement from the employee to notify them of any internal vacancies that may arise during their period of maternity leave.

5.7.10 Health and Safety Arrangements

Bournemouth Borough Council/The Governing Body has a statutory duty to ensure health, safety and welfare of all its employees whilst they are at work.

Protective Measures

Where a significant hazard has been identified at the workplace and it presents an unacceptable risk to the employee, the Authority/School will first take any protective or preventative measures required by the health and safety legislation to eliminate it. (See Risk Assessment for New or Expectant Mothers, Appendix 4). Where this would not avoid the risk the following hierarchy of measures should be carried out.

- If it is reasonable to do so, alter working conditions or hours of work
- If it is not reasonable to make such alterations, or if the risk cannot be avoided in this way, you will be offered suitable alternative employment. Suitable alternative employment means work which is both suitable in relation to yourself and appropriate for you to do in the circumstances and on existing terms and conditions which are not substantially less favourable
- If no suitable alternative work is available, you will be unable to come to work, but you will be entitled to paid leave or where suitable alternative work is available but refused by you, providing you with unpaid leave

5.7.11 Health and Safety Measures

It should be noted that pregnancy creates biological changes in the body. Particular duties such as heavy lifting may present an increased risk of injury during pregnancy. It is important therefore that you inform your Line Manager and Personnel Services at the earliest possible date that you are pregnant. If your job presents risks you can be required to refrain from work, on health and safety grounds, for periods both before and after childbirth. This means any period starting from when you become pregnant until either:

- The date on which you notify the commencement of your maternity leave
- The beginning of the fourth week before the expected week of childbirth, if this date has not been notified (because this will automatically trigger the maternity leave)

The requirement to refrain from work may also occur during any period from the end of your maternity leave up until the sixth month from the date of childbirth (later if breast-feeding goes beyond this date).

many remain to be taken so that an adjustment can be made. This information will be confirmed to employees by the school as appropriate. The limit of 13 weeks is aggregated across all employments.

4 General Conditions

7.4.1 Notice

- Employees must give a minimum 21 days notice of taking leave and complete the Application for Parental Leave form (See Appendix 2).
- Notice of the exact start and end date of parental leave must be given, except for prospective fathers or adoptive parents who wish to take leave immediately after the birth/adoption of a child (although a minimum of 21 days notice of how much leave is requested, is required before the week in which the birth/adoption is expected).

7.4.2 Postponement

- In exceptional cases the Headteacher can postpone leave where the needs of the school or the quality of service make this necessary and it is reasonable to do so. However, leave cannot be postponed for more than 3 months.
- Written notice of the postponement will be given to the employee not more than 7 days after the request for Parental Leave has been submitted.
- When previously authorised leave is subsequently postponed the Headteacher must advise Personnel Services and Payroll Services immediately.
- The right to postponement does not apply where parental leave has been requested to start immediately following the birth/adoption of a child.
- Where postponement means that the child will be over 5 years old (or has been adopted for more than 5 years), the entitlement to leave will still apply.

7.4.3 Evidence

- An employee's initial request for Parental Leave must be supported by a birth or adoption certificate or documents/agreements to support parental responsibilities and proof of the child's age. Where applicable, confirmation of the child's disability living allowance must also be submitted.
- References for new employees should be used to request from previous employers details of any parental leave taken, in order to be taken into account in their new employment.

7.4.4 Continuous Service

- Continuous service will apply whilst the employee is taking unpaid parental leave.

- If a redundancy situation arises, the employee must be treated as though they were at work.

7.4.5 Right to Return

- Provided the employee has complied with the general conditions, they have the right to return to the job they were doing before the start of the Parental Leave on terms and conditions not less favourable than if they had not taken Parental Leave. Only in exceptional circumstance (e.g. a redundancy situation or reorganisation) may suitable alternative employment be offered on terms and conditions not less favourable than those in the original job.

7.4.6 Pension

- Support staff will be able to choose to continue paying pension contributions during the period of unpaid parental leave in order to retain their level of entitlements. If an employee decides to pay, the contributions will be based on the remuneration they were receiving prior to the unpaid period. Personnel Services or Pensions Services will be able to provide advice of an individual's options prior to the commencement of their parental leave.
- Teaching staff do not have the option to continue paying pension contributions during any period of unpaid leave.

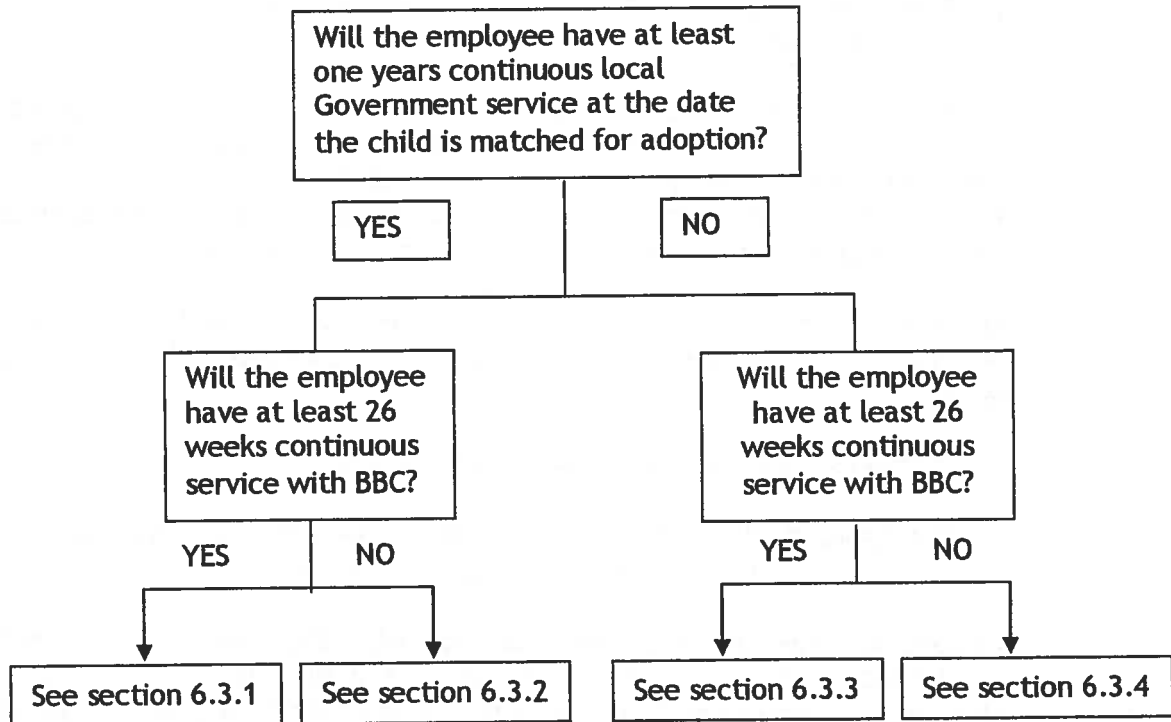
7.4.7 Other

- Schools should keep records of Parental Leave taken and advise Payroll Services who will make salary adjustments.
- Making a deliberate false claim for Parental Leave will be considered as a disciplinary issue and will be dealt with in accordance with the normal disciplinary procedures.
- If the Authority fails to comply with its obligation under the Employment Relations Act 1999 and Maternity and Parental Leave (Amendment) Regulations 2001, an employee may complain to an Employment Tribunal.

Notes:

¹(These provisions implemented Council Directive 96/34/EC on the framework agreement on parental leave and were made under Ss.76-79 of the Employment Rights Act 1996 as substituted by Schedule 4 to the Employment Relations Act 1999 which came into force on 15 December 1999)

²For the parents of children (1) born before 15 December 1999 whose fifth birthday is on or after that date or (2) have adopted before 15 December 1999 where the fifth anniversary of the placement is on or after that date or (3) acquired formal parental responsibility for a child born before 15 December 1999 where the child remains under five, previous employers service can be taken into account.



6.3 Adoption Leave and Pay Entitlements

6.3.1 This section applies to employees who:

- Have at least one year's continuous local government service at the date the child is matched for adoption.
- Have worked for Bournemouth Borough Council/Governing Body for at least 26 weeks at this date.

Adoption Leave

The employee will be entitled to 52 weeks adoption leave. The leave can commence any time from:

- The date of the child's placement (whether this is earlier or later than expected), or
- From a date which can be up to 14 days before the expected date of placement.

Adoption Pay – Support Staff

a) For the first 7 weeks of adoption leave, employees will receive:

- Half of their contractual average earnings and
- A standard rate of statutory adoption pay (this set rate is revised annually) or 90% of average weekly earnings if this is less than the standard rate of SAP

The total amount of payment an employee will receive during this 7 week period cannot exceed their normal full pay.

If the employee fails to return to work for a three month period, the School will require them to repay the 7 weeks half pay or the amount of those 7 weeks that have been paid in excess of Statutory Adoption pay. (The requirement to return to work for a period of three months applies irrespective of whether an employee returns on full or part time hours).

Alternatively, the employee may opt to ask the School to hold the 7 weeks half pay until they have returned to work and completed the 3 months service.

b) For the next 19 weeks an employee will receive:

- The standard rate of Statutory Adoption pay (or 90% of average weekly earnings if this is less than the standard rate of SAP)

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions will not qualify for SAP. Further information or advice can be obtained from a local Job Centre Plus or Social Security Office.

Adoption Pay – Teaching Staff

During the ordinary adoption leave period (up to 26 weeks), employees will receive the standard rate of statutory adoption pay (or 90% of average weekly earnings if this is less than the standard rate of SAP).

6.3.2 This section applies to employees who:

- Have at least one year's continuous local government service at the date the child is matched for adoption
But
- Have worked for Bournemouth Borough Council/Governing Body for less than 26 weeks at that date.

Adoption Leave

The employee will be entitled to 29 weeks adoption leave. The leave can commence any time from:

- The date of the child's placement (whether this is earlier or later than expected), or
- From a date which can be up to 14 days before the expected date of placement.

Adoption Pay – Support Staff

Employees will receive 7 weeks at half of their contractual average earnings and the remaining 22 weeks unpaid.

If the employee fails to return to work for a three month period, the School will require them to repay the 7 weeks half pay. (The requirement to return to work for a period of three months applies irrespective of whether an employee returns on full or part time hours).

Alternatively, the employee may opt to ask the School to hold the 7 weeks half pay until they have returned to work and completed the 3 months service.

Adoption Pay – Teaching Staff

During the ordinary adoption leave period (up to 26 weeks), employees will receive the standard rate of statutory adoption pay (or 90% of average weekly earnings if this is less than the standard rate of SAP).

6.3.3 This section applies to employees who:

- Have less than 1 years local government continuous service at the date the child is matched for adoption, but
- Have more than 26 weeks continuous service with Bournemouth Borough Council/Governing Body at this date.

Adoption Leave

The employee will be entitled to 52 weeks adoption leave. The leave can commence any time from:

- The date of the child's placement (whether this is earlier or later than expected), or
- From a date which can be up to 14 days before the expected date of placement.

Adoption Pay

Employees have a statutory right to 26 weeks 'ordinary' adoption leave paid at the current SAP rate or 90 per cent of average weekly earnings (whichever is the lesser). On top of this, adoptive parents are entitled to take an 'additional' 26 weeks unpaid adoption leave, giving a total of one year's leave.

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions will not qualify for SAP. Further information or advice can be obtained from a local Job Centre Plus or Social Security Office.

6.3.4 This section applies to employees who:-

- Have less than one year's continuous local government service at the date the child is matched for adoption
- Have worked for Bournemouth Borough Council/Governing Body for less than 26 weeks at that date.

Adoption Leave and Pay

An employee in this situation will not be eligible for Adoption Leave or Pay.

6.4 Notification Requirements

- 6.4.1 Adopters must inform their line manager of their intention to take adoption leave as soon as they are notified by their adoption agency that they have been matched with a child for adoption. Details must be provided of when the child is expected to be placed and when the adoption leave is requested to start.
- 6.4.2 An adopter can change their mind about the date on which they want their leave to start but only if they tell their line manager at least 28 days in advance (unless this is not reasonably practicable).
- 6.4.3 As evidence of their entitlement to Adoption Leave and Pay, employees must provide documentary proof from the agency of the name and address of the agency, date on which the employee was notified s/he had been matched with the child and date on which the agency expects the child to be placed.

6.5 Terms and Conditions of Employment

- 6.5.1 An employee qualifying for adoption leave will be entitled to the benefit of their terms and conditions of employment, except for terms relating to wages or salary, throughout the first 26 weeks of adoption leave and to limited terms within the remaining 26 weeks should the full period be taken.

6.6 Returning to Work

- 6.6.1 Adopters who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification of this.
- 6.6.2 Adopters who want to return to work **before** the end of their adoption leave period, must give 28 days notice of the date they intend to return.
- 6.6.3 The rules on **right to return to work** in the Maternity Leave scheme will apply to Adoption Leave i.e. Provided the employee has complied with the general conditions, they have the right to return to the job they were doing before the start of the adoption leave on terms and conditions not less favourable than if they had not taken adoption leave. Only in exceptional circumstance (e.g. A redundancy situation or reorganisation) may suitable alternative employment be offered on terms and conditions not less favourable than those in the original job. For more detailed information on this aspect please refer to the Maternity Leave Policy.

6.7 General Conditions

- 6.7.1 All applications will be treated confidentially.
- 6.7.2 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

- 6.7.3 If the placement ends or the child dies during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks or at the end of the adopter's adoption leave period, whichever is the earlier.
- 6.7.4 During the period of contractual and ordinary adoption leave (up to 26 weeks) employees will automatically continue to pay pension contributions. An employee will then be able to choose to continue paying **pension** contributions during the period of statutory additional adoption leave (a possible further 26 weeks). If an employee decides to pay, the contributions will be based on the remuneration they were receiving prior to the unpaid period. The Pensions section will be able to provide advice as to an individual's options prior to the commencement of their adoption leave.
- 6.7.5 **Annual leave** accrues over the whole of the adoption leave period, i.e. during both the contractual / ordinary leave and the additional leave. If an employee is intending to return to work, therefore, they may wish to take a proportion of their annual leave entitlement in advance, subject to the exigencies of the service. If however, they do not return to work after the period of adoption leave and their employment is subsequently terminated, the Authority will reclaim any monies owing in respect of leave taken in excess of entitlement.
- 6.7.6 The Working Time regulations provide that statutory leave entitlement apply even if the employee is taking a period of unpaid leave.
- Staff are able to continue accruing their annual leave in line with their contractual entitlement.
 - All employees will be required to give notice that they wish to take annual leave in accordance with usual procedures.
 - If the adoption leave spans two annual leave years, an employee will be able to carry over a maximum of five days at the discretion of the Headteacher, or more at the discretion of the Governing Body.
 - Staff not wishing to return to work, will have their annual leave calculated up to the last day of paid employment only i.e. date of termination.

Adoption leave will not be treated as **sick leave** and will not therefore, be taken into account for the calculation of a period of entitlement to sick leave.

7.0 Paternity Leave

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(Also see Maternity Support Leave/Adoption Support Leave)

7.1 Introduction

- 7.1.1 Employees wishing to take Paternity leave are entitled to take either one week or two consecutive weeks, but not odd days. Employees who qualify for both Paternity leave and Maternity Support leave will be entitled to Maternity Support leave (refer to policy) and one weeks Paternity leave.
- 7.1.2 Leave can start on any day of the week on or following the child's birth but must be completed within 56 days of the actual date of the birth, or if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of confinement (EWC).
- 7.1.3 Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy.

7.2 Eligibility

- 7.2.1 Must be an employee of Bournemouth Borough Council/Governing Body
- 7.2.2 The employee must have completed at least 26 weeks continuous service with this Authority by the 15th week before the expected week of the child's birth or by the week in which an approved adoption agency matches an adopter with a child.
- 7.2.3 The employee must be having or expect to be having, responsibility for the upbringing of the child.
- 7.2.4 The employee must be the biological father of the child, or married to, or the partner of the child's mother. (A partner in relation to a child's mother means a person (whether of a different or the same sex) who lives with the mother in an enduring family relationship but is not a blood relative).
- 7.2.5 The leave must only be used for the specific purpose of caring for a newborn child and supporting the mother, or for the purpose of caring for a child newly placed for adoption and supporting the adoptive parent.

7.3 Leave and Pay

- 7.3.1 Entitlement to leave is as follows:

2 weeks' paid paternity leave payable at the current statutory maternity pay rate or 90% of the employee's average weekly earnings (whichever is the lesser).

BOURNEMOUTH BOROUGH COUNCIL**APPLICATION FOR ADOPTION LEAVE***(to be completed by member of staff)***TO: HEADTEACHER****NAME:****N.I. No:****SCHOOL:****HOME ADDRESS:****DATE:**

I am writing to formally advise you of my application for Adoption Leave.

I confirm that my child was adopted on (insert date) and I have acquired formal parental responsibility and attach evidence in confirmation (e.g. adoption certificate).

I agree that my full entitlement to adoption leave amounts to 7 weeks half pay and up to a further 22 weeks unpaid.

I wish to take leave - Start date:**Return Date:****Signed:**

AUTHORISATION (BY HEADTEACHER)**Signed:****Print Name:****Date:**

**COMPLETED FORM TO BE SENT TO PAYROLL SERVICES WHO WILL
TAKE THE NECESSARY ACTION AND FORWARD TO PERSONNEL
SERVICES**

BOURNEMOUTH BOROUGH COUNCIL**APPLICATION FOR PARENTAL LEAVE***(to be completed by member of staff)***TO: HEADTEACHER****NAME:****N.I. No:****SCHOOL:****HOME ADDRESS:****DATE:**

I am writing to formally advise you of my application for Parental Leave. *(please delete as appropriate):-*

- I confirm that I have one years continuous service,
- my child was born before 15 December 1999 and is under 5 years old (under 18 years old if disabled)
- my child was born after 15 December 1999 and is under 5 years old (under 18 years old if disabled)
- my child was adopted before 15 December 1999, is under 18 years old and the fifth anniversary of the placement is on or after that date.
- my child was adopted after 15 December 1999, is under 18 years old and the fifth anniversary of the placement is on or after that date.

I am the parent/have acquired formal parental responsibility for the child and attach evidence in confirmation *(e.g. birth certificate, adoption certificate etc)*.

I agree that my full entitlement to unpaid leave is:-

[13 weeks/or 18 weeks as my child is entitled to Disability Living Allowance (or pro rata for part time employees) less days/weeks taken including those with any previous employer]= _____ weeks/days.

I wish to take **unpaid** leave as outlined in the Council Parental Leave Policy

Start date: _____ Return Date: _____

I understand that in exceptional circumstances, the Council can postpone leave for a max. 3 months, where the needs of the school or the quality of service make this necessary and it is reasonable to do so.

Signed: _____

AUTHORISATION (BY HEADTEACHER)**Signed:****Print Name:****Date:**

COMPLETED FORM TO BE SENT TO PAYROLL SERVICES WHO WILL TAKE THE NECESSARY ACTION AND FORWARD TO PERSONNEL SERVICES

BOURNEMOUTH BOROUGH COUNCIL**UNPAID TIME OFF FOR DEPENDANTS***(to be completed by member of staff)***TO: HEADTEACHER****NAME:****N.I. No:****SCHOOL:****HOME ADDRESS:****PERIOD OF UNPAID ABSENCE:** from to**REASON FOR UNPAID ABSENCE** (please tick one of the following):

- ☐ To provide assistance to a dependant who was ill, gave birth, was injured/assaulted
- ☐ To arrange care for a dependant who was ill/injured
- ☐ Death of dependant
- ☐ To deal with unexpected disruption to care arrangements of dependant
- ☐ To deal with an incident involving my child at school
- ☐ Other – please specify

NAME OF DEPENDANT:**YOUR RELATIONSHIP TO DEPENDANT:****SIGNED:****DATE:****ACKNOWLEDGEMENT (BY HEADTEACHER)****Signed:****Print Name:****Date:****COMPLETED FORM TO BE SENT TO PAYROLL SERVICES WHO WILL
TAKE THE NECESSARY ACTION AND FORWARD TO PERSONNEL
SERVICES**

