



LEAVE OF ABSENCE FOR STAFF IN SCHOOLS

1. INTRODUCTION

- 1.1 This procedure details how leave of absence should be requested, what leave is available and a helpful chart is provided at page 11 setting out which leave is paid and which is unpaid. All requests for leave will be carefully considered with the effective delivery of education to pupils balanced with the individual needs of school employees.
- 1.2 The Head teacher has the delegated power from the Governing Body to make decisions in relation to the application of the Leave of Absence Procedure. Requests for leave of absence should be made in writing to the Head teacher within the timeframe set out for each type of leave.

2. URGENT FAMILY LEAVE

- 2.1 This is a provision allowing employees to take a 'reasonable' amount of unpaid time off work to deal with certain unexpected emergencies or sudden emergencies and to make necessary longer term arrangements. An example of urgent family leave is time off for the purpose of attending to a sick dependent. A dependant for the purposes of this policy is defined as the husband, wife or partner, child (including a child in foster care) or parent of the employee. It also includes someone who lives in the same household as a member of the family (excluding paying lodgers). In the case of illness, injury or where care arrangements breakdown, a dependent may also be someone who reasonably relies on the person for assistance e.g. elderly relative or elderly neighbour.
- 2.2 Reasonable unpaid time off will be granted to help the employee cope with the initial crisis and to make longer term care arrangements. **This provision is for unforeseen matters. If an employee knows in advance that they require time off they should request the appropriate leave.** There is no automatic right to time off to solely provide any care the dependant requires.
- 2.3 Employees are expected to contact the Head teacher as soon as is reasonably possible and advise them of the reason for their absence and how long they expect to be absent from work. Employees must maintain regular contact with the school if they are absent for more than one day. For all periods of absence a leave of absence form should be completed in advance.
- 2.4 Even in emergency situations an employee should not leave their place of work without advising someone with managerial responsibility and without ensuring that their workplace is safe.
- 2.5 What is "reasonable" will vary according to each case and each set of circumstances. However, it is expected that in most circumstances it will only be necessary for the employee to have the first day off to deal with the emergency.
- 2.6 Any employee wishing to access this part of the policy should first check that the circumstances are not covered elsewhere in this guidance.

3. COMPASSIONATE LEAVE

- 3.1 At the discretion of the Head teacher and in appropriate circumstances, a member of staff may be granted up to a total of five working days paid compassionate leave of absence, in the first instance, in any one academic year. Confirmation of the need may be sought prior to consideration. This will include:
- in the case of an employee needing to care for a chronically sick or terminally ill dependant. A dependant for the purposes of this policy is defined as the husband, wife or partner, child or parent of the employee. It also includes someone who lives in the same household as a member of the family (excluding paying lodgers). Consideration will be given to the effect on the family of not granting the leave and the difficulties this would create for the individual.
 - in the case of the death of the wife, husband, partner, child, father, mother, brother, sister, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or of a person who stands in loco parentis to that member of staff or vice versa, or of any other relative or person if normally resident with the member of staff, or for attendance at a funeral in a representative capacity;
- 3.2 Where a family funeral or attending to a sick relative is taking place abroad the member of staff must ensure that compassionate leave has been granted, before leaving the country. An employee may be requested to provide documentary evidence such as flight booking details or medical evidence on their return to school. If insufficient evidence is supplied to the school, the Head teacher may take the decision to not pay the employee during their absence, and in more serious cases take disciplinary action against the employee. At the discretion of the Head teacher there may be other circumstances, not covered in this policy, which could be considered for compassionate leave. Any extension or further occasion in excess of the five days may be granted at the discretion of the Head teacher, but will normally be unpaid.

4. ROUTINE MEDICAL/PERSONAL APPOINTMENTS

- 4.1 Every effort should be made to make routine medical/personal appointments such as doctor's appointments, dentist appointments, solicitor appointments outside of working hours. If time off for these appointments is granted, it will be unpaid.

5. UNAVOIDABLE PERSONAL BUSINESS

- 5.1 Application for Leave of Absence for unavoidable personal business will be considered on a case by case basis and decisions taken will have regards to the number of requests made by that employee that have already been granted. There is no entitlement to leave for this purpose. An employee should not normally exceed more than 2 days per academic year.
- 5.2 An employee should aim to apply to the Head teacher in writing for Leave of Absence for unavoidable personal business. However, there may be some occasions that this may not be possible. Normally only the first day (or pro rata equivalent) requested for time off

for unavoidable personal business would be with pay but any extra could be paid at the discretion of the Head teacher, It will not normally be possible for employees to make up the time taken. Examples of leave covered under this category are:

- Attendance at the wedding of a child, father, mother, brother, sister, or of a person who stands in loco parentis to that member of staff or vice versa, or of any other relative who is normally resident with the member of staff. Essential travelling time may also be allowed, at the discretion of the governing body. A member of staff would not normally be expected to arrange for his/her own wedding to take place during working time and could not expect to be granted leave for this; should such leave be granted, however, it would be with pay
- Attendance at a ceremony for the presentation of an honour or decoration either to that member of staff him/herself or to his/her wife, husband, partner, child, father, mother, or a person who stands in loco parentis to the member of staff.
- A house move when this cannot be arranged during school closure or non-working time.

6. EXTENDED LEAVE

- 6.1 Extended leave would only apply to employees with at least one year's continuous service at the time of the request. Any extended leave including participation in a recognised religious event e.g. Hajj, should only be taken by prior agreement of the Head teacher. Except in cases of emergency, or in exceptional circumstances, requests for extended leave should be made in writing at least six months prior to the date of commencement of such leave.
- 6.2 It is anticipated that the larger portion of extended leave would be taken during school closure. Where appropriate (i.e. whole year) employees should take at least three weeks from their annual leave entitlement (it should be noted that some employees will have annual leave entitlement in excess of four weeks) and the remainder may be given as unpaid leave. Such members of staff may be able, with the prior written agreement of the governing body, to "bank" annual leave or from their previous annual leave year for this purpose only. It will not normally be possible for employees to make up the time taken.
- 6.3 Extended leave agreed for teachers or other term time employees will be unpaid. It will not normally be possible for employees to make up the time taken.
- 6.4 Extended leave, in normal circumstances, should only be allowed once in every three year period, although more frequent extended leave may be permissible in very special circumstances.
- 6.5 If an employee who has taken extended leave is delayed in the country they have visited for any reason, e.g. strikes (in either country), mechanical faults in transport, sickness etc, they are required to maintain communication with the school. This must be undertaken by the employee only. The employee must speak directly with the Head teacher. If the Head teacher is unavailable then the employee must leave contact details for the Head teacher to contact them on. The employee will be expected to provide the Head teacher with details of why they are delayed, what the employee is doing to return to work and when

they expect to return to work. The Head teacher may request documentary evidence. The Head teacher and employee will agree how frequently they will keep in contact. Employees are reminded that being absent from duty without permission or sufficient cause constitutes misconduct under the School's Disciplinary Procedure.

- 6.6 If an employee fails to return to work on the expected date due to sickness and submits foreign medical certificates, the Council will not pay either Statutory Sick Pay or Occupational Sick Pay unless the DWP would recognise and pay sickness benefit on the submission of such a certificate. The member of staff should be warned in advance that failure to return to work on the expected date will be considered seriously and may affect their employment at the school.

7. RELIGIOUS OBSERVANCE

- 7.1 Under the Equality Act 2010, it is unlawful for employers to discriminate either directly or indirectly in any aspect of employment. An employer could be deemed to be indirectly discriminatory if rules and practices are in place which disadvantages employees of a particular religion or belief unless it can be objectively justified. There is a statutory requirement under the above regulations for the governing body to consider legitimate requests for time off for religious observance. This may include religious festivals, holy days or prayer time only where the religious festival falls on employee's working days. There is no right to paid time off over and above that which is accorded to all employees. Employees must make any needs connected to their religion or belief known on appointment. Where leave is required for religious observance, the employee must request time off with as much notice as possible, for consideration by the Head teacher/Governing Body. The Head teacher/Governing Body, in consideration of such requests, will also take into account the business needs of the school at the particular time and the effect the employee's absence will have on the school. Where possible, is agreed, employees can make up the time (eg homework clubs, out of school learning activities, Saturday School, extended school activities, additional hours for those working less than full time). Those employed whole year may use their annual leave entitlement or request unpaid leave of absence. If it is not possible to agree how the time can be made up, the leave can be agreed without pay.

8. SICK LEAVE

- 8.1 This is covered under a separate procedure. Arrangements for absence because of personal illness, injury or other disability and payment during that period of absence are covered, in the case of teachers, by the Conditions of Service for School Teachers in England and Wales and in the case of all other employees by the national agreement on pay and conditions of service (Green Book).

9. MATERNITY/PATERNITY/ADOPTION LEAVE

- 9.1 This is covered under a separate procedure. Arrangements for maternity leave and payment during absence are covered, in the case of teachers by the Conditions of Service for School Teachers in England and Wales and in the case of all other employees by the national agreement on pay and conditions of service (Green Book).

10. HOSPITAL APPOINTMENTS & MEDICAL SCREENING

- 10.1 Necessary paid time off shall be granted for staff to attend hospital appointments and for the purpose of being screened for breast and cervical cancer and other appropriate life-threatening conditions. Staff are required to make every effort to arrange these appointments outside working hours or at the start or the end of the school day, where there is the flexibility to do so. Where that has not been possible, staff may be required to provide a copy of the appointment letter before the leave is approved.

11. PARENTAL LEAVE

- 11.1 Parental Leave is a statutory provision, in accordance with the Employment Relations 1999. All requests must be made in writing to the Head teacher/governing body*.
- 11.2 Both mothers and fathers can apply for parental leave providing they are named on the child's birth certificate or have parental responsibility under the law (as defined by Section 3 of the Children Act 1989). The parents of a child do not have to be living with the child to qualify.
- 11.3 Employees wishing to take parental leave must have one year of continuous service with Luton Borough Council (or the school if VA, Foundation or Academy) by the time they wish to take the leave. Parental leave can only be taken to care for the child or to make arrangements for the good of the child.
- 11.4 Parental leave can only be granted if the child is: -
- under 18 years of age
 - for 5 years after the date of adoption up to the age of 18 years
 - up to 18 years of age providing a disability living allowance is paid for the care of the child
- 11.5 The entitlement to parental leave is 18 weeks (in total) unpaid leave for each child subject to:-
- a maximum entitlement of 4 weeks per child per year minus any paid entitlement that may have been obtained for a similar purpose under other sections of this Guidance. (A year is a twelve month period commencing when a member of staff first becomes entitled to take parental leave in respect of an individual child). A period of up to four weeks of parental leave may be appended to maternity leave at the request of the mother returning to work.
 - to be taken in 1 week blocks at any one time (1 week of parental leave is the equivalent to the length of time that an employee is normally required to work in a week. Where working patterns vary, the average working week will be calculated as a fraction for the period he/she is required to work in a year) with the exception for parents of disabled children who can take leave in days.

- a member of staff must give a minimum of 21 calendar days notice unless it is an emergency situation which can be justified to the governing body. Even in these circumstances the member of staff should not commence a period of parental leave before obtaining consent.
- wherever possible requests for parental leave will be facilitated. However, in exceptional circumstances and for operational reasons, the Head teacher may need to postpone approval for parental leave for a period not exceeding 6 calendar months

12. SHARED PARENTAL LEAVE

- 12.1 This is covered under a separate procedure. Shared Parental Leave (SPL) enables parents to choose how to share the care of their child during the first year of birth or adoption. Those wishing to take Shared Parental Leave should refer to the Shared Parental Leave Scheme.

13. EXAMINATIONS

- 13.1 Leave to sit examinations
- 13.2 Leave of absence without loss of salary may be granted to a member of **TEACHING STAFF** for the purpose of sitting an examination in order to improve educational qualifications. With the approval of the Head teacher the employee may be granted a day's paid Leave of Absence to study for each exam undertaken.
- 13.3 A member of **SUPPORT STAFF**, who is following a day release or correspondence course for a first professional qualification must be granted leave without loss of salary for the purpose of sitting for appropriate examinations and in addition may, with the approval of the governing body, be granted paid leave for revision purposes at the rate of one half day for each examination paper to be taken up to a maximum of three days. Such leave is normally granted on condition that an equal amount of annual leave is taken at the same time, if applicable. As far as possible such leave should be taken in the week immediately preceding the examination(s).
- 13.4 These arrangements would apply only to examinations being attempted for the first time and not to full-time or block release courses.

14. LEAVE FOR THE PREPARATION OF EXAMINATION PAPERS AND THE MARKING THEREOF

- 14.1 The circumstances under which **TEACHERS** must be granted paid leave in connection with the preparation and marking of external examinations are explained in the School Teachers' Conditions of Service. In essence, teaching staff must be granted paid leave of absence to attend, as examiners or advisers, meetings of approved examining bodies.

15. LEAVE OF ABSENCE FOR SERVICE IN THE NON-REGULAR FORCES

- 15.1 Whilst a member of the non-regular forces is normally expected to arrange his/her training in off-duty time, if this should, in exceptional cases, prove impossible a **TEACHER** or member of the **SUPPORT STAFF** (term time only) may be granted leave for the necessary period at the discretion of the governing body, normally up to a maximum of ten days per academic year of which only five days should be paid leave. Where an allowance is payable, this should be claimed and paid to the school.
- 15.2 A member of the **SUPPORT STAFF**, employed for the full year (not term-time only), must be granted leave with pay additional to annual leave for the purpose of attending summer camp. The amount of additional paid leave should be two weeks in the case of a member of staff entitled to four weeks' annual leave and one or two weeks, at the discretion of the governing body, in the case of a member of staff entitled to more than four weeks' annual leave. Where an allowance is payable, this should be claimed and paid to the school.

16. GOVERNMENT OR LOCAL AUTHORITY DUTIES

- 16.1 Employees must be granted paid leave for duties and attendance as members of a local authority or of any committee or sub-committee thereof.
- 16.2 Employees must be granted paid leave for service as a member nominated by a government department or local authority on a committee, tribunal, panel or other similar body or for attendance at meetings of the Council Executive, Joint Negotiating and Consultative Committee and any sub-committee thereof, as a representative of a local authority or approved professional association or union.

17. LEAVE FOR JURY AND OTHER PUBLIC SERVICE

17.1 Jury Service

- 17.1.1 Unless exemption has been secured, an employee must be granted leave for jury service if summoned. That employee will continue to be paid a full salary, but shall claim for loss of earnings under the Jurors' Allowance Regulations; this sum of money will then be deducted from his/her salary.

17.2 Other public service

- 17.2.1 An employee must be granted paid leave of absence of up to a day per fortnight in order to undertake duties as a magistrate or as a member of any statutory tribunal, regional health authority, family practitioner committee, water authority. Employees who serve as magistrates should claim the allowances available to them and have the equivalent amount deducted from their salary.

18. UNIONS AND PROFESSIONAL ASSOCIATIONS

- 18.1 Employees who are elected trades union representatives have a statutory right to a reasonable amount of paid time off to carry out certain specified duties (related to negotiations with their employer), and to undertake relevant training. Individual union members also have a statutory right to reasonable unpaid time off when taking part in trades union activities.
- 18.2 Employees who are members of the national executive of a recognised union or professional association must be granted paid leave of absence for the attendance of appropriate meetings in that capacity when they fall on a working day. Certain unions have agreed facilities for attendance at national conference.

19. CONFERENCES

- 19.1 Employees may, at the discretion of the governing body, be granted paid leave to attend approved conferences, including those of recognised professional associations, or meetings of societies on educational matters for up to three working days in any one year.

20. CANDIDACY IN ELECTIONS

20.1 Parliamentary Elections

- 20.1.1 An employee who is a candidate in a parliamentary election may, at the discretion of the Head teacher, be granted unpaid leave from the first day in which nomination papers may be delivered up to and including second day after the election.

20.2 Local Election

- 20.2.1 An employee who is a candidate in a local election may, at the discretion of the governing body, be granted unpaid leave on the day of polling only.

21. TRAINING COURSES

- 21.1 At the discretion of the Head teacher, an employee may be granted paid leave in order to assist with a training course arranged either inside or outside the Borough by an approved organisation. Any income in respect of this activity would go into the school's delegated budget.

22. VISITS TO SCHOOLS OR OTHER EDUCATIONAL ESTABLISHMENTS

- 22.1 At the discretion of the Head teacher, an employee may be granted paid leave in order to visit other establishments for the observation of different practices which may be appropriate to the individual's own role. This could include the acceptance of a scholarship or interchange post arranged by an approved organisation in an overseas country.

23. ATTENDANCE AT COURT

- 23.1 An employee must be granted paid leave of absence for attendance at court or at an inquest as a witness, a juror or for compulsory legal business directly connected with school duties.
- 23.2 If the employee has been called as a witness on private business at a crown court or a magistrates court he/she should claim loss of earnings is from the court and inform the Director of Finance afterwards so that the appropriate deduction can be made from his/her salary.

24. ATTENDANCE FOR INTERVIEW

- 24.1 An employee must be granted reasonable and necessary paid leave of absence for attendance for interview for another appointment, by prior arrangement with the Head teacher.
- 24.2 In most circumstances paid leave for the purpose of attending an interview will be limited to 3 interviews, which may take place over several days, in any one academic year. Additional days may be granted at the discretion of the Head teacher.
- 24.3 Employees are expected to attend work either prior to or after the interview if practical.
- 24.4 The Head teacher may request evidence of the employee's invitation and/or attendance at the interview.

25. PARTICIPATION IN SPORTING EVENTS

- 25.1 If an employee is representing his/her county, region or country in a sporting event in an amateur capacity, he/she may, at the discretion of the Head teacher, be granted two days paid leave in the case of county representation, three days for regional representation (ten days in the case of winter sports). Where national representation in Commonwealth, European or Olympic Games is concerned, or in the case of British Lion Tours, the Head teacher will need to consider each case on an individual basis. Leave is not normally granted for an employee to take part in sporting events on a professional basis.

26. BROADCASTING

- 26.1 The granting of leave for an employee to participate in, or rehearse for a television or radio broadcast is at the discretion of the Head teacher. Where the employee is making a specific educational contribution to the broadcast by virtue of his/her profession, any leave granted should be paid, although the Head teacher may wish to consider whether the employee should retain any fee earned, including for repeat performances, as a result of release from school duties.
- 26.2 If the employee's involvement in the programme has no direct bearing on his/her educational duties, any leave granted should be unpaid.

27. GRIEVANCES/APPEALS

27.1 Where an employee feels that he/she has been unfairly treated in respect of this policy and practice, he/she will have a right to appeal under the Grievance Procedure.

28. DISCIPLINARY PROCEDURE

28.1 Any employee making false and inaccurate claims for leave or time off under this policy will be subject to disciplinary action.

29. DEDUCTION OF UNPAID LEAVE

29.1 In all cases where unpaid leave is granted the employee has equal responsibility with the school, to ensure that the appropriate deductions are made from their salary

PAID AND UNPAID LEAVE OF ABSENCE

<u>LEAVE OF ABSENCE</u>	<u>PAID OR UNPAID</u>
Urgent Family Leave	Unpaid
Routine Medical/Personal Appointments	Unpaid
Religious Observance	If it is possible to agree how the time will be made up this may be paid
Unavoidable Personal Business	2 days paid over 2 occasions maximum per academic year.
Attendance at Interview	Paid leave for 3 interviews per academic year
Compassionate Leave	Up to 5 days paid leave
Conferences	Up to 3 days paid per academic year
Examinations Leave	1 day paid per exam undertaken up to a maximum of 3 days per academic year
Leave of absence for Service in the non-regular forces	Up to a maximum of 10 days leave of which 5 will be paid
Maternity and Sick leave	As per Occupational Schemes
Hospital Appointments & Medical Screening	Paid (as necessary)
Government or Local Authority Duties	Paid (as required)
Attendance at Court	Paid (as required)
Jury or other Public Service	Paid (as required)
Authorised educational contribution to a broadcast	Paid (as required)
Elected TU Representative (including Health and Safety), duties and training	Paid (as reasonable)
Candidacy in elections	Unpaid
Preparation and marking of external examinations – attendance at meeting of approved examining bodies as examiner or adviser	Paid (as required)
Visits to schools or other educational establishments	Paid (as reasonable)
Shared Parental Leave	Paid (see SPL Policy)