

# Staff Leave of Absence Policy



## Oastlers Policy

<b>Approved by Governing Body On</b>	<b>July 2014</b>
<b>To be Reviewed On</b>	<b>July 2017</b>
<b>Signed on Behalf of the Governing Body</b>	<b>Robert Fairbairn</b> 

## **Leave of Absence, Time Off Work and Secondments**

The Governing Body regards the excellent attendance of both pupils and staff as integral to the success of the school.

The Governing Body recognises that the effectiveness of the school depends on the commitment of all staff. We also acknowledge that a fair and balanced policy on leave of absence, time off work and secondments contributes to the maintenance of staff morale and thereby to the success of the school.

The Governing Body recognises that absence from duty by staff may be unavoidably required for a wide variety of reasons including compassionate grounds, jury service or for other family, personal, religious and professional reasons.

The Governing Body expects that teachers and term time support staff will arrange their holidays during school closure periods. It is also expected that staff will consider for all absences how these may be arranged to cause the least inconvenience for the school. Whilst all requests for leave of absence will be considered in a balanced way, other than in exceptional circumstances or on compassionate grounds, leave of absence will not normally be approved in term time except as covered in conditions of service agreements or statute.

The Governing Body will observe the relevant conditions of service agreements and its statutory obligations regarding leave of absence.

### **Procedure for considering requests for planned leave of absence**

#### **1. Requesting Leave of Absence**

Requests for planned leave of absence should be made in writing using a "Leave of Absence Request Form". This should be submitted to the Business Manager for consideration by the Headteacher, and should include reasons for the request which make clear why the leave cannot be taken during a normal school closure period, and the dates and length of the period of leave of absence requested.

The same process will be used by the Headteacher except that the request should be submitted to the Chair of Governors.

The request should be made **with as much notice as possible** so that proper consideration can be given to the request and to enable appropriate cover to be arranged in the event of the absence being approved. Other than in cases of emergency, a minimum of two week's notice should be given for any requests for leave of absence for periods of up to 5 working days, and for longer periods a period of notice (excluding the summer break) equivalent to twice the length of the period of leave being requested. Prior notice of more than three months is not required but would be helpful to the school for planning purposes.

*Staff should not make arrangements (bookings, flights etc.) until approval for the absence has been given.*

In cases of emergency need the notice provision set out above will normally be waived by management.

## **2. Deciding on Leave of Absence requests**

The Headteacher shall normally decide on requests for discretionary Leave of Absence on a paid or an unpaid basis, having regard to the relevant conditions of service and the policy of the governing body. In the case of extended leave and other exceptional circumstances governors' will make the decision.

The Headteacher will approve all requests for non-discretionary absence (e.g. Jury Service, paternity leave etc) in accordance with legislative and conditions of service requirements, and irrespective of the length of the absence. Where a non-discretionary absence amounts to more than 5 days the Headteacher will inform the Chair of Governors of the length of the absence and the reason for it.

The Chair of Governors will decide on all requests for leave of absence made by the Headteacher.

All decisions will be confirmed in writing using the "Leave of Absence Response Form". In the case of refusal, reasons will be given.

If the request is refused, the member of staff may appeal to the School's Appeals Committee. The appeal should be made in writing within 20 working days of the original decision being given, stating the grounds for the appeal. The school grievance procedures will be used. There is no further level of appeal.

NOTE: All parties need to be mindful of the time that could be required for the decision making process, including any potential appeal.

## **3. Unpaid leave**

The methods to be used for the calculation of adjustments to pay during periods of leave of absence without pay are contained in the relevant conditions of service, applying to teachers (paragraph 9.7.3) and other staff (Blue Book Major Conditions paragraph 2 (C) – Special Leave).

Any illness occurring within the period of unpaid leave will not be covered by the school's provisions for sick pay.

## **4. Unauthorised leave of absence**

The taking of unauthorised leave of absence is automatically unpaid and may lead to disciplinary action resulting in a formal warning being issued, or dismissal where the circumstances would justify such action.

Overstaying and late returns may be considered as unauthorised leave of absence. Staff **must** preserve any documentary evidence which shows that a late return was unavoidable (tickets, sick-notes etc).

## **Guidance on Contractual and Statutory Entitlements to Leave of Absence**

The following guidance is intended to give basic information only. Detailed information and advice is available from the Human Resources Advisory & Business Consultancy Service.

## **5. Time off for antenatal care**

*(Employment Rights Act 1996)*

All pregnant employees are entitled to paid time off in order to keep appointments for antenatal care, made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care includes medical examinations. It may also include other appointments, for example, relaxation classes and parent-craft classes.

Except for the first appointment, if requested by the Headteacher the employee must be prepared to show a certificate from a registered 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.

There is no right for the partner of a pregnant woman to be given time off to accompany her to antenatal care appointments or classes. In exceptional cases leave may be granted for this purpose on compassionate grounds.

## **6. Maternity, paternity and adoption leave**

*(Employment Rights Act 1996, as amended by the Employment Relations Act 1999, Employment Act 2002, Paternity and Adoption Leave Regulations 2002, Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002, and Conditions of Service for all staff)*

The Governing Body will grant paid leave in accordance with statutory requirements and the agreements covering staff employed under the relevant Bradford Council conditions of service.

For details of the schemes see the white book paragraph 9.2 for teachers and for other staff the blue book Major Conditions 3 (C) & 4.

The entitlement to adoption leave and adoptive paternity leave is comparable to maternity and paternity leave excluding the pre-natal period, although see paragraph 9.2.1.3.7 in the white book for familiarisation time.

Adoption leave is not payable where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child.

Conditions of Service extend eligibility to paternity/adoptive paternity leave to a sole carer (e.g. adoptive parent's mother) where they reside at the same address as the mother / adoptive parent.

To avoid discrimination on the grounds of sexuality same-sex partners should be considered as eligible for paternity leave on the same conditions as set out for fathers.

## **7. Parental leave**

*(Employment Rights Act 1996, as amended by the Employment Relations Act 1999)*

Parental leave is a right for employees with parental responsibility to take time off work to look after a child or make arrangements for the child's welfare. They can use it to spend more time with children and strike a better balance between their work and family commitments. To be eligible, employees generally have to have one year's continuous service (but contact HR for disabled children born / placed before 14 December 1999).

Eligible employees are entitled to:

13 weeks unpaid leave for each child, up to their fifth birthday

13 weeks unpaid leave where the child has been adopted up to five years after the placement date of an adopted child or until their 18th birthday, whichever comes first

18 weeks unpaid leave for each disabled child, up to the child's 18th birthday (for the purposes of parental leave a "disabled child" is one for whom an award of disability living allowance has been made).

Parental leave is for each child, so if triplets are born each parent will get 13 weeks leave for each child (18 weeks for each disabled child).

No more than 4 weeks parental leave may be taken in a year. For these purposes, "a year" starts with the commencement of eligibility of parental leave. This is when the child is born (or placed in the case of adopted children) or when one year's service has been completed, whichever is the sooner. "A week" is defined as a calendar week, based on the normal working pattern.

Staff will be able to take parental leave in short or long blocks provided they give at least three week's notice of each leave period.

## **8. Time off for dependants**

*(Employment Rights Act 1996, as amended by the Employment Relations Act 1999)*

Employees have a right to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. The emergency must involve a dependant of the employee. According to the regulations, a dependant is the husband, wife, child or parent of the employee. It also includes someone who lives in the same household as the employee. For example, this could be a partner or an elderly aunt or grandparent who lives in the household.

In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only one who can help in an emergency; for example an aunt who lives nearby who the employee looks after outside work falls ill unexpectedly, or an elderly neighbour living alone who falls and breaks a leg, where the employee is closest on hand at the time of the fall.

The right to time off does not extend to time off for domestic emergencies such as a breakdown of a heating boiler and unpaid time off for incidents of this kind is at the Headteacher's discretion.

The regulations do not give the right to paid time off for dependants. However, Teachers' conditions of service provide for up to 2 days discretionary paid leave to care for members of the immediate family in the case of sickness. Before requesting such leave staff are asked to consider whether there are any alternatives to taking time off work, including whether the need for time off to care for children is being fairly shared by any partner.

The conditions of service (Blue Book) for support staff do not provide for paid time off to care for members of the immediate family in the case of sickness.

## **9. Time off to accompany a colleague to a discipline, grievance or flexible working hearing**

*(Employment Rights Act 1999)*

Employees have the legal right to take paid time off work to accompany fellow employees of the same employer to certain disciplinary and grievance hearings.

## **10. Time off for job hunting or to arrange training when facing redundancy**

*(Employment Rights Act 1996)*

An employee who is being made redundant is entitled to take reasonable time off with pay to look for another job, or to arrange training for future employment. The employee, who must have at least 1 years' continuous service (at the date the redundancy will take effect), can take time off within working hours while under notice.

## **11. Time off for Trade Union duties (including Union Learning Representatives) and for Safety Representatives**

*(Employment Act 2002)*

Employees carrying out these roles are entitled to reasonable paid time off work to undertake those duties and to undergo training. See Local Conditions of Service.

## **12. Time off for occupational pension scheme trustees and directors of trustee companies** (*Employment Rights Act 1996*)

Employees who are trustees of an occupational pension scheme or directors of trustee companies are entitled to reasonable time off with pay to carry out any of their trustees duties or to be trained for those duties.

## **13. Study Leave and Attendance for Examinations (discretionary and non-discretionary)**

(*see relevant conditions of service*)

For courses of training and study that are not directly related to the employee's job, or have not been specifically approved by the governors, leave may be granted at the school's discretion with or without pay.

For courses of training and study approved by the governors leave with pay will be granted as necessary. Conditions of Service for Support staff additionally allow half a day's leave to prepare for each examination. Any leave agreed to prepare for examinations will be approved subject to any practical and organisational constraints affecting the school.

## **14. Time off for Religious Observance**

(*see Teachers' Conditions of Service and Code of Practice on Religious and Cultural Needs 1996*)

The Governing Body follows the LEA's recommendation that teachers and support staff on term time contracts may take up to three days leave with pay for this purpose in each academic year. This is a special arrangement for those staff who do not have a holiday entitlement other than during the school closure periods. The days can be taken only for the purpose of attendance at a religious ceremony or for observation of a religious festival which the member of staff is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order.

The Council's arrangements do not provide for paid time off to prepare for festivities or days which may be used as family celebrations which are not the specified dates for the religious event.

If the religious ceremony or festival falls at a weekend the time off is not transferable to the following working day. Staff who are on all year round contracts must use their normal holiday entitlement for the purpose of religious observance.

The school's policy on the extended leave needed for Hajj is included at Appendix 1 to this document. Other requests for substantial religious leave will be considered on the same basis.

## **15. Time off for public duties and activities**

(*Employment Rights Act 1996 and relevant Conditions of Service*)

Subject to the needs of the school, employees are entitled to reasonable time off in order to carry out public duties and activities.

For Teachers, the time off is on a paid basis to a maximum of 20 days or 40 half days (some reimbursement is available from the LEA).

Full time support staff are entitled to 208 hours (approximately 28 days) paid leave for public duties each financial year, with entitlement for part-timers being pro-rata.

**16. Bereavement leave**  
(see relevant Conditions of Service)

All requests for bereavement leave will be treated sympathetically and, although granted at the discretion of the Headteacher or Chair of Governors, will not normally be refused without good reason.

Teachers are allowed up to 2 days with pay for immediate family (with extra travelling time of up to 3 days if necessary) see Appendix 2.

Support staff are allowed up to 5 days with pay.

For all staff the leave need not be taken continuously and can be taken in accordance with the practical needs and circumstances of each case.

**17. Time off to visit relatives abroad – Extended leave**

It is recognised that some employees have close relatives abroad whom they may wish to visit for an extended period. In such circumstances, an employee may apply to take an extended period of unpaid leave. All requests will be considered taking into account both the needs of the staff member and the needs of the school. Staff are requested to arrange any extended leave to coincide with the main periods of school closure. If the period of leave would cause particular difficulty for the school the request may be refused or the staff member asked to reconsider the period for which leave has been requested.

Support staff on all year round contracts may accumulate leave for the purpose of extended absence (see conditions of service).

It is the policy of the Governing Body that permission to take extended leave to visit relatives abroad would not normally be granted more frequently than once in every five academic years although compassionate grounds will be taken into account.

Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.

**18. Secondments, extended leave of absence, career breaks and extended study leave**

In the event that a member of staff requests an extended period of unpaid leave the Staffing Sub-Committee / Committee of the Governing Body (enter name) will consider the request taking into account any financial, organisational or educational effects on the school, and the circumstances and reasons given by the individual.

The Governing Body will not normally approve absences of more than two years in length and may require that the dates of commencement and ending are consistent with the practicalities of recruiting temporary cover staff.

**19. Appeals**

Appeals will be considered under the school's grievance procedure.

**Revised and adopted by the Governing Body ..... Date .....**

## **Appendix 1: Hajj Policy**

Any request made for a substantial period of leave in order to carry out religious obligations for members of any religion will be considered on the same basis as set out in this policy.

### Aims of Policy

The purpose of this policy is to set a framework for the Governing Body to manage and administer requests from Muslim staff wishing to perform the obligatory pilgrimage of Hajj.

### Policy Statement

The school recognises the difficulty which results from the academic year following the Gregorian and not the Hijri calendar, which means that Hajj can fall during times when the school is in session. The school respects that Hajj is one of the five pillars of Islam and is an obligation upon Muslims once in their lifetime, financial/health conditions permitting. The school is committed to providing high quality education whilst having a balanced approach to the religious needs of its staff. Staff requests for leave for Hajj will be considered according to the following criteria:

1. In order to minimise any possible disruption to colleagues and students, staff wishing to apply for the obligatory Hajj leave will notify the Chair of Governors and the Head teacher in writing by the end of Ramadhan for the following Hajj.
2. Staff wishing to perform the obligatory Hajj may apply for a maximum of three weeks unpaid leave (see "Unpaid Leave" for advice where school holidays are included).
3. In order to balance the needs of students and the need for staff to make the obligatory Hajj pilgrimage, Muslim staff will be granted Hajj leave subject to the school's ability to release staff without an adverse impact on service delivery.
4. All Muslim staff will be considered with fairness irrespective of their professional status within the school. Applications will normally only be considered for the obligatory (first) Hajj. In exceptional circumstances requests made on compassionate grounds may also be considered by the Governing Body.
5. Permissions / requests for Umrah or non-obligatory Hajj will not be considered during school term time except in exceptional compassionate grounds.
6. When making a request to undertake Hajj staff are asked to consider the effect their absence might have on the students with whom they work.
7. The initial decision on whether or not to grant exceptional leave for Hajj will be made by the school's staffing committee which will consider the written application made by the staff member. Any appeal against the decision of the staffing committee will be heard by the governing body's appeals committee. The staff member may put his or her case in person to the Appeals Committee, assisted by a trade union representative or a work colleague. The Headteacher (or appropriate manager) may present the management case to the Committees at the first hearing and at the appeal hearing.
8. In accordance with the school's overall policy on leave of absence, staff should not book tickets etc. before the Hajj leave has been approved.
9. Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.



## Appendix 2: Leave of Absence Summary Schedule (Teachers Pay & Conditions and Officers)

Teachers' Conditions of Service and Officers Conditions of Service stipulate that leave will normally be granted in accordance with the following schedule. Discretion lies with the Governing Body except where it is indicated that the discretion resides with the Headteacher.

	Reason for absence	Maximum period of absence (school days)	With or without pay
1	Death of member of immediate family (defined below)	<b>TEACHERS</b> 2 days (with extra travelling time of up to 3 days if necessary)  and  any additional days  <b>OFFICERS</b> 5 days	With pay  and  Without pay    With pay
2	Wedding of any member of immediate family* OR	1 day	With pay
2	Wedding of member of family (other than immediate family)	1 day	Without pay
3	Jury service	See conditions of service	With pay (employee must claim an allowance from Court)
4a	Attendance at interviews – posts connected with education	Headteacher to retain discretion	With pay
4b	Attendance at interviews – others	As necessary	Without pay
5	Attendance at meetings of Examiners for GCSE or other approved examinations	As necessary	With pay
6	Attendance at courses (and for examination study and for examination) approved by the Governing Body (or relevant manager for centrally employed teachers)	As necessary	With pay
7	Other examinations leave and study where not directly related to the job.	Headteacher to retain discretion	With or without pay
8	Attendance at a religious ceremony or observation of religious festival which the teacher is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order	Up to 3 days per year – only at the time of the religious festival. Time off is not transferable should it fall on a weekend	With pay
9	Representatives of trade unions attending annual conferences and taking part in formal consultations with representatives of this Authority or at national or provincial level	See conditions of service	With pay

10	Illness of member of immediate family	<b>TEACHERS</b> 2 days	With pay
		(also see dependants / parental leave)	
11	Hospital attendance of self And Of immediate member of family with the exception of grandparents and grandchildren	<b>OFFICERS</b> No entitlement	Without pay
		1 day and 1 day	With pay
12	Attendance at University Graduation Ceremony etc. where self or member of immediate family is receiving a degree, diploma or certificate	1 day	With pay
13	Other urgent or private family business	Up to 1 day	Without pay

**NOTES:**

Definitions of "immediate family"

For the purpose of this scheme "immediate family" shall include:

- |                 |                 |                      |                     |
|-----------------|-----------------|----------------------|---------------------|
| <i>Wife</i>     | <i>Father</i>   | <i>Mother-in-law</i> | <i>Partner</i>      |
| <i>Husband</i>  | <i>Brother</i>  | <i>Father-in-law</i> | <i>Stepfather</i>   |
| <i>Son</i>      | <i>Sister</i>   | <i>Grandmother</i>   | <i>Stepmother</i>   |
| <i>Daughter</i> | <i>Guardian</i> | <i>Grandfather</i>   | <i>Stepbrother</i>  |
| <i>Mother</i>   | <i>Ward</i>     | <i>Grandchild</i>    | <i>Stepsister</i>   |
|                 |                 |                      | <i>Stepchildren</i> |

\* EXCEPT for "Wedding of any member of immediate family" where immediate family does not include:

*Self, Grandparents, Parents-in-law and Grandchildren*



## Absence Request

Employee Name: \_\_\_\_\_

Position: \_\_\_\_\_

Manager: \_\_\_\_\_

Type of Absence Requested:

- Holiday       Maternity/Paternity       Bereavement       Parental Responsibility  
 Hospital Appointment       Doctors App       Other

Dates of Absence:

From: \_\_\_\_\_ To: \_\_\_\_\_

Reason for Absence:

*You must submit requests for absences, other than sick leave, prior to the first day you will be absent.  
Please provide copies of any appointment letters with this form.*

**Employee Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

### APPROVAL

- Approved with Pay  
 Approved with agreement to build up time  
 Approved No Pay  
 Rejected

Comments:

\_\_\_\_\_  
**Manager Signature**

\_\_\_\_\_  
**Date**

**PLEASE RETURN THIS FORM FOR APPROVAL TO JEANINE FAIRBAIRN**