

Herts for Learning



Model Leave of Absence Policy for Schools

Department:	Schools' HR Advisory Team
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This policy has been negotiated with the Professional Associations/Trade Unions and is recommended for adoption.





Leave of Absence Policy

Reviewed: Summer 2017

Review Date: Summer 2019

Chair of Governors.....

Headteacher.....

Date.....

Objective and Scope

This is a model leave of absence policy to assist Headteachers and Governing Bodies of Schools 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. A principal purpose in setting out this policy is to ensure that requests are dealt with fairly and consistently.

The policy applies to all employees of the school. This policy does not form part of any employees' contract of employment.

1. 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 leave allowances should be applied pro rata to an employee's contracted hours, unless otherwise stated.
- 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.
- 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; there is no right of appeal to a leave request being declined.
- All requests for leave must be submitted to provide the school with reasonable notice.
- It should not be assumed approval has been given until a response has been provided by the Headteacher.
- Where the request for leave concerns the Headteacher requests should be made to the Chair of Governors.

2. Annual Leave Entitlement for Employees covered by Local Government Terms and Conditions

For support staff contracted to work 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 31st 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.

All employees should make partners aware that as a rule time off in term time will not be granted to avoid costs incurred from the cancellation of surprise holidays for birthdays or anniversaries.

3. 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 employees on either the Leadership or Leading Practitioner pay ranges or those acting up in such a role.

4. Special Occasional Leave of Absence

The School's policy as agreed by the Governing Body is:

4.1 Disability Leave (*only applicable to support staff employed on the HCC Collective Agreement terms and conditions*)

For support staff employees only who have declared to their employer a disability as defined by the Equalities Act 2010, up to 5 days' paid disability leave may be granted (pro rata for part time employees).

Reasons for using disability leave might include:

- Attending a doctor's or complementary medicine practitioner's appointments
- Assessment for conditions such as dyslexia
- Hearing aid tests
- Training with guide or hearing dog
- Counselling/ therapeutic treatment or recovery time after blood transfusion or dialysis
- Treatment for physiotherapy (sessional or residential)

Disability leave may not be used to cover an absence due to ill health.

4.2 Time off for a sick child or dependant

Absence to care for a sick child or dependant will be unpaid.

In exceptional circumstances compassionate, emergency or exceptional leave may be used for the first day of absence only (see 5.3). This would typically relate to the hospitalisation of the child.

4.3 Compassionate, Emergency or Exceptional Leave

Noting the provision set out in 5.2, emergency and discretionary leave enables employees to take time off work to deal with an unexpected or sudden emergency involving a dependant. The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. The circumstances that enable employees to take emergency and discretionary leave are:

- Providing assistance where a dependant falls seriously ill, gives birth, is injured or assaulted
- Making arrangements for the care of the dependant who is seriously ill or injured.
- The death of a dependant.
- The care of the dependant has unexpectedly been disrupted or terminated.
- There is an unexpected incident involving the child of an employee whilst at school.

A dependant is a spouse, child, foster child, parent, relative or partner living in the same household as the employee (it excludes tenants, lodgers or boarders of the employee). A dependant also includes any person who reasonably relies on the employee to make arrangements for the provision of their care, e.g. partner who does not co-habit.

Leave to attend funerals is limited to the funeral of an immediate family member of the employee only (parents, a spouse, sibling, grandparent or child).

An employee must notify their line manager as soon as practically possible in the event of an emergency. The Headteacher may approve up to five days' paid leave per leave year (pro rata for part timers) for emergency and discretionary leave.

For most cases, one or two days' are reasonable to deal with a problem. The time off is to enable an employee to cope with a crisis, to deal with the immediate care and where necessary to make longer term

care arrangements for the dependant. Where paid leave is granted only the first day of absence will usually be paid in any one period of absence, unless discretion is applied by the Headteacher.

4.4 Other personal reasons

Exceptionally, there may be other personal reasons for requesting leave of absence. Usually these will be one off events affecting family. An example might be attendance at a child's graduation ceremony. Such leave, where granted, will normally be unpaid and subject to adequate notice so that replacement staff can be employed if necessary.

Holidays to celebrate anniversaries, birthdays and such like are not considered to be one off.

4.5 Career Break/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 in duration. Sufficient notice that allows the appointment of a replacement should be given wherever possible. Further guidance on Career Breaks is set out in appendix 2.

4.6 Moving house

Up to 2 days' unpaid leave will be granted.

4.7 Service with Auxiliary Forces

Reservists are required to inform their line manager that they are a member of the Reserve Forces. Reservist employees will also be required to grant permission for the Ministry of Defence (MoD) to write to the Headteacher to make sure the school are aware and provide details of mobilisation obligations and rights as an employee reservist.

Reservist training normally takes place during evenings and weekends. Line managers may however grant up to 5 days leave at their discretion where training falls within an employee's normal working hours.

Additionally up to 2 weeks' per year can be granted to attend 'annual camp'. Employees are required to give as much notice as possible for annual camp in order for line managers to arrange appropriate cover.

Leave may be refused if it would have a detrimental impact on service delivery. In any case teachers and other classroom based staff will only granted paid leave if the force's unit cannot arrange exercises during holiday periods.

4.8 Mobilisation

Mobilisation is the process of calling Reservists into full-time service to serve alongside the Regular Armed Forces on operations. The Ministry of Defence aims to give as much notice as possible of mobilisation (but at least 28 days). In circumstances where a reservist employee is mobilised they will not be paid by the school and should be placed on a Career break for payroll purposes to ensure their continuous service is not broken.

If an employee who is mobilised wishes to remain in the LGPS the schools payroll provider should be informed who will calculate the amount of contributions that the employee and the Ministry of Defence (MoD) must pay. For Teachers the relevant form must be completed, available online at teachers.pensions.com.

For further information on mobilisation, please refer to the SaBRE (Supporting Britain's Reservists and Employers) website: www.sabre.mod.uk

4.9 Carry-over of annual leave

The School expects employees who are covered by Local Government terms and conditions of employment to take their full entitlement of leave in each leave year, which runs from April to March. Where this is not possible, with the knowledge of and by arrangement with the Headteacher, employees may carry forward 5 days' to the next annual leave year, provided this is taken prior to 31 May.

4.10 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' leave. Staff taking such leave will be asked to make up this time at a later date or if this is not possible any leave granted should be unpaid.

4.11 Sporting Events

Where staff can show they are representing their country they should write to the Headteacher so that arrangements can be made for paid or unpaid leave.

4.12 Attendance at Court Proceedings

4.12.1 Jury Service

Employees will be notified of a requirement to carry out Jury Service by letter from the courts. A copy of this letter should be given to their line manager and a request made for the absence from work.

In cases where employees are not paid their normal wages they are able to complete a certificate of loss of earnings to claim reimbursement from the court.

4.12.2 Witness summonses and subpoenas

Staff subject to a witness summons or subpoena will be allowed paid time off work to attend court, as much notice of such a requirement should be given.

4.13 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.

4.14 Study/Examination Leave

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

4.15 GCSE Duties & Activities

For Teachers who are engaged in activities for examining groups, please refer to appendix II of the Burgundy Book, Memorandum of Agreement for the Release of Teachers.

4.16 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 in the school in which they are elected. 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 LA officers on matters of joint concern;
- representing a union member at a grievance or disciplinary hearing;
- 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 pre-agreed, time off each week to carry out their duties and the school is reimbursed from a council budget.

4.17 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 may be agreed with the Headteacher, e.g. working from home or at a different location. Where this is not possible, non-attendance will normally be treated as unpaid leave.

4.18 Time off for medical appointments

The school will allow reasonable paid time-off for employees to attend medical appointments, which are unable to be arranged out of working hours. Before arranging non-urgent doctor's medical appointments, employees should seek the approval of their Headteacher if it is necessary to take time off work. Employees should make every attempt to make these appointments at the beginning or end of the day or during lunch breaks to minimise the time they have to be absent from work.

Routine doctors or dentists appointments e.g. check-ups should not be taken during term time or working time for those working in holiday periods.

Elective procedures should be arranged during holiday periods and will usually be unpaid.

5. Maternity, Paternity, Adoption Carers Leave and Antenatal care

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

6. In Vitro Fertilisation (IVF)

All employees, regardless of hours worked or length of service, are entitled to 5 days paid leave per annum (pro rata for part time employees) for the purpose of attending IVF appointments and undergoing fertility treatment. The Headteacher may also grant unpaid leave at their discretion.

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 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 in the education sector, the Governing Body will grant leave of absence for interviews as follows:

- a) The Headteacher is empowered to approve up to a maximum of 5 days paid leave of absence for interviews, to cover both formal and informal stages of the process, during any one academic year.
- b) Further leave of absence for this purpose will normally be agreed and will be on an unpaid basis.

- c) For support staff any days beyond the initial 5 days could be made up during holiday periods, instead of being on an unpaid basis, provided that their work can be carried out during holiday time.

8. Unauthorised Absence

If an employee takes leave of absence without the prior consent of the Headteacher this will be investigated and could be considered Gross Misconduct under the Disciplinary Policy and Procedure.

Linked Policies

Health and Attendance of Staff policy
Staff Pay and Appraisal policy

Appendix 1

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 entitlement for school based staff working 52 weeks' per year is in accordance with the following table:

(Please delete either table A or B depending on the terms and conditions of employment for support staff relevant to your school)

TABLE A			
For employees covered by the HCC Collective Agreement with effect from 01.04.12			
Grade	Less than 5 Years continuous service	5 to 10 Years continuous service	10 or more years continuous service
HB to H7	24	28	29
H8 to H9	26	28	29
M1 to M5	28	30	31
All entitlements incorporate the concessionary day			

TABLE B			
For employees NOT covered by the HCC Collective Agreement with effect from 01.04.12			
Grade	Less than 5 Years continuous service	5 to 10 Years continuous service	10 or more years continuous service
HB to H7	23	27	28
H8 to M1	25	27	28
M1 to M5	27	27	30
Plus an extra concessionary day which will be given around the Christmas period. This will usually be the last working day before Christmas or the first working day after Christmas.			

Annual leave entitlements will be pro rata for part time staff working 52 weeks' per year.

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.

Appendix 2

Career Breaks

It is recognised that during an employees' working life there will be times when personal commitments may take priority over work e.g. bringing up children, longer term care for sick or dependent relatives, or pursuing a course of further education. The school may be able to accommodate such personal commitments, where operationally practicable, through career breaks. Employees should also give consideration to flexible working requests depending on their individual needs.

Career breaks enable employees to take an unpaid break from work for personal reasons whilst maintaining continuity of service with the school. The employee should try to give as much notice as possible to commence a career break (ideally 3 months) but a shorter notice can be accepted at the Headteacher's discretion for example where a dependent needs care at short notice.

With the exception of continuity of service all other terms of the employment contract with the school will be suspended. On return, at an agreed date following the career break, the employee will be able to return to the same or similar post within the school without competitive selection.

A career break may be considered appropriate for example:

- To extend a period of maternity/adoption leave
- To care for dependants
- To enter full time education
- Extended foreign travel

These reasons are not all inclusive and others may be considered, with the exception of taking up other full time paid employment. Employees who are on a career break may in exceptional circumstances take up a part time role for example to support a university course or extended travel. Permission must be sought from the school before taking this up.

Eligibility

All permanent employees with at least two years continuous service with the school regardless of the number of hours worked are eligible to apply for a career break.

Length of career break

The minimum length of break is 3 months, for teaching and classroom based staff the expectation would be for this to equate to a term, and the maximum is 1 year. There is no limit to the number of career breaks an employee can take, providing they return to work at the school for a minimum of 2 years between each break.

Please note that for the first 30 days of a career break both employer and employee pension contributions are payable. For more information please contact the Serco HR Payroll Transactions Team.

Restructuring and/or Reductions in staffing

Consideration of planned organisational change should be taken before a career break is authorised particularly where there is potential for a reduction in posts.

If an employee is on a career break when a restructure is being considered, every effort should be made to contact them in order for them to have input into any consultations or feedback processes. Employees may be given the opportunity to return to work early if they wish to if the temporary cover can be ended at no additional cost.

Employees on a career break must be included in selection processes even if the Headteacher is unable to make contact with them.

Extending the career break

If the employee wishes to extend their career break, if the break taken was to be less than one year, they must do so in writing normally giving as much notice as possible. The Headteacher will give consideration to the extension along the same lines as the original request and may grant up to 1 year in total.

Cutting short the career break

There will be no automatic right to cut short a career break but the Headteacher will consider such requests from an employee if they can be accommodated.

If the employee does not return from the career break

If an employee does not wish to return from a career break, they should confirm this in writing **at least 4 weeks'** prior to their expected return date, for those employed under School Teachers Pay and Conditions of Service the appropriate notice must be given in accordance with those terms. If, on the school writing to the employee to confirm the return date, the employee does not respond, their contract will be terminated on that expected return date.

Conduct during a Career break

Employees should be aware that they remain employees of the school during a career break. Whilst an employees' off duty hours are their personal concern they should not put themselves in a position where their duties and private interests conflict. The standards of the School's Code of Conduct should be maintained during a career break.

Appendix 3

Type of Leave	Legal Requirement	No Legal Requirement	Paid	Unpaid	Paragraph
Annual Leave entitlement for Local Government staff	✓		✓		Appendix 1
Disability Leave – Collective Agreement support staff only	✓		✓		5.1
Time off for sick child	✓			✓	5.2
Compassionate, Emergency or Exceptional Leave	✓		✓		5.3
Other personal reasons		✓		✓	5.4
Career Breaks/Extended Leave of Absence		✓		✓	5.5
Moving House		✓		✓	5.6
Service with Auxiliary Forces	✓		✓		5.7
Mobilisation	✓		✓		5.8
Carry over of annual leave		✓	✓		5.9
Religious festivals		✓		✓	5.10
Sporting Events		✓	✓		5.11
Attendance at Court Proceedings		✓	✓		5.12
Public Duties	✓			✓	5.13
Study/ Examination Leave		✓	✓		5.14
GCSE Duties & Activities		✓	✓	✓	5.15
Trade Union Duties	✓		✓		5.16
Bad Weather Conditions		✓		✓	5.17
Time off for appointments (Doctor, Dentist etc.)		✓	✓		5.18
Maternity, Paternity, Adoption, Carers leave & ante-natal care	✓		✓		6
In Vitro Fertilisation (IVF)		✓	✓		7
Interviews within HCC or another Local Authority		✓	✓		8