



# **LEAVE ENTITLEMENTS AND ARRANGEMENTS POLICY**

**For schools and educational settings in  
the London Borough of Hackney**

Version 7.0, August 2018

**Hackney Education**

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## 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 that were 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1.0	October 2010	First published version – withdrawn.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.
6.0	September 2015	Update to Parental Leave provisions and removal of links to Trustnet

Version	Date	Summary of changes
7.0	August 2018	Annual leave entitlements - amended from days to hours. Alignment of buying and carrying over annual leave to LBH policy. Removal of paid sabbatical leave. Removal of bereavement leave (due to separate guidance being issued).
7.0 (Rebranded)	August 2018	Content remains unchanged. Document rebranded to reflect Hackney Education name change and branding.

## Next major release

Although this document will be updated as legislation or procedures change, the next major review date will normally be scheduled for three years after the last release.

## Distribution

This policy is available on the Hackney Education Services for Schools website.

## **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. Hackney Education'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.

Staff will only be able to book annual leave from their annual entitlement from the current annual leave year. Staff will not be permitted to borrow annual leave from the following annual leave year period to be taken in the current annual leave year.

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.

Annual leave entitlement is calculated in hours and includes both basic annual leave and bank holidays.

#### **6.2.1 Basic annual leave**

The basic annual leave entitlement is 194.4 hours (27 days) per year.

Annual leave entitlement for part-time staff will be calculated on a pro rata basis in proportion to the hours they work.

### 6.2.2 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 of 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.

### 6.2.3 Long service leave

Long service leave is awarded to employees who have completed five years of continuous service. The entitlement is 36 hours (five days).

If the day the person reaches five years continuous service falls part way through the leave year, their five day entitlement will be calculated on a pro-rata basis for the rest of the annual leave year.

### 6.2.4 Calculating annual leave

Annual leave entitlement is calculated using the following principles:

- Entitlement to annual leave is accrued from the first day of service.
- Leave entitlement consists of:  
Basic annual leave + bank holidays + long service leave (if applicable)
- Part time workers will receive a pro rata entitlement of these according to their working hours.
- If a member of staff starts or leaves anytime throughout the year they will receive a pro-rata amount of annual leave which is calculated based on the proportion of the days worked in that annual leave year.

Staff will receive the entitlement for the bank holidays that fall within the period of the annual leave year that they have worked. Part time staff will receive a part time allocation of these bank holidays based on their working hours.

### 6.2.5 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 carried over leave must be taken by 30 September 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.

### **6.2.6 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.

### **6.2.7 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.

### **6.2.8 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](#)).

### **6.2.9 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, use 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 childminder or nurse falling ill or failing to turn up.
- Goes into labour.
- Dies (subject to the provision in Bereavement and the workplace (including Bereavement leave) Guidance.
- 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).

## 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:

Public office position	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 effect 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.

Employees carrying out election duties through the night such as verification counts will be expected to be at work as normal on polling day but can take the following day as paid leave.

Employees must provide proof of their appointment to carry out election duties to their manager who should forward a copy to HR.

**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 a general guide, the School will only authorise paid leave for training courses where it will further the employee's general 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.

Please see the Bereavement and the workplace (including Bereavement leave) Guidance for more details of support and paid leave available for staff.

## **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 Headteacher.

The guidelines recognise that by virtue of the nature of special leave hard-and-fast rules cannot always be followed rigidly. Headteachers 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 the 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) Note: 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 round 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).

### **8.7.1 Other 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, Headteachers 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 provisions relating to request for time off for dental and hospital appointments are in [Dental, doctor and hospital appointments](#).

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.

Headteachers 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.

## **8.8 Other special leave - unpaid**

Subject to the provisions for paid special leave outlined in this policy, 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.

## 8.9 Sabbatical leave

Sabbatical leave is a provision which exists to allow staff to take unpaid time off to pursue a particular interest or study.

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

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

### 8.9.1 Qualifying Criteria

All employees can apply for up to 12 months unpaid leave. However, their length of service will be taken into account. It is likely that an employee still in their probation period and/or is still being inducted into their post may not be granted sabbatical leave.

### 8.9.2 Procedure

The process for applying for unpaid leave is as follows:

1. The employee should discuss the request with the Headteacher, informally. This gives the employee and the Headteacher the opportunity to discuss the benefits and barriers; the timing and the implications for the employee and the service.
2. The employee makes a formal application for the leave. The employee makes their request in writing explaining the reasons the leave is requested, the benefits and how contact will be maintained. Normally, the request will be made at least 12 weeks before the unpaid leave will begin if agreed.
3. The Headteacher will seek to balance the interests of the employee against the implications for the service. A range of issues are likely to be important and should be considered including:
  - The purpose of the unpaid leave
  - The benefits to the school
  - The period of time requested - unpaid leave will not exceed 12 months
  - Any outstanding annual leave - sabbatical leave will not be granted until all paid leave is taken, in instances where the employee is requesting 12 months sabbatical leave
  - Previous requests for unpaid leave and whether they were granted
  - Impact on the service
  - Cover arrangements and costs
  - Impact on others ie workload
  - Attendance record
  - If the employee is subject to one of school's procedures ie misconduct, unpaid leave will not normally be agreed while the process is live or a warning and/or monitoring period is in force



4. Headteacher should aim to respond to the employee with a decision within 28 days of the formal request having been made. There is no right of appeal.

Where the leave can't be agreed, alternatives should be considered, such as other types of leave/arrangements i.e. flexible working, reduced hours or agreeing part of the request or agreeing to the request at a different time.

## **8.10 Parental Leave - unpaid**

If an employee has a child aged under 18, 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; or
- named on the child's adoption certificate; or
- have legal parental responsibility for the child.

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 any time up to and including the child's 18th birthday.

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 week's leave.

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.

### **8.10.1 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.

### **8.10.2 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.

### **8.10.3 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).

### **8.10.4 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.

## **8.11 Dental, doctor and hospital appointments**

An official appointment card must accompany requests 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.

Appointments 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.

### **8.11.1 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.

### **8.11.2 IVF treatment**

Staff will be granted paid time-off in order to attend IVF-treatment, but will be required to give the Headteacher 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 at Hackney Education.