



Staff Leave of Absence Policy

Originator: Jude Macdonald

September 2020

1. ABSENCE FROM DUTY: PRINCIPLES

- 1.1 Within this policy 'we' and 'us' means the school.
- 1.2 We are committed to being a good employer and doing all we can to ensure the health, safety and welfare of all staff. The Governors consider that this is good for individual staff, good for the community of staff and good for the students, contributing to the pursuit of a high-quality service and the development and maintenance of high standards.
- 1.3 We wish to be fair to all staff when asked to agree absence from work.
- 1.4 We wish to maintain harmonious employment relations with all staff.
- 1.5 We wish to avoid disruption to students' education as far as is reasonably practicable.
- 1.6 We recognise that the entitlement to time off work in certain circumstances is an important element in establishing a good working environment.
- 1.7 Where the policy states 'working week' this refers to the hours and days an employee is required to work in line with their contract of employment. For a full-time contract this will be 5 days. For part time contracts this will be based on a percentage of the full-time equivalent.
- 1.8 Where days are specified these are the full-time equivalent and will be prorated and rounded for employees in line with their contract of employment.
- 1.9 A dependant for the purposes of this policy is:
 - your spouse, civil partner, parent or child;
 - a person who lives in the same household as you, but who is not your tenant, lodger, boarder or employee; or
 - anyone else who reasonably relies on you to provide assistance, make arrangements or take action for.

2. STATUTORY ENTITLEMENTS TO TIME OFF

- 2.1 The law recognises and we respect that employees have the right to various types of leave as follows:
 - Reasonable unpaid time off for dependants and domestic emergencies in line with Statutory Provisions – please refer to section 6 'Leave of absence for dependants'.
 - Maternity, Paternity and Adoption Leave – please refer to the Burgundy Book.
 - Shared Parental Leave (Adoption and Birth) – please refer to the Burgundy Book.

- Parental Leave in line with Statutory Provisions and eligibility criteria.

2.2 Employees who have completed one year's continuous service with an employer are entitled to 18 weeks unpaid parental leave for each child born or adopted up to the child's 18th birthday. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later.

3. TIME OFF FOR PUBLIC DUTIES AND ACTIVITIES

3.1 Subject to the needs of the school, members of staff are entitled to reasonable time off, which includes up to 2 days paid leave per academic year, in order to carry out certain unpaid public duties and activities listed below. Requests for leave in excess of 2 days, or for those that involve a payment, may be granted by the Headteacher without pay:

- justice of the peace;
- work as a magistrate;
- a member of a family practitioner committee;
- a member of a local authority;
- serving on other such local or regional public bodies as the Headteacher may authorise;
- campaigning as an official candidate for a general or European election;
- local councillor;
- school governor;
- member of any statutory tribunal (for example employment tribunal);
- member of the managing or governing body of an educational establishment;
- member of a health authority;
- member of a school council or board in Scotland;
- member of the General Teaching Councils for England and Wales;
- a relevant education body;
- member of the Environment Agency or the Scottish Environment Protection agency;
- member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland);
- member of Scottish Water or a Water Customer Consultation Panel;
- trade union member for safety representatives, appointed by recognised trade unions, both to carry out safety functions, to undergo relevant training or trade union duties (a request for more than 2 days with pay will be determined on a case by case basis);
- a police authority (although police authorities ceased to exist from November 2012, the repeal of this provision is still not in force);

3.2 When determining what is considered a reasonable amount of time off without pay, the Headteacher will discuss the matter with the member of staff and consider it in relation to:

- how much time off is required to perform the relevant duty and the duties of the office in general;

- how much time off for public duties the employee has already been permitted (together with any time off for trade union duties and activities; see trade union duties and activities);
- the circumstances of the school and the effect of the employee's absence on the running of the school.

3.3 Jury service - employees should inform us as soon as they are summoned for jury service, and provide a copy of the summons if requested.

3.3.1 Depending on the demands of the school, we may request that employees be excused from or defer their jury service.

3.3.2 We are not required by law to pay employees while they are absent on jury service. Employees will be advised at court of the expenses and loss of earnings that they can claim. However, we will pay basic pay to employees on jury service less any amounts they can claim from the court for lost earnings for up to 2 working weeks.

3.4 It is expected that the member of staff concerned will draw up a schedule of days on which the absence will occur as far in advance as possible and in consultation with the Headteacher. In the case of the Headteacher seeking time off, consultation will be with the Chair of Governors.

3.5 If, in the opinion of the Headteacher (or the Chair of Governors in the case of the Headteacher), the amount of time off means that the operational effectiveness of the School suffers, the Headteacher will discuss the need to reduce the amount of time requested

3.6 An employee absent from work to carry out public duties and activities will claim an allowance where possible and inform the School Business Manager of the amount claimed. The amount of the allowance paid will be deducted from remuneration paid by us.

3.7 Time off for public duties and activities will not affect employees' overall Performance Review grade for attendance.

4. PAID LEAVE OF ABSENCE FOR SPECIAL CIRCUMSTANCES

4.1 Employees may be granted leave of absence for special circumstances with pay in one academic year up to the limits described below:

- interviews for posts in education – up to 2 days;
- the death, including the funeral, of a close family member – up to 1 working week (close family members significantly noted as parents and children);
- the death, including the funeral, of a family member of one day (family members noted as grandparents, parents-in law and siblings);
- moving house – up to 1 day;

- training – up to 5 days;
- attendance as a witness in court or at an inquest - for the period of attendance necessary.

4.2 Requests for a leave of absence for special circumstances in addition to the limits set out above, may be granted at the discretion of the Headteacher without pay.

4.3 When determining whether an additional leave of absence in special circumstances is granted, the Headteacher will discuss the matter with the member of staff and consider it in relation to:

- how much time off is being requested
- the cost to the school of the leave in terms of salary, cover arrangements and organisational disruption
- the circumstances of the individual, including previous paid and unpaid leave granted.

5. SECONDMENTS AND EXTENDED UNPAID LEAVE OF ABSENCE

5.1 In the case of a request for an extended period of unpaid leave of absence, requests need to be sent to the Headteacher in writing. The Headteacher will discuss the matter with the member of staff and consider it in relation to:

- the cost of the leave in terms of cover arrangements and organisational disruption;
- the circumstances of the individual.

6. LEAVE OF ABSENCE FOR DEPENDANTS

6.1 We respect that there may be rare occasions when you will need to take time off work to deal with unexpected events involving one of your dependants. With regard to the statutory entitlement interpreted as leave for a domestic emergency such as an ill child, the statutory entitlement is to 'put arrangements in place' for the dependant. Staff should already have a back-up plan in place – the legislation is for time off to put a further arrangement in place, should that plan fail. This statutory entitlement is unpaid.

6.2 A leave of absence can be applied for when it is necessary to:

- provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
- make longer-term care arrangements for a dependant who is ill or injured;
- take action required in consequence of the death of a dependant;
- deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant (such as a childminder falling ill); and/or
- deal with an unexpected incident involving your child while a school or another educational establishment is responsible for them.

- 6.3 In addition to the statutory entitlement, which would usually not be more than 1 working week of unpaid leave per academic year, two days of paid leave may be granted by the Headteacher for dependants.
- 6.4 This policy applies to time off to take action which is necessary because of an immediate or unexpected crisis. This policy does not apply where you need to take planned time off or provide longer-term care for a dependant. If this is the case, you should take advice from a senior leader with responsibility for staff attendance management, the School Business Manager or the Headteacher.
- 6.5 Whether a leave of absence is granted by the Headteacher will depend on the circumstances, including nature of the problem, the closeness of the relationship between you and the dependant, and whether anyone else is available to assist. A leave of absence is unlikely to be considered necessary if you knew of a problem in advance but did not try to make alternative arrangements. It is expected employees will make arrangements in advance for any foreseen problems to avoid the need for emergency leave.

7. STUDY AND EXAMINATION LEAVE

7.1 In the case of a request from a member of staff for leave of absence for the purpose of revision immediately prior to an examination for a recognised qualification, or leave of absence for the days on which the examinations take place, the request will be considered according to the following principles:

- the cost in terms of salary, cover arrangements and organisational disruption;
- the relevance of the qualification to the better performance of the post the individual holds;
- the individual's career development and personal circumstances.

7.2 The maximum amount of leave under this heading will normally be the equivalent of 1 working week of paid leave in 5 academic years.

8. LEAVE OF ABSENCE: SERVICE IN NON-REGULAR FORCES

8.1 For employees who are employed to work all year round, the Headteacher will grant the two weeks required for Summer Camp as additional leave with pay in those cases where the basic annual leave entitlement is four weeks and one week with pay where annual leave entitlement is five weeks.

8.2 Leave will also be granted to members of the Territorial Army who are required to undertake training additional to attendance at summer camp and who are unable to arrange for such training to be on days when they would normally not be working.

9. LEAVE OF ABSENCE: RELIGIOUS OBSERVANCE

9.1 Requests for leave of absence from individual members of staff for religious observance will be treated with reference to the Equality Act 2010.

10. APPLYING FOR A LEAVE OF ABSENCE

- 10.1 All applications for leave should be made to the Headteacher in writing as soon as the need to be absent is known. A completed school leave of absence (LOA) request form must accompany the application, plus any evidence of need, e.g. letter detailing an examination date.
 - 10.2 In an emergency, the relevant setting should be informed by telephone.
 - 10.3 If you fail to notify us as set out above or take absence without authorisation, you may be subject to disciplinary proceedings under the School Disciplinary Policy for taking unauthorised time off.
 - 10.4 We may in some cases ask you to provide evidence for your reasons for taking the time off, either in advance or on your return to work. Suspected abuse of this policy will be dealt with as a disciplinary issue under the School Disciplinary Procedure.
- 11. ABSENCE WITHOUT PAY**
- 11.1 Any personal reason other than those above which could not reasonably have been scheduled for a non-working day or within annual leave e.g. family occasions or special events, can be considered by the Headteacher.
 - 11.2 It is not likely that any request for LOA without pay in excess of the equivalent of 1 working week per academic year (not necessarily continuous) will be considered.