



# SHANKLEA PRIMARY SCHOOL

## Leave of Absence Policy

Policy Control Details			
Date policy approved:	January 2019		
Prepared by:	Helen Brown	Signature	Date
Approved for issue by:	Gareth Pearson	Signature	Date
Review period:	1 year		
Review required by:	January 2020		
Responsibility for review:	Resources Management Committee		

## **Shanklea Primary School: Leave of Absence Policy**

### **1. Introduction**

This policy sets out decisions relating to leave of absence that have been determined by the governing body, taking into account statutory entitlements, national terms and conditions, as well as local agreements made from time to time with recognised trades unions.

The governing body recognises that there are varied reasons why an employee may request leave of absence from work. The amount of leave requested will also vary depending on the circumstances of the case including the reason for the request, the employee's personal situation and the degree of flexibility that the employee has in their current working arrangements.

This policy recognises that almost all employees in schools do not have flexibility regarding when they can take time off. It sets out circumstances where paid or unpaid leave of absence will be granted. An alternative to unpaid leave may be for annual leave to be agreed if this is available or for the employee to make up the lost time as additional hours where such arrangements are appropriate.

The employee should usually apply for leave of absence in writing giving reasonable notice, which will depend on the circumstances of the case. In emergency or unforeseen circumstances this will not be possible and the employee should contact their line manager by telephone to request the leave. Upon their return to work the employee should submit an application to ensure that this is properly recorded.

All applications for leave of absence will be decided by the Headteacher. Requests for leave of absence by the headteacher will be decided by the Chair of Governors.

Applications for leave of absence will be considered taking into account the circumstances of the case, the operational needs of the school, whether the leave needs to be covered and any costs in doing so.

The policy will be applied fairly and consistently. All decisions should be made to ensure there is no unlawful discrimination when applying the policy in relation to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

All applications and decisions regarding leave of absence will be recorded by the Headteacher to enable the effectiveness of this policy to be monitored and evaluated by the governing body.

Any employee who applies for and/or takes leave of absence dishonestly under this policy may be subject to disciplinary procedures that could ultimately result in dismissal.

## **2. Duties**

The Headteacher is responsible for ensuring the policy:

- is kept up to date, generally every 3 years, reflecting changes in legislation where necessary;
- has been screened to establish if it requires a full Equality Impact Assessment to ensure no minority group is discriminated against within the document.

Line Managers are responsible for:

- ensuring that adequate coverage, efficiency and service delivery is maintained;
- treating employees fairly and consistently when considering leave requests made under this scheme;
- tackling abuses of the scheme and disciplining employees who abuse it's provisions in consultation with HR.

Employees are responsible for:

- complying with this policy;
- submitting leave requests as early as possible to allow managers to plan service delivery accordingly.

The Service/School is responsible for:

- the costs of any cover arrangements which may be deemed necessary.

## **3. Help and Advice**

If there are cases which are not covered by this guide, or if further clarification is required, the information is available from the School's HR Provider. There is also DAS Personal Counselling Helpline which can provide confidential support to employees with personal difficulties- 0844 8939012 (calls charged at national rates).

Any queries over the interpretation of the provisions of the scheme are to be resolved by the Headteacher/Chair of Governors in consultation with HR.

## **4. Compassionate Leave**

Leave granted under any of the provisions within this policy may be approved as and when required, there is no prescribed maximum number of instances per leave year.

The School recognises the distress that people can suffer from time to time in their personal lives. This offering encompasses a mix of statutory and local provisions. It enables the school to exercise compassion as a good employer and allow employees to take time off to deal with domestic incidents:

#### **4.1 Time off to Care for Dependants**

##### Unpaid:

The Employment Relations Act 1999 allows all employees (including teachers) to take a short amount of **unpaid** time off during working hours when it is reasonable for them to do so in order to take action which is necessary:

- to provide assistance when a dependant falls ill, gives birth or is assaulted;
- to arrange care for a dependant who is ill or injured;
- where arrangements for care of a dependant are unexpectedly disrupted or terminated;
- as a result of the death of a dependant; and
- to deal with an incident involving the employee's child which occurs unexpectedly when s/he is at school.

A dependant for the purpose of this unpaid statutory scheme is defined as a spouse or civil partner; a child; a parent; a person who lives in the same household as the employee except lodgers etc; and a person who reasonably relies on the employee.

In order to take time off the employee must tell their line manager the reason for the absence and how long it is expected to last as soon as reasonably practicable.

##### Paid:

In addition to the statutory unpaid provisions outlined above, up to a maximum of 5 days' paid leave in one academic year for the care of a sick dependant in the following circumstances:

- to deal with an **initial emergency** in the event of a dependant becoming seriously ill. Such leave however, is not normally intended to cover cases where a dependant is in hospital, although it may be granted in exceptional cases – for example, when a young child is admitted to hospital and parental presence is required, and in cases involving critical or terminal illness. In normal circumstances leave would not be granted to cover illnesses such as colds, flu, chicken pox etc, or for routine outpatient appointments or planned hospital admissions; or
- when childcare or other care arrangements break down, e.g. if a childminder or nurse does not turn up. Leave would normally be granted where alternative arrangements cannot be made and when a signed letter is provided by the regular childminder or carer to confirm that this is the case. Leave will not normally be granted to cover planned absences of the carer - for example, for holidays or medical appointments.

For the purposes of this paid scheme, a dependent is defined as a person who lives with the employee and is physically and/or emotionally dependent on the employee. A relative living in separate accommodation would not normally be considered as a dependent, nor would someone living in the employee's home as a lodger.

Employees required to accompany a dependent to a medical appointment during normal working hours may be granted unpaid leave. However, in exceptional circumstance where this would cause particular hardship, discretion may be exercised to grant paid compassionate leave.

#### **4.2 Unforeseen Domestic or Personal Incidents**

Up to one day's leave will be granted. This leave will be paid. Circumstances falling under this category may include burglary, house fire and family crises. It is not intended to cover instances where domestic appliances have broken down; appointments with insurance assessors or trades persons; or bus breaking down/car failing to start.

### **4.3 Bereavement**

The granting of leave of absence for bereavement is not an automatic entitlement. Normally three days will be the maximum. However, up to a maximum of five days' leave will be granted on the death of a close relative. Bereavement leave will be paid.

The number of days granted will depend on the following:

- whether the employee is responsible for making the funeral arrangements;
- whether the employee is dealing with matters relating to the estate of the deceased;
- how much travel is involved; and
- whether the employee had lived in the same house as the deceased.

Up to one day's leave may be granted in other situations – for example, to attend the funeral of other relatives or close friends. This leave will be unpaid.

The closeness of the relationship will be taken into account in each case. For example, close relatives will normally include spouse/civil partner, parents, children, brothers and sisters. However, it may also include a person with whom the employee lives and/or has a stable relationship – for example, partner, step-parent, step-child or mother-/father-in-law. Similarly it would not be appropriate to grant paid leave to someone who loses a relative with whom there has been no communication or close relationship for some considerable time.

## **5. Other Types of Leave**

### **5.1 Study Leave**

Support staff will be granted reasonable paid leave of absence for the purpose of sitting for nationally recognised examinations approved by the school. Up to an equivalent period of time as the duration of the exam may be granted for the purpose of revision for exams approved by the school.

Teachers will be granted reasonable paid leave of absence for the purpose of sitting for nationally recognised examinations approved by the school. Up to an equivalent period of time as the duration of the exam may be granted for the purpose of revision for exams approved by the school.

### **5.2 Court Appearance**

An employee will be granted paid leave of absence to attend jury service. An employee serving as a juror shall claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowances Regulations currently in force. The school's payroll provider will then deduct from the employee's pay an amount equal to the allowance received.

An employee required by the court to attend as a witness or as a direct consequence of their employment will be granted paid leave and will be able to claim appropriate expenses where these are necessarily incurred.

In all other circumstances time off to attend court on a voluntary basis will be unpaid depending on the individual circumstances of the case. Appearance in court as the defendant or plaintiff will be unpaid depending on the individual circumstances of the case.

### **5.3 Public Service Appointments**

Employees who are appointed as Magistrates, Local Authority Members, or Members of other public service positions may be granted up to 48 half days paid leave per annum 1 September - 31 August to attend meetings/sessions. This will be subject to the needs of the Service and may only be granted by the Headteacher.

### **5.4 Leave to Attend Job Interviews**

Up to two days' paid leave will be granted, depending on the appointment process involved, for interviews within the local government service, unless considerable travel is required in which case up to a maximum four days' paid leave will be granted.

Up to one day's leave will be granted for interviews with other employers and this will be unpaid.

### **5.5 Medical Appointments**

The employee should provide evidence of the appointment when they submit their application for leave of absence.

#### **Medical and dental appointments**

In all cases employees should arrange non-emergency medical or dental appointments outside of normal working hours. In some instances, for example an appointment with a specialist or to receive hospital treatment, the employee may not be able to do so. Where an application for leave of absence is approved, **this leave will be unpaid.**

Individual arrangements will apply where time off for a disabled employee to attend medical appointments has been agreed as a reasonable adjustment under the Equality Act 2010.

#### **Antenatal care**

All pregnant employees will be granted paid time off for antenatal care if the appointment is advised by a midwife, health visitor or registered medical practitioner. This includes antenatal or parenting classes.

#### **Cancer screening**

All staff will be granted leave of absence for cancer screening. This leave will normally be unpaid.

#### **Fertility treatment**

A male or female employee may request time off for fertility treatment. Reasonable time off will be granted and this leave will be unpaid.

In the case of IVF once a fertilised embryo has been implanted a woman is legally pregnant and is entitled to paid time off for antenatal care.

#### **Elective lifestyle surgery**

Absences due to medical procedures such as liposuction, breast enlargement or reduction, removal of facial warts and moles (for cosmetic purposes), removal of tattoos or surgical contraception will be treated as sickness absence only if evidence is produced to indicate that the surgery was recommended by a GP or specialist on medical grounds. Where this is not the case the employee

will be expected to arrange such procedures during periods of school closure or, if granted leave of absence, this will be unpaid.

Where surgery not linked to medical advice results in further absence due to complications, such as an infection, that period of absence should be regarded as sickness absence.

### **5.6 Award ceremony**

Circumstances include degree ceremonies and passing out parades involving the employee's child or partner.

Up to one day's leave will be granted, unless considerable travel is involved in which case up to (e.g. two) days' leave will be granted. This leave will be unpaid.

### **5.7 Moving house**

In all cases employees should arrange to move house at a weekend or during periods of school closure, except where removal costs are being paid under a relocation scheme where there is agreement that paid leave of absence would be granted. In some instances, for example where the removal is part of a "chain" and there are exceptional circumstances as to why the move must take place on a particular date, the employee may not be able to do so.

Where an application for leave of absence is approved, up to one day's leave will be granted and this leave will be unpaid.

### **5.8 Wedding/civil partnership**

In all cases employees should arrange their own wedding or civil partnership at a weekend or during periods of school closure. In some instances, for example where as a result of a partner's circumstances and there are exceptional reasons as to why the ceremony must take place on a particular date, the employee may be able to do so. Where an application for leave of absence is approved, up to one day's leave will be granted and this leave will be unpaid.

An employee may wish to attend the wedding or civil partnership of a close relative or friend. Where an application for leave of absence is approved, up to one day's leave will be granted and this leave will be unpaid.

### **5.9 Religious festivals**

If an employee's religion or belief has special festival or spiritual observance days, they may ask for time off in order to celebrate festivals or attend ceremonies.

Where an application for leave of absence is approved, up to one day's leave will be granted and this leave will be unpaid. If permission is refused the employer must be able to justify this for reasons not connected to the employee's religion or belief.

### **5.10 Reserve forces**

#### **Annual camp**

Members of the volunteer reserve forces – Maritime Reserve (Royal Marines Reserve and Royal Naval Reserve), Royal Air Force Reserves or the Territorial Army – are required to attend a two-week

continuous training session each year. Up to two weeks' leave will be granted where the annual camp is scheduled outside of periods of school closure and this is beyond the employee's control. This leave will be unpaid.

### **Additional training**

Exceptionally, additional reasonable leave of absence may also be granted to members of the volunteer reserve forces who are required to undertake training additional to attendance at the annual camp and who are unable to arrange for such training to be on days when they would normally not be working. This leave will be unpaid. Requests for time off must be supported by documentation confirming that the training cannot be otherwise arranged.

### **Mobilisation**

A reservist and their employer should receive at least 28 days' notice of their call up to operational duty. If it is believed their mobilisation will cause serious harm, the employer can seek exemption, deferral or revocation of the mobilisation.

A reservist who is mobilised will be granted unpaid leave of absence for the duration of their operational duty. They have a statutory right to be reemployed in the same role on equally favourable terms and conditions, or be offered a suitable alternative, for a minimum period of time depending on their length of service before the mobilisation.

### **5.11 Severe weather or other unforeseen circumstances that may close the school**

Where a school remains open (regardless of whether or not it is open for pupils) employees are expected to make every effort to attend work as travelling to work is deemed to be an essential journey. If individual staff are not able to attend for genuine reasons alternative arrangements should be agreed, where possible, such as undertaking appropriate professional duties at home, taking annual leave if this is available or making up the lost time as additional hours once the weather improves. If none of these options are suitable, employees will be granted unpaid leave of absence.

Where a management decision is made to close the school to pupils and staff, employees should be directed, where appropriate, to undertake appropriate professional duties off site. Where this is not practical as there is no or insufficient work that can be undertaken off site during the period of closure, staff will be granted paid leave of absence.

### **5.12 Sporting events**

Employees may be asked to represent their country in a national or international competition or to officiate on behalf of their country or recognised national association as a coach or judge in national or international competition.

Where an application for leave of absence is approved, reasonable time off will be granted and this leave will be unpaid.

### **5.13 Election candidate**

An employee may campaign as an official candidate in a UK or European Parliamentary election. Up to one day's leave will be granted, and this will be unpaid.



#### **5.14 Exam board or other official education body duties**

Teachers will be granted reasonable paid leave of absence during periods of directed time to undertake such activities as external examiner, moderator or reviewer or to undertake a representative role as a member of committee or subject panel. The examining body will reimburse the school in respect of the loss of services of the teacher.

In other circumstances the teacher may be granted unpaid leave and allowed to retain any income received directly from the official education body.

#### **5.15 Holidays outside periods of school closure**

In all cases employees should arrange their holidays during periods of school closure. In some instances the employee's plans may be changed by circumstances outside their control, for example where flight times are changed by a carrier. Where an application for leave of absence is approved, up to one day's leave will be granted and this leave will be unpaid.

In other situations there may be circumstances outside the employee's control that prevent their planned return – for example, a strike involving transport workers or adverse conditions affecting air travel. Employees are expected to make all reasonable efforts to make alternative travel plans and minimise their delay in returning to work. If individual staff are not able to attend for genuine reasons alternative arrangements should be agreed, where possible, such as undertaking appropriate professional duties remotely or making up the lost time as additional hours once the employee returns. If none of these options are suitable, employees will be granted unpaid leave of absence.