

## **Leave of Absence Policy 2016-17**

### **1. INTRODUCTION**

This leave of absence policy aims to assist the Headteacher and Governing Body in making decisions about requests for leave in accordance with legal, contractual and moral obligations.

This policy covers annual leave, family leave and miscellaneous leave.

The policy applies to:

- all employees of the school, including the Headteacher;
- staff employed in units or bases that are attached to a school

The procedure does not apply to:

- peripatetic staff who are centrally employed by the LA;
- school meals staff employed by Hertfordshire Catering or by external contractors
- employees of external contractors and providers of services. (Such staff are covered by the relevant procedures of their employing body)

### **2. PURPOSE SCOPE & PRINCIPLES**

- Annual leave and occupational sick leave will be in accordance with the relevant conditions of service for teachers and support staff.
- Other leave of absence will normally be on an unpaid basis, unless otherwise specified.
- All absence from work, whatever the duration, must be recorded by the employee using the appropriate absence form and passed on to the School Business Manager. Failure to do so in a timely fashion could lead to disciplinary action.
- The operational needs of the school will be paramount and, except in emergency circumstances, adequate notice of a request for leave of absence must be given.
- The responsibility for exercising discretion on behalf of the Governing Body is the Headteacher's, in accordance with the professional duties defined in the School Teachers Pay and Conditions Document.
- The Headteacher will review an employee's absence from work history before agreeing to any leave of absence request which is beyond the employee's legal rights. The

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Headteacher has the discretion to reject the request for leave of absence or *paid* leave of absence depending on the employee's attendance record.

- Any dispute or grievance about a request for leave of absence or payment during leave of absence will be dealt with through the Schools Grievance Procedure.
- A principal purpose in setting out this Policy is to ensure that requests are dealt with fairly and consistently.

### **3 ANNUAL LEAVE ENTITLEMENT FOR EMPLOYEES COVERED BY LOCAL GOVERNMENT TERMS AND CONDITIONS**

For support staff that have a contract for 52 weeks per year, the leave entitlement is dependent on grade and continuous Local Government service. See Appendix 1. This leave will normally be taken during the school holidays and must be agreed with the Headteacher or nominated person in reasonable time, prior to the leave being taken. Only in exceptional circumstances and with the express consent of the Headteacher, can leave be taken at other times. Support staff may carry forward up to 5 days to the next annual leave year, provided this is done with the Headteacher's consent and leave is taken prior to 31<sup>st</sup> May.

Staff will not be permitted to take leave during the term unless express consent from the Headteacher has been given. If leave is granted, this will be unpaid for term-time only staff.

### **4 TEACHERS' WORKING TIME**

A Teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days of which he/she may be required to teach pupils and perform other duties and 5 days must be days on which he/she may only be required to perform other duties. The same applies for a Teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties.

These provisions do not apply to head teachers, deputy head teachers, assistant head teachers, advanced skills teachers or teachers in receipt of an acting allowance for carrying out the duties of a head teacher, deputy head teacher or assistant head teacher.

### **5 SPECIAL OCCASIONAL LEAVE OF ABSENCE**

The Governing Body's expectation is that every effort has been made before having to request special occasional leave of absence. All requests must be made in writing to the Headteacher in advance, or retrospectively in the case of an unplanned medical emergency. A copy of the request will be held on file.

Please note that unpaid leave will be deducted from an employee's monthly salary. Unpaid leave will be calculated on an hourly rate for each employee following the guidelines in the

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teaching staff and support staff pay policies. Any consequential costs to the school may also be deducted.

## **MEDICAL REASONS**

### **5.1 Time off for a sick child**

As a last resort, the first day is normally paid to allow the employee to make arrangements for child care. Any further absence should be unpaid except in exceptional circumstances e.g. hospitalisation.

### **5.2 Time off for medical appointments**

Where possible, school employees are expected to make appointments out of school time. Where this is not possible reasonable paid time off will be allowed for an emergency.

### **5.3 Compassionate, Emergency or Exceptional Leave**

Staff may be granted up to 5 days paid leave in compassionate, emergency or exceptional circumstances, such as the death or serious illness of a parent, sibling or child or equivalent. The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. In some cases a longer period of absence may be approved on an unpaid basis.

#### **5.3.1 Funerals**

The Governing Body will grant paid leave for the funeral of an employee's grandparent, parent, sibling or child. All other leave to attend a funeral will be unpaid.

### **5.4 Extended leave of absence**

Requests for longer periods of leave will be considered on an unpaid basis, for example, in the case of a lengthy period of caring for a chronically sick, disabled, or terminally ill, dependent relative. Extended leave can be for up to a year's duration. Sufficient notice that allows the appointment of a replacement should be given wherever possible.

## **OTHER REASONS**

### **5.5 Moving house**

Up to 1 day's paid leave will be granted.

### **5.6 Service with Auxiliary Forces**

Volunteer members of UK Armed Forces are allowed two weeks paid leave to attend an annual summer camp. Teaching staff are only granted paid leave if the force's unit cannot arrange exercises during holiday periods.

## **5.7 Mobilisation**

When reservists are needed to fulfil their part of the UK's defence strategy, they are 'mobilised' or 'called out' into full time service with the regular forces or military operations. While the reservist is mobilised the school does not have to continue to pay them, the Ministry of Defence (MOD) will pay their salary. For further information on mobilisation, please refer to the SaBRE (Supporting Britain's Reservists and Employers) website: [www.sabre.mod.uk](http://www.sabre.mod.uk)

## **5.8 Religious Festivals**

Where staff can show that they are bona fide adherents of any organised religion and that they require leave for the purpose of an official holy day, the Governing

Body will allow up to 2 days paid leave. Staff taking such leave are asked to make up this time at a later date.

## **5.9 Sporting Events**

Up to 18 days paid leave per year may be granted for staff who represent their country in recognised sporting events.

## **5.10 Attendance at Court Proceedings**

### **5.10.1 Jury Service**

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to the school's payroll team. The certificate will be returned to the member of staff completed to show to what extent the salary will be stopped during their absence. The amount will then be claimed from the court.

### **5.10.2 Witness summonses and subpoenas**

Staff subject to a witness summons or subpoena should be allowed paid time off work to attend court.

## **5.11 Public Duties**

School employees may be granted up to 18 days per annum paid leave to carry out the duties of the office of Leader, Mayor, JP or Chairman of Local Authorities. For employees who are School or College Governors, up to 3 days per annum will be paid. In addition to this, unpaid leave can be granted for employees carrying out public duties.

## **5.12 Study/Examination Leave**

For employees who are sitting examinations relevant to their current post or career, providing the employer is paying the fees, half a day study per examination plus half a day per examination will be paid.

### **5.13 Time off for Trade Union duties**

The school recognises the legal requirement for employers to allow reasonable time off work for the school's elected representatives of recognised trade unions to carry out their duties. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work;
- consultation on recruitment and selection policies, redundancy and dismissal arrangements;
- meetings with school management or LEA officers on matters of joint concern;
- representing a union member at grievance, capability or disciplinary interview;
- attendance at relevant training courses organised by the trade union.

The County Council has a separate agreement with Trade Unions and Professional Associations to provide paid time off for their county representatives. The nominated county representatives are allowed time off each week to carry out their duties and the school is reimbursed from a council budget.

### **5.14 Bad weather conditions**

There may be circumstances when the employee is unable to attend work due to bad weather, but the school remains open as usual. All reasonable effort should be made to attend work. Alternative arrangements must be agreed with the Headteacher, e.g. working from home or at a different location.

### **5.15 Other personal reasons**

Exceptionally, there may be other personal reasons for requesting leave of absence eg attendance at a child's graduation ceremony. Such leave, where granted, will be unpaid and subject to adequate notice so that replacement staff can be employed if necessary.

## **6 MATERNITY, PATERNITY, ADOPTION, CARER'S LEAVE & ANTENATAL CARE**

There are specific entitlements for maternity, paternity, adoption, carer's leave and antenatal care contained in the "Carer's Guide for Schools", a copy of which can be obtained from the school office.

## **7 INTERVIEWS**

The Governing Body recognises the increasing tendency for prospective employers to require interviewees to attend for more than one day, especially for school management

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posts. There is also a growing tendency to expect prospective candidates to undertake a preliminary visit before the formal interviews.

In order to maintain a fair balance between the operational needs of the school and to minimise the burden on other staff, and to be fair to employees who will be seeking to further their career, the Headteacher is empowered to approve paid leave of absence for interviews within reason.

## **8 UNAUTHORISED ABSENCE**

**If an employee takes leave of absence without the prior consent of the Headteacher this will warrant an investigation under the School's Disciplinary procedure.**

**HOLIDAY ENTITLEMENTS FOR LOCAL GOVERNMENT EMPLOYEES**

The leave year runs from the 1 April to the following 31 March. For school based staff working 52 weeks per year leave will normally be taken during the school holidays. Only in exceptional circumstances and with the express consent of the Headteacher can leave be taken at other times or carried forward to the next leave year.

Annual leave is in accordance with the following table (inclusive of 2 extra statutory days).

	<b>Less than 5 Years</b>	<b>5 to 10 Years</b>	<b>10 or more Years</b>	<b>Bank Holidays</b>
HA to HB	23	27	27	8
Up to H5	23	27	28	8
H6 to H7	23	27	28	8
H8 to M1	25	27	28	8
Above M1-PM3	27	27	30	8

In addition to the eight public holidays an extra concessionary day will be given around the Christmas period. This will usually be the last working day before Christmas or the first working day after Christmas.

Staff engaged on a term time only basis will not be permitted to take leave at any other time except during school holiday periods unless express consent from the Headteacher has been given.

Type of Leave	Legal Requirement	No Legal Requirement	Paid	Unpaid	Paragraph
Annual Leave entitlement for Local Government staff	✓		✓		Appendix 1
Time off for sick child		✓	✓		5.1
Time off for appointments (Doctor, Dentist etc.)		✓	✓		5.2
Compassionate, Emergency or Exceptional Leave	✓		✓		5.3
Extended Leave of Absence		✓		✓	5.4
Moving House		✓	✓		5.5
Service with Auxiliary Forces	✓		✓		5.6
Mobilisation	✓		✓		5.7
Religious festivals		✓	✓		5.8
Sporting Events		✓	✓		5.9



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<b>Type of Leave</b>	<b>Legal Requirement</b>	<b>No Legal Requirement</b>	<b>Paid</b>	<b>Unpaid</b>	<b>Paragraph</b>
<b>Attendance at Court Proceedings</b>		✓	✓		<b>5.10</b>
<b>Public Duties</b>	✓			✓	<b>5.11</b>
<b>Study/ Examination Leave</b>		✓	✓		<b>5.12</b>
<b>Trade Union Duties</b>	✓		✓		<b>5.13</b>
<b>Bad Weather Conditions</b>		✓	✓		<b>5.14</b>
<b>Other Personal Reasons</b>		✓		✓	<b>5.15</b>
<b>Maternity, Paternity, Adoption, Carers leave &amp; ante-natal care</b>	✓		✓		<b>6</b>
<b>Interviews within HCC or another Local Authority</b>		✓	✓		<b>7</b>