

HALLEY PRIMARY SCHOOL LEAVE OF ABSENCE POLICY 2017-20

SECTION A: GENERAL PRINCIPLES

1. INTRODUCTION

This policy was updated from the Halley leave of absence policy which elapsed in 2016 and therefore commences on **20th February 2017**. It expires on **31st August 2020** (or before if changes arising from employment legislation necessitate).

Some of the sections in this policy are linked to the Local Authority's leave provisions, e.g. maternity leave. Where this policy is superseded by the LA's provisions, the LA's policy takes precedence, except where delegated arrangements applicable to LA maintained schools apply (e.g. for most categories of special leave).

2. ELIGIBLE STAFF

This policy applies to all staff funded from the School's delegated budget including:

- all teaching staff
- teaching assistants
- admin staff
- premises-related staff.

This policy does **not** apply to the following:

- staff (teaching or non teaching) funded and centrally managed by the Local Authority ('the LA');
- staff based at the School but employed by an external company or supplier (e.g. contracted cleaning staff);
- staff employed by a recruitment or employment agency (e.g. agency supply teachers).

3. LEAVE REQUESTS

3.1 Staff should ensure that applications for leave are submitted in good time before the intended commencement of the leave in order that the Headteacher ('the Head') can consider the needs of the School or assess any cover arrangements.

3.2 The following factors may be taken into account when considering staff leave requests, whether annual or special leave:

- the exigencies of the service;
- the impact on teaching and learning and school needs;
- the cost (direct or indirect) of the leave of absence;
- cover arrangements and the work/costs involved;

- the total amount of leave taken in the year to date (special leave only) and whether further special leave is sustainable from the School's perspective.
- 3.3 Applications must be made in writing to the Head before booking either annual or special leave (school proforma attached). In some circumstances, the Head may wish to refer the request to the Chair of Governors or the Finance and General Purposes Committee ('F&GP Committee') for consideration/approval.
- 3.4 The Head will try to accommodate staff who request leave at very short notice. (S)he, however, may decide that a member of staff is absent from work without authorisation if the reason for absence cannot be evidenced afterwards. Any member of staff who takes leave which has not been previously approved may be subject to disciplinary action.
- 3.5 Leave requests of any kind, including annual leave requests, which are found to be frivolous or dishonest will result in disciplinary action against the staff member concerned.
- 3.6 If, for any reason, staff need to return after the scheduled return date they must ~~notify~~ make a request by email to the Head as soon as possible, and no later than 2 working days before the day **originally** due to return to work, explaining the reasons for the late return. Failure to do so, and/or failure to provide a satisfactory explanation, may lead to disciplinary action being taken for unauthorised absence and/or salary being deducted for the period of absence.

4. SPECIAL LEAVE FOR PUBLIC DUTIES

- 4.1 The School's policy on special paid leave provisions for public duties is set out in Section D, para. 1 below.
- 4.2 Heads/managers can consider requests for additional leave over and above those stated. However, such requests, if granted, will be automatically without pay and should not have any adverse effect on service delivery.

SECTION B: STANDARD LEAVE PROVISIONS FOR NON-TEACHING AND SUPPORT STAFF

The following provisions apply to all non-teaching and support staff ('support staff') employed by the School, as defined under Para 1, Section A. They apply to term-time-only (TTO) or all-year-round (AYR) staff where indicated.

1. ANNUAL LEAVE: GENERAL RULES

- 1.1 Annual leave for support staff is calculated according to grade, length of service and any other applicable terms of conditions. Further details are available from the School's HR provider ('HR').
- 1.2 Annual leave for support staff employed to work term-time-only (TTO) is subsumed into the overall salary calculation. TTO staff are therefore paid on a pro-rata basis taking into their working time and leave entitlement, including bank holidays and statutory days.

2. CARRYOVER OF ANNUAL LEAVE (AYR STAFF ONLY)

- 2.1 In respect of staff employed all-year-round (and therefore in receipt of an annual leave entitlement) leave should be planned in agreement with the Head at the beginning of the leave year. Staff should ensure that they take all of their annual leave entitlement within the leave year in which it applies. In exceptional circumstances, staff may be allowed to carry over 5 days' entitlement only to the next leave year subject to adequate notice being given and that the Head is satisfied that there will be no detriment to the School.
- 2.2 Staff on maternity leave may, subject to the Head's agreement, carry forward their full leave entitlement according to current LA agreement. This also applies to staff on long-term sickness absence.

3. UNTAKEN/EXCESS ANNUAL LEAVE

- 3.1 In cases where staff are leaving the School mid-leave year they will be expected to take their leave beforehand or transfer it if they are moving to another school or service area in LBTH where the LA is the employer and therefore this leave can be carried over correspondingly.
- 3.2 It may be reasonable to consider payment for untaken annual leave in some circumstances, particularly where an employee is to be dismissed from service. Further advice on when such action might be appropriate is available from the LA or HR.
- 3.3 If an employee has exceeded their annual leave entitlement at the time of leaving, an equivalent monetary sum will be deducted from her/his final salary. If this is in the middle of the month, any such sum will be pro rata.

4. BANK HOLIDAYS AND EXTRA STATUTORY DAYS (ALL STAFF)

- 4.1 The LA's provisions for leave of absence on bank holidays and additional statutory days are available from HR or the LA. Only staff working AYR are granted leave entitlement for

bank holidays and statutory days. Annual leave for TTO support staff is subsumed into the overall salary calculation (see para. 1.3 above).

5. NOTICE PERIODS (ALL STAFF)

5.1 Provisions and guidance on statutory and discretionary notice periods are set out in the relevant local and national codes (as amended from time to time). The School will have appropriate regard to statutory notice periods in the event of the termination of a member of staff's employment at the School.

6. TIME OFF IN LIEU

6.1 The School is supportive of time off in lieu (TOIL) requests where these are justifiable, reasonable, support school needs and priorities, and are permissible within the relevant terms and conditions.

6.2 TOIL must be formally recorded, as it is important for the Head to manage the working arrangements of staff and to ensure that the School is run properly when staff may be absent. Staff must get permission in advance to take TOIL. If TOIL is taken as a result of overtime worked this must be recorded separately and not taken as flexi leave. TOIL is taken at plain time rate, i.e. the number of extra hours actually worked.

7. FAMILY LEAVE

7.1 Provisions for maternity, sickness and family-related leave for all staff categories are available from the LA/HR. The School will follow the above LA provisions in all respects. Should any of the above change, the School will adopt the revised provisions as soon as practicable.

8. PART-TIME WORKING AND FLEXIBLE WORKING REQUESTS

8.1 AYR employees who are contracted to work less than 35 hours per week will receive annual leave based on the above entitlements which will be pro-rata to the number of hours worked. Although most bank holidays fall within the school holiday period, payment for Bank Holidays will be paid on a pro-rata basis for part-time members of staff.

8.2 All employees with 26 weeks' service have an entitlement to apply for flexible working. Requests for part-time working, job-share, or flexible working will be considered by the Head. Factors which will be taken into consideration include:

- the employee's personal circumstances and reasons for the request;
- equalities implications, including if the request is in relation to the Equality Act;
- the extent to which a 'business case' can be made for the request;
- school improvement and teaching and learning priorities;
- implications for working patterns and staff cover;
- the cost of the proposal, including additional time required to make the proposed arrangements effective;
- the School's wider organisational and management needs;
- the potential impact on the specific team or work area concerned.

SECTION C: STANDARD LEAVE PROVISIONS FOR TEACHING STAFF

1 ANNUAL LEAVE

The standard annual leave provisions for teachers other than headteachers are set out in the section marked 'Working Time' of the School Teachers' Pay and Conditions Document currently in force. Full-time teachers must work 195 days a year, generally known as 'term-time' because these days fall within the three terms of the school year. For the purpose of teachers' pay and conditions, however, the three terms are constituted as follows¹:

Summer Term: May 1st to August 31st

Autumn Term: September 1st to December 31st

Spring Term: January 1st to April 30th.

Teachers are entitled to receive pay for the terms above on a 12-monthly basis. Teachers' annual leave is therefore prescribed by term dates, e.g. the end of the working Summer term (mid July) and the end of the Summer term for pay purposes (end of August) constitutes a period of annual leave for teachers. Teachers are **not** entitled to any additional annual leave outside of the above definitions under any circumstances but they may be entitled to paid or unpaid special leave as prescribed under Section D.

2 FAMILY LEAVE

Provisions for the following categories of family leave for teaching staff are set out in the Code for Conditions of Service for School Teachers in England and Wales (the 'Burgundy Book'²):

- maternity leave
- sickness leave
- paternity leave
- adoption and foster leave.

3 BANK HOLIDAYS AND STATUTORY HOLIDAYS

Teachers' working time provisions in the School Teachers' Pay and Conditions Document incorporate time off for bank holidays and statutory holidays. Further details of teachers' working time provisions are set out in para. 53 of the STPCD and in the School's pay policy.

4 FLEXIBLE WORKING REQUESTS

See Para. 8.2, Section B above.

5 NOTICE PERIODS

Statutory notice periods for teachers are set out in the 'Burgundy Book as follows³:

¹ Para. 1.1 of the Conditions of Service for School Teachers in England and Wales (the 'Burgundy Book')

² As may be supplemented by relevant local conditions/policies and subject to amendment.

Teachers other than Headteachers: 31st October, 28/29th February, 31st May.

Headteachers: 30th September, 31st January, 30th April.

³ Para. 1.2 of the Burgundy Book.

SECTION D: SPECIAL LEAVE (TEACHING AND SUPPORT STAFF)

1. LEAVE FOR PUBLIC DUTIES AND ACTIVITIES

All staff are eligible for time off for public duties where these are obligatory due to an employee's professional or personal commitments. Leave requests are subject to:

- a) the circumstances of the leave request
- b) the applicable local and statutory leave provisions for public duties
- c) school needs and priorities
- d) the value added to the School and/or to the employee's professional development
- e) evidence of entitlement to the leave requested **and** the employee's eligibility.

The provisions below are current as at February 2017 but may change according to local or national circumstances or changes in the relevant law.

The amount of leave granted, and the extent to which this is paid, unpaid, or a combination of the two, is dependent on any statutory conditions that may apply but is otherwise at the discretion of the Head. Leave of absence for public duties/activities may be granted in the categories below; they satisfy the School's general obligations under the Employment Rights Act 1996 to grant reasonable time off for the public duties outlined.

A) Jury Service

If an employee receives a summons to serve on a jury (s)he must report it to the Head. Unless exemption from service is secured (s)he will be granted leave of absence for the period of the jury service only. Whilst serving as a juror (s)he should claim for loss of earnings under the Jurors' Allowances Regulations. The School will deduct from the employee's monthly pay an amount equal to the allowance received. The Summons/Court will provide a loss of earnings form, which will need to be completed by the employee. The employee must take responsibility for the completion of the form.

B) Attendance at Court or as a Witness

If an employee is required to attend Court as a witness under a subpoena or owing to compulsory legal business concerning the School (s)he will be given **paid leave** on the understanding that loss of earnings will be claimed back from the Court.

C) Service in Non-Regular Forces

If an employee is a member of one of the Non-Regular (i.e. Volunteer Reserve) Forces or a cadet unit recognised by County Associations or affiliated to the British Cadet Association and is required to attend a summer camp, the School will grant **paid leave** in order for her/him to do so. However, (s)he should make every effort to arrange for such training on a non-working day and/or take annual leave. If this is not possible, paid leave of absence may be granted for mutually convenient dates or the employee may use annual leave.

D) International Sporting Events

Paid or unpaid Leave may be granted by the Head (subject to the demands of the

service and the period of time off applied for) for staff selected to represent their country, coach, or to officiate professionally in a sport designated as an Olympic or Paralympic sport. Leave may be granted subject to the employee providing confirmation of their selection from the Governing Body of the sport concerned.

E) General Public Service

Requests for **paid/unpaid leave** to serve on any public body other than those specified above require the support and agreement of the Head/Governors and are usually granted up to a specified period according to statutory provision or guidance.

General public leave will be **unpaid** in any capacity that does not constitute statutory membership or is related to discretionary activities. For example, a staff member acting as a local council representative attending a community meeting may **not** be eligible for leave. Confirmation of appointment and application for leave should be submitted to the Head as far in advance as possible. Approval shall be subject to the requirements of the service.

Applicable duties include⁴:

- a magistrate or a Justice of the Peace
- a local councillor
- a school governor⁵
- a member of any statutory tribunal (e.g. an employment tribunal)
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- member of certain health, education, environment, water and river authorities
- voluntary services overseas with a recognised national charitable organisation⁶
- certain duties associated with parliamentary election
- a trade union member (for trade union duties).⁷

NB Attendance at employment tribunals in a statutory capacity, i.e. as a panel member or where summoned as a witness (see B) above), is paid. Attendance whilst acting as the School's representative is also paid. Attendance in any other capacity must be taken as **unpaid leave** or as annual or flexi leave. Authorisation to attend as a voluntary witness is at the discretion of the Headteacher.

⁴ This list is not exhaustive and may include other public duties not listed.

⁵ If the staff member concerned holds Chief Elective Office, i.e. Mayor or Chairman, or if the absence is connected with educational or recreational activities.

⁶ Leave for voluntary overseas service is more likely to be granted in the form of a sabbatical and therefore dealt with under para. 3 A below.

⁷ Separate provisions for the recognition of leave of absence related to trade union duties apply and are not included in this policy. These provisions, including for facilities time, are available from the School or HR.

2. SPECIAL PERSONAL AND DOMESTIC LEAVE

In special circumstances the Head, on the governing body's behalf, may consider granting additional leave with or without pay in light of the circumstances of each individual case. Leave may be granted in the circumstances below. Where paid leave is granted it may be supplemented by unpaid leave at the Head's discretion.

A) Emergency Care of a Dependant

A limited number of days' paid leave for the care of a dependant may be granted to cover emergencies only. The employee must tell the Head soon as possible why they are away from work, how long they expect to be off, and why (someone else (e.g. a spouse or partner) cannot take care of the issue. The amount of leave granted is dependent on the circumstances of each case, and all applications will be considered on their merits.

The term 'dependant' may refer to a child, parent, partner, or grandparent who is normally reliant on the employee for care. It also includes a relative, including a partner's relative, who lives in the same household as the employee and are reliant on the employee for care.

If the dependant is sick, and the illness is serious/potentially life threatening the employee may be asked to produce relevant medical information. This would normally include a note from a hospital or doctor stating the seriousness of the illness or accident and/or the need for hospitalisation. If the matter does not concern sickness the employee is expected to produce evidence in support of the leave, for example a statement or a letter from any relevant authorities or local services.

The above leave may be extended at the Head's discretion in certain circumstances, e.g. caring for a serious ill relative or a sick child in hospital.

If a relative is abroad and seriously ill, Compassionate Leave (see below) should be taken.

B) Compassionate Leave

If an employee has to be absent to attend the funeral of a close relative (defined for the purposes of this policy as a son/daughter, sibling, parent/carer, or grandparent), her/his partner, or as a partner's close relative, or has to attend the funeral in a representative capacity, **paid/unpaid leave** on compassionate grounds may be allowed depending on circumstances. If the deceased is a relative who can reasonably be defined as 'not close', or is a friend, unpaid leave only may be allowed. If the funeral is abroad, documentation to show dates and times of travel may be required.

C) Weddings

If a member of staff is getting married (s)he will be expected to organise the wedding outside of working (i.e. term) time. If, however the wedding date falls unavoidably on a school day, one day's **unpaid leave** will be granted. If an employee wishes to attend the wedding (on a working day) of her/his parent(s), child or sibling, one day's **unpaid leave** may also be allowed. NB The above may include civil ceremonies or

partnerships.

D) Child Care

Staff may be granted up to **two days' paid leave** when:

- a) normal childcare arrangements fall through (child must be under school age);
- b) his/her child falls sick.

The employee must demonstrate a substantial reason for the breakdown of the arrangements (for a) above) and that a partner or spouse or another appropriate relative is not available to cover.

Discretionary **unpaid leave** may be granted on top of paid leave depending on the circumstances of the case. The Head will consider any such requests taking into account the number and frequency of previous applications.

E) Specified Personal Purposes

If the member of staff does not have an annual leave allocation, **unpaid leave** for specified domestic or personal purposes (e.g. leave to take care of urgent personal matters or leave for study purposes) may be granted depending on the seriousness of the situation and the needs of the individual concerned.

Approval is at the discretion of the Head and subject to the needs of the School. Supporting evidence of the employee's requirements may also need to be provided. The Head may also take into account the number and frequency of previous applications. Each case will be treated individually, and applications may be refused.

NB Paid leave for duties in connection with external examinations shall be available to teachers in certain circumstances as stated in the "Memorandum of Agreement for the Release of Teachers" agreed with the Local Employers and recognised teacher trade unions.

F) Interviews

- a) An employee who has been given written notice of dismissal⁸ because of redundancy is entitled to 'reasonable' **paid time off** during working hours to attend job interviews (subject to providing with appropriate evidence of being called for interview). The School defines 'reasonable' as no more than 5 half days in the period between notice given of dismissal and the date of last day of service.

Employees who receive a general warning that redundancies might occur in the future are not entitled to time off unless b) below applies.

- b) Should any member of staff need to attend a standard job interview **paid or unpaid leave** may be granted at the discretion of the Head depending on individual circumstances and the exigencies of the service.
- c) Staff should :

⁸ The definition of 'dismissal' does not include voluntary resignation or agreed settlement unless, in the latter case, leave to attend interviews has been agreed as part of the settlement.

- ensure that time off for interviews is kept to the minimum, for example by ensuring that the quickest mode of transport is used in attending/returning from interviews;
- be aware that attendance at interviews usually requires cover and potentially carries with it a staffing cost to be borne by the School.

3. OTHER CATEGORIES OF SPECIAL LEAVE

A) Unpaid Sabbatical Leave

An employee may apply for sabbatical leave. Usually, sabbatical leave is taken for the purposes of professional development or to improve the applicant's work and is **unpaid**. However, leave may be granted only where it is clear that the employee's absence will not be detrimental to either the effective running of the School or her/his role and job duties **and** her/his service record warrants such an award. Applications must be made at least a term before the first day of the requested leave period. The decision to grant leave lies with the Head, in consultation with the governing body if required. There will be no guarantee given that the member of staff can come back to the same job or terms and conditions. The applicant must not make travel or other arrangements until a final decision is reached and communicated.

B) Religious Pilgrimages

The School will give consideration to those members of staff who wish to apply for **unpaid leave** to make a religious pilgrimage. The following rules apply:

- Adequate notice of such leave must be given, and agreement will be subject to the needs of the School. The Head may wish to seek further HR advice for individual cases.
- The maximum leave to be granted will be 4 weeks.
- The member of staff must return to work as soon as the pilgrimage ends.
- It will not be possible for further leave for religious pilgrimage to be taken within three calendar years of the initial pilgrimage.
- Para. 3.6 above applies should a late return to work be requested.

C) Religious Observance

The School recognises and supports the diversity of its workforce and may grant time off for religious observance subject to the needs of the School. A maximum of 2 days' **unpaid leave** may be granted when the religious observance day(s) does not fall on an occasional closure day(s).

NB the LA's policy is that the two standard occupational closure days must be taken to coincide with EID-UL-FITR and EID-UL-ADHA. These are paid holidays for all staff.

4. MEDICAL APPOINTMENTS

A) General:

- Where possible, staff are expected to organise personal medical appointments and commitments outside of working hours, especially where these are routine or

can be planned in advance.

- Paid leave may be subject to production of an appointment card.
- Where appointments during working hours are unavoidable, staff are asked to organise commitments in a way that minimises disruption to school time.
- Medical/dental appointments, including hospital days/stays, which require time off from work of a half a day or more will be recorded as sickness absence and may accordingly be dealt with under the School's sickness absence management procedure.
- All of the above apply to part-time as well as full-time staff except that the principle of 'pro-rata' to working time will apply.

B) Dentist/Optician

Dental and optician appointments should generally be taken outside of working hours except where this is unavoidable.

C) Doctor

Every effort should be made to arrange medical appointments outside of working hours except where this is unavoidable.

D) Hospital

Paid leave may be granted on production of hospital appointment cards/certificates. The employee should make every effort to schedule visits outside of working hours where possible.

SIGNED: _____ **DATE:** _____

Chair of Governors:

Review date: 31st August 2020.