



STAFF LEAVE OF ABSENCE POLICY

Reviewed by: SFAET
Review Date: 23rd April 2018
Next Review: April 2020



Contents

	Page No
1. Introduction	3
2. Scope	3
3. General	3
4. Leave of Absence	4
4.1 Adoption Leave	4
4.2 Antenatal Care Appointments	4
4.3 Carers Leave	4
4.4 Compassionate Leave	5
4.5 Court / Tribunal Attendance	5
4.6 Domestic Leave	6
4.7 Elections	6
4.8 Fertility Treatment	6
4.9 Graduation Ceremonies	6
4.10 Hospital Doctor/Emergency Dentist Attendance	6
4.11 House Removal	7
4.12 Jury Service	7
4.13 Maternity Leave	7
4.14 Medical Screening	7
4.15 Parental Leave	8
4.16 Paternity Leave	8
4.17 Public Duties	8
4.18 Public Examination Duties	9
4.19 Recruitment and Selection Process	9
4.20 Religious Holidays	9
4.21 Safety Representatives	10
4.22 Special Paid Leave	10
4.23 Staff Governors	10
4.24 Study and Examination Leave	10
4.25 Trade Union Representative Duties	11
4.26 Travel Disruption	11
4.28 Weddings in Term Time	12
Appendix 1: Leave of Absence Request Form	13



1. INTRODUCTION

The Success for All Educational Trust as employer is responsible for setting the conditions of service of its employees. In the context of this document Headteachers have delegated authority to grant leave of absence. This procedure has been developed in order to promote a systematic, consistent and positive approach to the management of leave of absence arrangements.

Although this procedure is intended to cover the majority of cases, occasionally some extensions beyond the Headteacher's delegated authority may be appropriate. In such cases the matter should be considered by the Chair of the Local Governing Body and in the case of the Executive Headteacher the Chair of Trustees.

Headteachers must obtain approval from the Chair of their Local Governing Body before taking leave of absence. In the case of the Executive Headteacher, approval must be obtained from the Chair of Trustees.

Headteachers should bear in mind the need for consistency and fairness when making decisions about granting any leave, paid or unpaid. Reasonable notice should be given wherever possible when staff are requesting leave of absence.

This document tries to cover most generic, common types of leave but the examples given are not exhaustive. For requests in respect of other types of leave please contact Schools' Human Resources for advice.

In circumstances that fall outside the scope of this document the Headteacher should seek advice from Schools' Human Resources.

In all cases, where part time staff are concerned, leave will be granted on a pro-rata basis. For example if a part time member of staff works 4 days per week, they will be entitled to just 4 days, where there is a situation where this policy permits 5 days as this is based on a 1.0 Full Time equivalent.

2. SCOPE

This document relates to all school based employees for whom the Trust has responsibility and has been agreed with the recognised trade unions.

All periods of absence detailed below relate to each Academic Year.

For the purposes of this policy a close relative is a:

- Father
- Mother
- Brother



- Sister
- Son
- Daughter
- Guardian

It does not include in-laws

3. GENERAL

Employees absent from school for any reason should be entered on the appropriate electronic recording system [SIMS].

Where leave of absence is granted, it will be necessary to give details on the SIMS return and indicating whether it is paid or unpaid leave.

4. LEAVE OF ABSENCE UNDER HEADTEACHER'S DELEGATED AUTHORITY

Employees have a duty to attend school on any day when they are contracted to work and the school is open except where leave has been requested and agreed.

In the following circumstances, set out in paragraphs 4.1 to 4.26 Headteachers have delegated authority to grant leave of absence. Except where specifically excluded below, leave of absence shall be granted with pay. In respect of maternity leave for teaching staff, pay is also subject to 8.3 b) c) of the Conditions of Service for Teachers 2000 Edition document.

In determining the response to a leave of absence request, consideration must also be given to the needs of the school as well as ensuring a consistent approach is maintained.

If an employee takes leave of absence without the prior consent of the Headteacher (or Chair of the Local Governing Body in the case of the Headteacher), this will be classed as unauthorised absence and may warrant an investigation under the Model Disciplinary Procedure for School Based Staff. Such leave will be unpaid.

A request form to be completed for all leave of absence requests is attached as Appendix 1 of this document.

ADOPTION LEAVE

4.1 Adoption leave is applicable to male and female employees, provided they are the main carer of the child and the child's adopter. Adoption leave will be in line with maternity leave, see maternity/paternity leave policy.



ANTE-NATAL CARE APPOINTMENTS

- 4.2 Time off shall be granted for the purpose of ante-natal care appointments. An appointment card or some other document showing the date and time of the appointment will be required.

CARERS LEAVE

- 4.3 Carers leave is applicable to employees with responsibilities for looking after dependants, close relatives, children or partners. The Employment Rights Act 1996 defines a dependant as: a spouse; a child; a parent; a person living in the same household [but not a lodger, tenant or employee].

The three main circumstances where carers leave may be granted are for: illness/accident/assault; breakdown of normal care arrangements; making arrangements for long term care, particularly with elderly relatives.

A maximum of 5 working days leave may be granted per year. If a longer period is envisaged, this will be considered by the Headteacher on an individual basis and if granted, will be on an unpaid basis.

COMPASSIONATE LEAVE – This includes attendance at a funeral.

- 4.4 Although a consistent approach should be taken, each case should be considered sympathetically and any individual circumstances taken into account. The following applies:

A maximum of five working days in respect of the death of a husband, wife, parent, partner or child, brother, sister or guardian.

A maximum of five working days where the employee is the sole executor of a deceased close relative as described in the above paragraph.

One working day for the funeral of a grandparent and any other close relative (this includes in-laws)

For funerals where there is no relationship and no exceptional circumstances – **one working day without pay.**

If the funeral necessitates a journey of over half a day, **a maximum two additional days** may be granted for travel without pay.



COURT / TRIBUNAL ATTENDANCE

- 4.5 An employee may be asked to give evidence in legal proceedings, including courts, tribunals or coroners courts as a witness. Although the employee has no contractual right to be released for such a purpose, Headteachers must release the employee if the employee has been served with a witness summons/subpoena requiring them to attend court/tribunal as a witness.

Time off with pay will be granted, although a deduction of pay equivalent to the allowances paid by the Court will be made.

The Certificate of Loss of Earnings and copy of the summons should be forwarded to Payroll Dept, Central Library, Romford so that appropriate payroll arrangements may be made.

Cases where the appearance is as a defendant, plaintiff or voluntary witness will need to be considered on their individual merits.



DOMESTIC LEAVE

- 4.6 The Employee Rights Act 1996 provides for employees to take a reasonable amount of **unpaid time** off to deal with domestic incidents which do not fall into the Compassionate and Carers sections of this guidance.

Wherever possible appointments should be made outside working hours.

Each case will be judged on its own merits, it will normally only be granted for emergencies.

ELECTIONS

- 4.7 Paid leave of absence is not normally considered appropriate for candidates in parliamentary and local government elections.

FERTILITY TREATMENT

- 4.8 It is recommended by the National Joint Council [NJC] that Trusts make reasonable time-off arrangements for employees undergoing fertility treatment. The Trust recommends that the time absent for treatment be treated in the same way as a hospital appointment. ***A maximum of five working days leave per year*** may be granted for the purposes of preparing for or recovering from fertility treatment. Any further absences resulting from the treatment must be covered by making a request for unpaid leave, which will be granted up to ***a maximum 5 days unpaid per cycle of treatment.***

GRADUATION CEREMONIES

- 4.9 ***A maximum of one paid working day*** for attendance at the graduation ceremony of the employee, their spouse, partner, son, daughter or parent.

HOSPITAL DOCTOR AND EMERGENCY DENTIST ATTENDANCE



4.10 **Essential** medical treatment and **urgent** dental work shall be recorded as sickness absence for administration purposes. An appointment letter, card, text will need to be provided. Appointments should be booked outside of working hours wherever possible. Staff are expected to return to work if the appointment time permits.

HOUSE REMOVAL

4.10 **Maximum of one paid working day** only if removal during term time. If additional days are required for a further move in the same academic year this will be unpaid.

JURY SERVICE

4.12 Upon receipt of a summons to attend Court as a juror, the employee should forward the certificate of Loss of Earnings and a copy of the summons to their Head Teacher.

Time off with pay will be granted, although a deduction of pay equivalent to the allowances paid by the Court will be made.

The Certificate of Loss of Earnings and copy of the summons should be forwarded to Payroll Dept, Mercury House, Romford so that appropriate payroll arrangements may be made.

In the event of an employee being released for a whole day during the period of jury service, the expectation of the Lord Chancellor's Department is that the employee must return to work if at all practicable. Should an employee be discharged from duty for the day, they will be expected to return to work.

Head Teachers, in completing the relevant sections of the Certificate of Loss of Earnings should consider this expectation in the context of the practicalities of travel from the Court to the school and the cover arrangements which will have been made prior to the employee commencing jury service. Employees should be made aware of the expectations of them in these circumstances.

MATERNITY LEAVE/SHARED PARENTAL LEAVE

4.13 All pregnant employees are entitled to maternity leave/shared parental leave as long as they fulfil the criteria in respect of continuous service and, in the



case of shared parental leave, the eligibility criteria in guidance that can be found in appendix 2; Shared Parental Leave and Pay. For further details please refer to the separate maternity policy and procedures which are available from Schools' Human Resources for more information and advice.

MEDICAL SCREENING

4.14 Necessary time off shall be granted for the purposes of employees being screened - for example: breast / cervical / prostate / testicular cancer.

All appointment letters or cards with times of appointments will need to be provided

PARENTAL LEAVE

4.15 Leave will be granted in accordance with current legislation (Terms and Conditions of Employment: The Maternity and Parental Leave etc. Regulations 1999). Parental leave is separate from maternity and/or paternity leave. ***Parental leave is unpaid leave. A minimum of 21 days written notice of the request must be given to the school.***

PATERNITY LEAVE

4.16 Statutory Paternity Pay and Paternity Leave is available to eligible employees subject to certain criteria.

PUBLIC DUTIES

4.17 The Employment Rights Act 1996 requires that employees are permitted paid or unpaid time off to undertake specific public duties.

Legislation covers employees who are:

- Justices of the Peace
- Members of a LA, a regional area or health authority or health board
- Members of any statutory tribunal
- Members of the managing or governing body of an educational establishment
- Members of a board of prison visitors or a prison visiting committee



The amount of time off to be permitted should take into account the amount of leave required to perform the public duty and any specific occasions when such leave will be necessary.

It is the Trusts practice to grant periods of paid leave as follows:

- Up to 12 days in any year to act as a member of a publicly elected body
- Up to 18 days in any year to act as a Justice of the Peace
- Up to 5 days in any year to undertake duties as a Governor [see also section 4.23 re Staff Governors]

Section 10 of the Local Government and Housing Act (1989) makes it unlawful for a Trust to allow an employee paid time off in excess of 208 hours for councillor duties.

PUBLIC EXAMINATION DUTIES

4.18 Appropriate time off shall also be allowed for public examination duties in accordance with Conditions of Service for School Teachers 2000 Edition.

Prior agreement between the teacher and Headteacher is required before a teacher enters into a separate contract with an Examination Board for examination responsibilities entailing time off from school.

RECRUITMENT AND SELECTION PROCESS

4.19 Reasonable leave in connection with the selection process will be allowed. This will be **paid for a maximum 5 days** in any one academic year where the process is for a teaching post. Any days over the 5 permitted can be considered at the discretion of the Headteacher but will be unpaid.

For interviews for posts outside the education service, **a maximum of one working day without pay.**

Leave of absence for an employee who initiates a visit to an establishment before interview will be granted for **one day without pay.**

For any staff that attend a school following appointment must have any absence agreed with the Headteacher. Should the new school be unwilling to pay the costs for cover any agreed days will be unpaid.

RELIGIOUS HOLIDAYS



- 4.20 **A maximum of three paid working days** for employees who belong to a recognised religious group and who are unable to take annual leave for a recognised holiday falling in term time.

SAFETY REPRESENTATIVES AND SAFETY COURSES

- 4.21 Reasonable time off will be allowed for recognised Safety Representatives to carry out their function and for attendance at Safety Courses in accordance with the Health and Safety at Work etc. Act 1974 and its associated provisions and the Safety Representatives and Safety Committee Regulations 1977.

SPECIAL PAID LEAVE

- 4.22 There may be circumstances where it is appropriate to ask a member of staff to remain away from school, at the specific request of the school. This must be by agreement with the employee.

STAFF GOVERNORS

- 4.23 Where a Governing Body meets during the school day, leave of absence to attend the meeting shall be given. The Trust allows **a maximum of five working days paid leave** of absence for this purpose. This decision was taken in recognition of the significant time commitments that can be required of governors.

Headteachers and Trustees are encouraged to allow reasonable time off for staff governors to carry out their functions. In taking decisions on this matter, it is anticipated that Headteachers and Trustees will wish to acknowledge that to carry out effectively the duties of a governor can be onerous and that the provision of time off can facilitate the more effective functioning of a Governing Body for the benefit both of the school and pupils within it.

STUDY AND EXAMINATION LEAVE

- 4.24 When an employee has informed the Headteacher of his/her intention to undertake a part-time course of study relating to the improvement of his/her



own employment which lasts for a year or more, whether or not funded in full or in part by the Trust **paid time off to a maximum of five days** per year leave for study and examinations appropriate to the individual circumstances.

Such leave may be taken at any time during the course subject to the requirements of the school. Employees will be required to give reasonable notice of their intention to seek study leave.

Study leave would not normally be appropriate where the Open University's study requirement is less than 80 hours.

Study leave for part time staff will be on a pro-rata basis.

Paid leave of absence for examination days only may be granted in respect of other public examinations at the discretion of the Headteacher.

TRADE UNION REPRESENTATIVE DUTIES

- 4.25 Separate agreements and arrangements exist for this type of leave of absence. Arrangements approved by Headteachers or Local Governing Bodies should be consistent with these.

Where any requests are received which appear to be outside the scope of the present agreements, advice should be sought from the Schools' Human Resources .

TRAVEL/SEVERE WEATHER DISRUPTION

- 4.26 It is acknowledged that there may be circumstances such as travel disruption [caused by, for example: snow, fog, natural disasters] where the absence may not be the fault of either the employee or the employer. In such cases the Trust board has the ultimate decision making responsibility. A variety of paid and unpaid options may be considered where appropriate, for example, agreeing to staff taking annual leave, taking unpaid special leave or working flexibly to make up lost hours within an agreed period of time. **However if these are not agreed the default position is deduction of pay, which is lawful with or without employee consent. If the school remains open in severe weather staff are expected to make every effort to get to school. If, in the judgement of the Trust, this is not the case absence will be unpaid.**
- 4.27 If the Head Teacher or Chair of the Trust decides to close the school to staff, e.g. on grounds of health and safety, this will be classed as authorised absence.



WEDDINGS / CIVIL PARTNERSHIP CEREMONIES IN TERM TIME

4.28 Own wedding/civil ceremony - **a maximum of one day *without pay***.
Employees in school are expected to arrange for their own wedding/civil ceremony to take place outside term time.

Close relative (parent, guardian, brother, sister, child) **a maximum of one *paid working day***.

Any other wedding – **A maximum of one working day without pay**.

STAFF LEAVE OF ABSENCE REQUEST FORM (NON CPD)

NAME:

REASON:

ABSENCE DATE(S):

ABSENCE TIME: (please indicate below)

All Day: **OR** Time out: : Time in : :



****Evidence of medical appointments (Doctor/Hospital/Dentist) must be attached to this request form. Every effort should be made to make appointments outside working hours/days.***

Please rearrange your break/lunch/after-school duties with another member of staff

STAFF SIGNATURE:

DATE:

LINE MANAGER:

DATE:

Cover work to be set using approved pro-forma and given to head of faculty line manager 24 hours in advance

SIGNED FORM TO GO FIRST TO THE COVER MANAGER FOR ABSENCE RECORD DIARY & COVER CHECK

COVER MANAGER: DATE:
(E Hill / J Cooper)

TO BE COMPLETED BY HEAD TEACHER

PAID / UNPAID LEAVE PROVISIONALLY AUTHORISED

NOT AUTHORISED

(SIGNED FORM TO BE RETURNED DIRECTLY TO THE MEMBER OF STAFF)

HEAD TEACHER: DATE:
(P Ward / A Saunders)

Leave of Absence

***(This section to be completed by member of staff)**

Name of member of staff:

Absence date(s)/time: Reason:

*I have authorised an absence for the above member of staff on a **paid/unpaid** basis (Head Teacher)*
(This section is for HR Officer)

Please keep details of all paid and unpaid leave on your administrative data systems [eg SEARS/SIMS] so that employee pay records are maintained accurately.

