



Lapworth CE Primary School

Leave of Absence Policy



Policy on Granting of Leave of Absence

All Staff in Schools and Teachers in all other Education Services for Reasons other
than Personal Sickness

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This policy document has been agreed between Warwickshire County Council and the Warwickshire branches of the teachers' professional associations and support staff trade unions:

National Union of Teachers
National Association of Schoolmasters/Union of Women Teachers
Association of Teachers and Lecturers
National Association of Head Teachers
Association of School and College Lecturers
Voice
UNISON
GMB
UNITE

**Agreed by Professional Teaching Unions and Support Staff Unions -
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Equality Impact Assessment – September 2008**

INTRODUCTION

This document is an agreement local to Warwickshire and relates to all staff in schools, including Head teachers. This version is updated to reflect delegated powers to schools and to take account of legislative changes. The purpose of this policy is to provide a consistency of approach to the granting of leave of absence to all staff in schools. Please note that in the case of staff employed on a 52 weeks basis (e.g. support staff employed all year round) will have an annual leave entitlement and therefore have more flexibility to request and take leave.

In the case of teachers based in a central service (e.g. CMS, ICSS, Early Years), the Head of Service has responsibility for decisions on the granting of leave.

The tables below indicate some reasons for which leave of absence may be granted, and indicate whether this is automatic, discretionary, paid or unpaid. However, leave for a reason not listed below may also be granted at the discretion of the Head teacher / Governing Body. All decisions must be based on an objective approach, applied consistently and a written record kept of the detailed reasons on which each decision is based. Criteria and decisions must, therefore, be as objective, clear and as verifiable as possible. It is strongly recommended that schools record and monitor decisions taken to ensure that they are compliant with equality legislation.

Family friendly policies in general have had an impact on the leave available to employees. WES HR has produced several specific policies relating to some of the employment legislation. Where a separate policy exists the table directs you to that policy for the level of leave that should be awarded.

THE GRANTING OF LEAVE

There are two separate issues involved in the granting of leave: whether or not it should be allowed and, if it is, whether or not salary should be paid. It is the responsibility of the Head teacher / Governing Body to make decisions regarding leave, and whether the leave should be paid. Every effort must be made to ensure that fairness and equity is applied when making such decisions.

Automatic Leave of Absence

For reasons designated below as attracting automatic leave of absence, **leave with pay** will be granted automatically up to the length of time indicated. In all normal circumstances the Head teacher must be notified in advance.

Discretionary Leave of Absence

For reasons designated below as attracting discretionary leave of absence, **leave with pay** will normally be granted up to the length of time indicated, though the Head teacher will need to take into account the particular circumstances and the effect upon the school.

In the case of discretionary leave an employee should apply for the leave in writing in advance to the Head teacher. A model granting of leave form is included in Appendix A, which schools and services may use if they wish. The Head teacher should respond to the request in writing and, if the request is refused, state reasons why it was refused. As much notice as possible should be given by the member of staff to allow for planning for cover arrangements. However, it is recognised that in some situations it will not be possible to give a long period of notice.

In the case of a Head teacher, the Governing Body has discretion to approve leave. Head teachers should apply to their Governors for any other leave of absence as the

need arises. The Head teacher should inform the Area Schools and Communities Officer in advance if he/she has been granted leave by the Governors.

All leave granted should be reported to WES HR by the Head teacher on the weekly staffing return. Nil returns are also required. This should clearly state whether the leave granted is to be paid or unpaid.

All employees are expected to exercise professional judgement in determining the length of time required. Always be mindful of the need for sensitivity when dealing with requests for leave of absence due to a personal crisis. Leave for longer periods (paid/unpaid) may be awarded at the discretion of the Head teacher / Governing Body. Again, there is a need to ensure consistency of treatment within the school.

In the case of any activity where attendance allowance or loss-of earnings allowance is payable, the employee is expected to claim the allowance and to notify Payroll for its deduction from salary.

Holidays in Term Time

Leave for the purpose of taking holidays in term time will not usually be granted. It is expected that all holidays will be arranged outside of term time except in exceptional circumstances. In those **exceptional circumstances**, where leave for this purpose is granted, it will be unpaid.

Definitions

- 'Approved' means approved by the Head teacher or Governing Body
- 'Close relative' will usually be taken to mean those listed below. However, the Head teacher may use discretion to grant leave relating to other relatives where the need is shown to be genuine and reasonable.

- Husband
- Wife
- Partner (living together)
- Child
- Parent
- Parent in law
- Child in law
- Next of kin if not above

Table A
Professional Reasons

| Occasion | Duration | Category |
|--|--|--|
| 1) Sitting an examination as part of an approved course of study. | The period of the examination. | Automatic Paid |
| 2) Attendance at an interview for an alternative appointment or for admission to an approved externally organised INSET course. | The period of the interview and necessary travelling time. | Automatic Paid |
| 3) Attendance at the annual Conference or an extraordinary General Meeting of a trades union/professional association recognised by the Authority to which the member of staff has been elected as a representative or delegate. | The period of the Conference or General Meeting and necessary travelling time. | Automatic Paid |
| 4) Attendance as a member of the Education Committee or one of its Sub-Committees. | The period of the meeting and necessary travelling time. | Automatic Paid |
| 5) Attendance as a member of a Consultative or Advisory Committee set up by the Authority or by the Strategic Director. | The period of the meeting and necessary travelling time. | Automatic Paid |
| 6) Attendance as a Staff Governor at a meeting of the Governing Body of the school. | The period of the meeting and necessary travelling time. | Automatic Paid |
| 7) Attendance in court on the Authority's business, or in fulfilment of a statutory obligation. | The period of the court session and necessary travelling time. | Automatic Paid |
| 8) Local and County Officers of Teachers' Trade Unions and Professional Associations carrying out trade union duties in accordance with the local Facilities Agreement or in dealing with emergency case work. Such duties include attendance at ATP and TRAC. Other trade union duties may include health and safety responsibilities such as inspections and consultation. | The period of the duty and necessary travelling time. | Automatic Paid |
| 9) Attendance at an Educational Conference, meetings, or other activities connected with the running of the children's service, approved by the Authority. | The period of the conference or meeting and necessary travelling time. | Automatic Paid |
| 10) Attendance approved by the Authority on a short course. | The period of the course and necessary travelling time. | Automatic Paid |
| 11) Attendance as a guest lecturer at the invitation of an approved educational organisation | Up to five working days in any academic year plus necessary travelling time. | Discretionary (normally granted with pay unless payment is made to the employee staff by the educational organisation). |
| 12) Attendance as a member at a meeting of an examining body or one of its formal committees or sub-committees. | The period of the meeting and necessary travelling time. | Automatic Paid |
| 13) Attendance of an accredited representative of a recognised Trade Union or Teachers' Association at appropriate Association training courses. | The period of the course and necessary travelling time. | Normally granted with pay, but timing subject to operational requirements. Every attempt should be made to agree an alternative date where operational difficulties exist. |
| 14) Meeting a request to visit a school in preparation for taking up an appointment. | Normally one day, plus necessary travelling time. | Discretionary (normally granted with pay) |

Table B
Personal Reasons

| Occasion | Duration | Category |
|---|---|--|
| 1) In the case of a bereavement, the necessary absence to make arrangements on account of the death of a relative, partner or dependant. This may be a combination of leave taken prior to, and after, the funeral. | Up to five working days. | Automatic Paid |
| 2) Attendance at the funeral of a close relative, dependant, close friend (note above for definition of 'close relative') | One day (Where additional travelling time required this would normally be unpaid) | Automatic Paid |
| 3) Maternity / Paternity / Adoption | See separate Maternity / Paternity / Adoption leave policies on WES HR website for full details of entitlements | |
| 4) Attendance at antenatal appointments | See separate Maternity Leave policy on WES HR website for full details of entitlements | |
| 5) Parental Leave - time off to look after a child, make arrangements for the child's welfare or spend more time with the child | See Parental Leave details in Appendix B of this document. | |
| 6) Dependents Leave - Some other types of personal reasons for requiring leave may be covered under the right to Time off for Dependents. This relates to unplanned and unexpected emergencies such as the illness of a close relative or dependant during illness. Additional guidance on these provisions is included within this policy (see Appendix C). | Up to five working days in an academic year | Discretionary (normally granted with pay) |
| 7) Attendance at a medical or dental appointment for self or a dependant provided that every effort has been made to arrange the appointment outside of school hours. | The period of the appointment and necessary travelling time. | Automatic Paid |
| 8) Moving house where it has not been possible to arrange the move outside working time. | One working day in any academic year. Up to two working days in the case of an employee moving house as a consequence of taking up a post in Warwickshire. | Discretionary (normally granted with pay) |
| 9) Attendance at the wedding of a relative, dependant | One working day. | Discretionary (normally granted with pay) |
| 10) Attendance at a ceremony conferring a degree or other award upon the member of staff or a member of his/her immediate family. This may include other ceremonies such as a passing out parade for military service. | One day. Additional time off for purposes of travelling to the ceremony where this cannot be done in own time. | Discretionary (normally granted with pay) Discretionary (normally granted with pay) |
| 11) Participate in sporting or musical activities as a county representative or at a higher level when endorsed by the appropriate sporting or musical body at that level. | Up to five working days in any academic year. | Discretionary (if granted should be paid) |
| 12) Time off to observe religious festivals. | The duration of the religious festival. | Discretionary (normally granted with pay) |
| 13) Time off to deal with a domestic emergency, e.g. fire, flood. | Up to two days in exceptional circumstances | Discretionary (normally granted with pay) |

**Table C
Public Duties**

| Occasion | Duration | Category |
|---|--|--|
| 1) Attendance as a member or duties as a Chair at meetings of a County Council, Metropolitan District Council or District Council, or at meetings of a Sub-Committee or similar official body of such a Council, or at a Conference or similar meeting as a member and official representative of such a Council. | Up to twenty working days in any academic year. | Automatic Paid |
| 2) Accompanying, by official request, Chair or Mayor on official duties on behalf of any of the Councils referred to in 1 above as spouse or partner. | Up to ten working days in any academic year. | Discretionary (normally granted with pay) |
| 3) Standing as a candidate in an election for any of the Councils referred to in 1 above. | The day of the election and the period during which votes are counted, if on another day. Additional time off may be requested for electioneering duties. | Automatic Paid Discretionary (unpaid) |
| 4) Attendance as a member at a meeting of a Diocesan Education Committee. | The period of the meeting and necessary travelling time. | Automatic Paid |
| 5) Standing as a candidate in a British or European Parliamentary election. | Up to three weeks leading up to the date of the election, together with the period during which votes are counted. | Automatic Paid |
| 6) Attendance at formal meetings of the Governing Body or Sub-Committee as a Governor of a school that is not the employee's own. | The period of the meeting and necessary travelling time. | Automatic Paid |
| 7) Bench duties as a magistrate. | Up to twenty working days in any academic year. | Automatic Paid |
| 8) Jury Service or if called as a witness in court. | The period of the court session and necessary travelling time. | Automatic Paid – payment on condition that any allowances paid to compensate for loss of earnings is claimed and repaid to the County Council. |
| 9) Territorial army or Reservist service requirements (e.g. annual training camps). <i>NB. Since April 2004, anyone joining the Reserves must give permission for the MoD to contact their employer. New joiners are given four weeks to inform their employer themselves. In case of mobilisation seek further advice from an HR Officer or Assistant HR Officer at WES HR. Further information can be found at www.sabre.mod.uk.</i> | Up to 14 days in any academic year. | Discretionary (normally granted with pay) |
| 10) Other public duties including justice of the peace, member of the General Teaching Councils for England or Wales, member of a statutory tribunal, member of a health authority or police authority. NB. This is not an exhaustive list. Further guidance can be obtained from WES HR. | Up to 20 working days in any academic year | Automatic Paid |

Appendix A

Leave Request Pro forma

Section 1: To be completed by the member of staff

Surname:.....Forenames:.....(Mr/Mrs/Miss/Ms)

Post Title:.....

Reason for request:

.....
.....
.....
.....

Period of leave from:..... To:.....

Signature:.....Date:.....

Section 2: To be completed by Head teacher

Request accepted: Paid Unpaid

Period of leave from:..... To:.....

Request refused:

Reason for refusing request:

.....
.....
.....
.....
.....

Head teacher's Signature:.....Date:.....

Appendix B

Parental Leave

The Maternity and Parental Leave Regulations 1999 provide that employees with at least one year's continuous service and who are parents of a child **under the age of five** (or under eighteen if the child is entitled to a disability living allowance or has been adopted by the employee within the last five years) are entitled to take parental leave, the main features of which are as follows:

- an entitlement to 13 weeks unpaid leave for each child
- not more than four weeks leave to be taken in any one year, to be taken in blocks of not less than one week
- 21 days notice is required, specifying when the leave is to begin and end
- the employer has the right to postpone the leave up to a maximum six months to avoid substantial prejudice to the operation of the business, except where the request is made by a father in respect of the period immediately following the birth of his child
- if asked to do so, the employee must produce evidence of his or her responsibility for the child and the age of that child.

Appendix C

Guidance Notes on Time Off for Dependants

What is dependants leave?

Dependants Leave is designed to help you cope with **unplanned or unexpected emergencies**. It allows you reasonable time off to deal with the immediate situation and to make longer term arrangements if necessary.

A good example would be if your child is unwell. Dependants Leave could be used to take them to the doctor and sort out the longer term care arrangements. It would **not**, however, enable you to take the time off to care for your child until they are better.

Who is a dependant?

A dependant is a husband, wife, child or parent. It can also be someone who is living in the same house, such as an elderly relative who you look after, but not a tenant, lodger or employee e.g. nanny.

Dependants Leave can also be used if you are the primary carer for someone or the only person who could help out in an emergency situation e.g. helping an elderly neighbour in an emergency.

When should I use dependants leave?

You should use it to sort out an emergency situation, such as:

- Illness of a dependant
- If a dependant is injured or assaulted
- To arrange for longer term care
- To sort out problems when there is a disruption to or breakdown of care arrangements
- To deal with an unexpected incident with a child whilst they are at school
- In cases of domestic violence to ensure your child's safety

It does not cover other domestic problems such as burst water pipes or car breakdowns. Please see Table B (Section 13).

Am I entitled to take dependants leave?

You will be able to take dependants leave from the day you start working for Warwickshire County Council.

How long do I get off?

Up to **five days** in an academic year. Further paid time off is at the discretion of the Head teacher and/or Governing Body.

When should I let my manager know I need the time off?

Although you cannot plan to take dependants leave you will need to contact your Head teacher / Manager as soon as you can to let him/her know there is an emergency.

Will I get paid?

This will normally be granted with pay.