



**LEAVE OF ABSENCE
POLICY
2017-2018**

INTRODUCTION

Leave of absence policies are determined by the Trust as employer. The entitlements are set out in line with statutory requirements. Where there is no policy discretion to grant leave of absence the decision lies with Governing Bodies. Accurate records must therefore be kept.

CONDITIONS FOR GRANTING LEAVE OF ABSENCE

School needs/requirements should be balanced against employee needs/entitlements.

NOTIFICATION REQUIREMENTS

- All requests for leave should be made on a leave request form (**APPENDIX 1**) and retained at the school.
- Head Teachers/Governing Bodies can grant up to 4 weeks unpaid leave.
- Head Teachers/Governing Bodies should consult the Executive Head Teacher, Mr Jim Smith where leave is requested for above four weeks and in excess of 3 months.
- Where leave of absence is granted **WITHOUT PAY** this must be recorded on the Schools Absence System to ensure that the correct salary adjustment is made and also SIMS.

STATUTORY RIGHTS	
Public duties	WITH PAY up to 48 half days maximum
Time off to look for work or arrange training in a redundancy situation	WITH PAY
Time off for ante-natal care	WITH PAY
Safety representatives and training	WITH PAY
Jury Service	WITHOUT PAY (recoverable from Court).
Parental Leave to care for a child	WITHOUT PAY
Adoption Leave	WITH PAY (Statutory Adoption Pay - OAP/SAP)
Time Off for domestic incidents	WITHOUT PAY - up to 2 days
Paternity Leave	WITH PAY (Statutory Paternity Pay - SPP)

NATIONAL AGREEMENTS	
A right to leave for non-teaching staff under national conditions for Local Government Services covers:	
Maternity support leave	WITH PAY - 5 days
Time off for medical screening	WITH PAY

LOCAL AGREEMENTS	
A right to leave under locally agreed Local Authority conditions covers:	

Family Leave <ul style="list-style-type: none"> • Adoption Leave • Parental Leave • Domestic reasons 	WITH PAY WITHOUT PAY WITH PAY - up to 3 days for death of a near relative, up to 2 days for urgent domestic reasons and unforeseen illness in the home of the employee. (Refer to Family Leave in Work and Families section of the manual)
Attendance at Court	WITH/WITHOUT PAY
Elections	WITH PAY
Examiners/moderators (GCSE)	WITH PAY
Examiners for Boards	WITHOUT PAY
Inclement Weather	WITH PAY subject to meeting certain conditions (see APPENDIX 5).
Interview for posts	WITH/WITHOUT PAY
Non-political organisations	WITH PAY - up to 48 half days maximum
Religious Bodies	WITH PAY - up to 11 half days
Advancement of religious education	WITH PAY up to 48 half days maximum
TAVR	WITH PAY two weeks for annual summer camp

INTRODUCTION

Leave of absence is a condition of service which is not specifically delegated to schools under DFEE Circular 2/94. It is therefore an area in which the Trust continues to determine policies. Consequently, Governing Bodies are bound by National and Local agreements, applicable to teaching and non-teaching staff under their contracts of employment, as well as statutory entitlements.

There are, however, certain discretionary leave of absence situations, i.e. where not SPECIFICALLY mentioned in this section, when Governing Bodies are empowered to make decisions. It is recommended that for the purposes of consistency, a record of decisions is kept within the school.

CONDITIONS FOR GRANTING LEAVE OF ABSENCE

It is a condition of the granting of leave of absence that it will not in the opinion of the Head Teacher and Governing Body, disorganise the work of the school. Reasonable advance notice should also be given when making a request for leave. Head Teachers and Governing Bodies must consider the needs and commitments of the school when considering leave of absence requests.

It is the responsibility of employees to consult their Head Teacher/Governing Body prior to seeking or accepting extraneous commitments which will involve a significant amount of time away from work.

NOTIFICATION REQUIREMENTS

Once leave of absence has been granted, accurate records of the amount of time taken off should be maintained. It is essential that leave of absences are recorded on the schools absence system indicating if the leave has been granted with or without salary.

Requests for leave should be made in a consistent way and a sample leave request form is outlined in **APPENDIX 1**. If there is any doubt as to whether leave should be granted or whether it should be with or without pay, then advice should be sought from Mrs Kimberley Ivory HR Advisor, k.ivory300@durhamlearning.net .

Head Teachers and Governing Bodies need to be satisfied that the granting of leave would not be detrimental to the running of the school. In order to ensure that applications are dealt with in a consistent manner, it is recommended that requests for **UNPAID** leave be dealt with as follows:

Period	Request determined by
Up to 4 weeks	Head Teacher
4 weeks or more	Head Teacher/Governing Body in consultation with the Executive Head Teacher.

Leave of absence and sickness are two distinct issues. Doctor and hospital appointments should ideally be arranged outside of school hours, however where this is not practical leave of absence will need to be agreed.

STATUTORY RIGHTS

There are certain statutory obligations on employers to grant employees time off work. The following activities are covered by The Employment Relations Act 1999 and the Maternity and Parental Leave Regulations 1999.

Public Duties

These provisions apply to employees who are:

- Justices of the Peace;
- Members of a Local Authority;
- Members of a Statutory Tribunal;
- Members of a Regional or Area Health Authority

Trust policy is to grant up to a maximum of 48 half days, **WITH PAY**, per academic year to employees who are in the first four categories listed above.

Leave of absence to attend meetings of school governing bodies is dealt with on the following basis:

Primary Schools (inc. Nursery Schools)	Up to 6 half days per annum
Comprehensive Schools	Up to 8 half days per annum

These amounts of time off being subject to an overall maximum of 26 half days per annum, with pay, where employees are members of several governing bodies.

In those cases where an employee has the option of taking leave with either attendance or financial loss allowance (e.g. in the case of Members of Local Authorities or Magistrates) or of taking leave with salary the following rules shall apply:

- Where an employee elects to take leave with salary the total number of half days would, save in the most exceptional circumstances, be restricted to 48, and
- Where an employee elects to take leave without salary they may be permitted to take unlimited leave.

Redundancy

An employee who has been put at risk of redundancy is entitled to reasonable time off work **WITH PAY DURING WORKING HOURS** to look for another job or to make arrangements for training.

Time off for Ante-Natal Care

All pregnant employees are entitled to time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care is not restricted to medical examinations, for example it could include relaxation classes and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

Except in the case of her first appointment, the employee must be prepared to show her employer on request:

- a certificate from a registered medical practitioner, registered midwife or registered health visitor confirming that she is pregnant; and
- an appointment card or some other document showing that an appointment has been made.

Safety Representatives and Safety Committee Regulations 1979

These regulations provide for recognised trade unions to appoint safety representatives from among the employees at an establishment. The employer must permit safety representatives to **TAKE TIME OFF WITH PAY**, when they carry out inspections of the workplace, either on a regular basis or following an accident complaint or dangerous occurrence; and must make relevant information available to them.

It is Trust policy that **PAID LEAVE** be granted to safety representatives attending the 10 day TUC training courses up to a maximum of 12 persons per year. It being the responsibility of the trade unions to agree amongst themselves the nominees for such courses.

Jury Service

There is no statutory provision entitling an employee to time off for jury service. However, preventing a person from attending as a juror is both a crime and contempt of court. Trust policy is to allow leave of absence and to deduct from the employee's pay either the whole or half days salary as appropriate or the maximum loss of earnings figure that is recoverable by the employee from the Court.

Time Off for Domestic Incidents

All employees have a statutory right to take a reasonable period of unpaid time off work to deal with an emergency involving a dependent, and not to be dismissed or victimised for doing so.

The Trust makes provision for time off for domestic reasons (see Appendix 2 and Appendix 3). This clause is still appropriate but should be considered along with the new statutory entitlements. In addition to the existing Trust arrangements, the new statutory right allowing time off for domestic incidents provides a definition of who counts as a dependant as well as the circumstances for which leave may be granted. It enables employees to deal with an unexpected or sudden problem and make any necessary arrangements:

- if a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than physically injured
- when a partner is having a baby
- to make longer term care arrangements when a dependant is ill or injured
- to deal with the death of a dependant
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example when the child minder does not turn up.
- to deal with an incident involving the employee's child during school hours; for example, if the child has been involved in a fight or is being suspended from school.

A dependant is defined as the partner, child or parent of the employee or someone who lives with the employee as part of their family e.g. a grandparent or aunt.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance as the primary carer.

Employees need to tell their employers as soon as possible about their absence, the reason for it and how long they expect to be off. As the new leave arrangements are intended to cover emergencies, where employees know in advance that they are going to need time off it may be possible for them to arrange to take annual leave (unless they are entitled to parental leave in the case of a child).

Attendance at Court

- Where employees are giving evidence in court - leave should be granted **WITH PAY** less attendance allowance from court.
- Where employees are acting as defendants in criminal cases - leave of absence should be granted **WITH OR WITHOUT PAY**, depending upon whether the charge is proven.
- Where employees are involved directly in a court case - leave of absence should be granted **WITHOUT PAY**.

Elections

Leave of absence **WITH PAY** is granted to staff employed on Polling Day and at the count, in connection with County Council, Parliamentary and European Elections.

Examiners/Moderators (GCSE)

Head Teachers/Governing Bodies are empowered to grant leave of absence, **WITH PAY** (up to a maximum of 22 half days per annum) for both purposes, to employees who are appointed as examiners or moderators for examinations in connection with GCSE for the purpose of:

- attending meetings of examiners and moderators called by the appropriate Examining Boards;
- making such visits to schools in connection with these duties as may be required by the appropriate examining boards.

Leave of absence for the purpose of marking scripts is not granted. (The NEA/NREB and other examining boards now issue vouchers, either for full or half days to enable supply cover to be funded for teachers who are undertaking approved duties. Such vouchers are to be submitted to the Finance Manager and the school's budget will be credited accordingly).

Examiners for Boards

- Leave of absence for employees appointed as Examiners for University, Physical Training and similar examination Boards, or occasional lectures can be granted, **WITHOUT PAY**

Inclement Weather

- An employee is expected to make a genuine attempt to get to work, e.g. where a bus service is operating. The fact that an employee could not get to work by car should not be accepted as an excuse for absence.
- Where the Head Teacher considers it appropriate, employees unable to reach their normal places of work are expected to report to their nearest Educational establishment.
- In all cases where an employee is unable to get to his or her normal place of work, the employee is required to notify his or her school of all the circumstances as soon as possible.

Employees should be granted special leave **WITH PAY** as a result of inclement weather, only if the above conditions have been satisfied.

Guidelines for staff are outlined in **APPENDICES 2 AND 3**.

Interviews for Posts

- Leave of absence can be granted to allow employees to attend interviews with other Local Authorities or with Government Departments **WITH PAY**.
- Leave of absence can be granted to attend interviews with other bodies **WITHOUT PAY**.

Non-political Organisation

Members of organisations whose principal objectives include the improvement of the standard of local government services (but whose objects do not include the improvement of the status and conditions of employment of employees) may be granted up to 48 half days leave, **WITH**

PAY, to attend meetings at which any question affecting local government services is to be discussed.

Religious Bodies

Leave of absence, **WITH PAY**, can be granted up to a maximum of 11 half days per annum, for employees who represent religious bodies at local and national meetings of such bodies.

Religious Education

Appointees to organisations whose objectives include the advancement of religious education in primary and secondary schools may be granted leave of absence, **WITH PAY**, for up to 48 half days per annum.

T A V R

Staff attending summer camps or Territorial Army or Volunteer Reserves, a maximum of two weeks per financial or academic year **WITH PAY**.

Time Off for Medical Screening

Time off **WITH PAY** as necessary to non-teaching staff for the purposes of being screened for breast and cervical cancer.

SALARY COSTS

- Where teachers are granted leave of absence **WITHOUT PAY** and are replaced by a supply teacher, there will still be a cost to the school, since the divisor for supply teacher salary is 195, rather than 365.

It should be noted that for teachers:

- the minimum deduction made from the payroll is half a day's pay, i.e. one session
- payment of salary is made up to the end of the notional term and this needs to be noted for costing purposes
- leave of absence without salary occurring on a Friday and the following Monday will result in 4 days pay being deducted.

INFORMATION FOR STAFF

A general guideline for staff regarding the area of leave of absence is outlined in **APPENDIX 3**. This may be adapted by individual schools for circulation.



APPLICATION FOR LEAVE OF ABSENCE FROM DUTY (OTHER THAN PERSONAL ILLNESS)

To: The Head Teacher _____ School

Full name and address

Capacity in which employed _____

Date(s) of intended absence _____
(if half day state am or pm)

Full Reason

Date of application _____ **Signed** _____

Decision of Head Teacher

Signed _____
Head Teacher

Date _____

Please ensure that this absence is recorded on the schools absence system indicating if the leave has been granted with or without salary

N.B. Requests for leave of absence from Head Teachers must be authorised by the Executive Headteacher.



Appendix 2

GUIDELINES FOR EMPLOYEES WHO ARE UNABLE TO REPORT TO THEIR PLACE OF WORK AS A RESULT OF INCLEMENT WEATHER

- It is acknowledged that members of staff do make genuine attempts to get to school during inclement weather. It is expected of every member of staff that he/she should do so and that for instance, where a bus service is operating, the fact that you could not get to work by car will not be an acceptable excuse for absence.
- If, however, after all alternative methods of transport (including public transport) have been investigated and you are unable to get to work, then you are required to notify the School as soon as possible after 8.45 a.m. and in any case within 2 hours of the time at which work was due to start. Where the Headteacher considers it appropriate, employees unable to reach their normal place of work are expected to report to their nearest Educational establishment.
- Notification should include details of attempts made to get to work and if appropriate, what arrangements can be made at the School for work to be done by pupils and/or other staff if necessary.
- In cases which satisfy the above conditions and you are genuinely unable to get to work, leave of absence with pay may be granted.



LEAVE OF ABSENCE

GUIDELINES FOR STAFF

- All staff are expected to present themselves for work as required. Staff must make every effort to obtain personal and medical appointments outside of contractual hours and during school holidays before requesting leave of absence.
- LEAVE OF ABSENCE IS NOT AN AUTOMATIC RIGHT, each request will be considered on its individual merits taking into account notice, reasonableness and the school's needs and commitments at the time. It is a condition of the granting of leave of absence, whether or not it falls under statutory, national or local arrangements, that it will not, in the opinion of the Head Teacher and Governing Body, disorganise the work of the school. Similarly, the granting of leave of absence should not be detrimental to the running of the school. The only exception to this is leave to deal with domestic incidents. As the purpose of this is to deal with emergencies there is no provision for postponing/refusing leave. However, Head Teachers and Governing Body's need to satisfy themselves that the reason for the request is a genuine one and is in accordance with the statutory requirements.
- Leave requests should be directed in writing to the Head Teacher as soon as practicable, whereby a decision will be made by the Head Teacher, Governors or Executive Head Teacher.
- There are no definitive guidelines covering the granting of leave of absence for reasons outside the statutory, national and local agreements other than that there is NO entitlement to such leave. It is solely for the Head Teacher/Governing Body to decide whether or not leave should be granted and in doing so will consider:
 - the amount of notice given
 - the reasonableness of the request
 - individual circumstances
 - the school's commitments
 - whether or not it is work-related

Leave of absence in such situations, if granted, would usually be without pay. If the event or appointment would in some way be beneficial to the school or the employee's work leave of absence, if granted, may well be with pay.

- Leave granted without salary on a Friday and the following Monday will result in 4 days pay being deducted.
- It should be noted that a request for leave of absence without pay may still result in a cost to the school since the divisor for supply staff used for cover purposes is 195 days, rather than 365 days.