

Staff Leave of Absence Policy

Greenside School



Greenside School
Learning Achieving Together

Approved by: Governing Board

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Introduction

The Headteacher and Governors will consider all applications for leave of absence in a fair and equitable manner within the framework set out in this policy document.

Indicated in the following schedule are the maximum levels of absence that Governors will approve in normal circumstances. The Headteacher is authorised to deal with the majority of cases which are unlikely to exceed the stated number of days per year or term, as an immediate decision is often needed, particularly for compassionate reasons.

Notes of guidance on the operation of the Leave of Absence Policy

Procedure for applications

All applications for leave of absence should be directed to the Headteacher in the first instance regardless of whether he/she has authority to approve such applications.

Requests by the Headteacher for leave of absence must be directed to the Chair of Governors.

Applications for leave of absence should be in writing (via email), however, in some circumstances depending on the reason for and duration of the leave requested and with the approval of the Headteacher a written request may not be necessary.

Appeals Procedure

Any appeal lodged against a decision relating to leave of absence will be heard by the Governing Body Appeals Committee. The employee and chosen representative (normally the representative of a recognised trade union, or some other appropriate person), would have an opportunity to attend any such meeting and to make representation on their behalf. The Committee's decision will be final.

1. Adoption Leave

Adoption leave is a statutory entitlement for employees who have at least 26 weeks continuous employment with School by the week in which they are notified of being matched with child/children.

Employees who qualify for adoption leave are by law entitled to up to 26 weeks ordinary adoption leave followed immediately by up to 26 weeks additional adoption leave (unpaid) – a total of up to 52 weeks.

To claim adoption leave, the employee must notify the Headteacher as soon as possible, within 7 days of receiving the matching notification that he or she intends to take such leave. The notice must specify the expected date of placement and the date the employee wishes the leave to start.

Requests for adoption leave must be made via the “request for adoption leave” form obtainable from the school office and the completed form submitted to the Headteacher.

2. Annual Leave (See Holiday)

3. Antenatal Care

All pregnant employees, regardless of their length of service or hours worked, have a statutory right to reasonable time off work for antenatal care on full pay.

Antenatal care includes doctor’s and hospital appointments and relaxation/parent-craft classes (where they have been recommended by a doctor, midwife or health visitor), where the latter cannot reasonably be arranged outside the employee’s normal working hours. Where possible, employees should to arrange antenatal care appointments for outside of their normal working hours but where this is not possible employees are encouraged to arrange appointments for a mutually convenient time.

4. Antenatal Care for Fathers-to-be/Partners

In exceptional circumstances, leave of absence with pay may be granted by the Headteacher where a father-to-be or partner of an expectant mother is required to provide support. An example being where there is a medical emergency resulting in a stay in hospital, or a non-routine medical examination.

Requests to attend parent craft classes or routine antenatal classes will be considered against existing leave provisions including annual/flexible leave (where applicable) or unpaid special leave authorised by the Headteacher.

5. Bereavement

Leave with pay for compassionate reasons may be granted when a request is made due to the bereavement of a relative. Leave may also be granted for an employee to care for a close relative with a serious or terminal illness (see

section 25 -Illness/injury). Leave will normally be taken at the time of bereavement only.

5.1 Close relative/Dependant

A close relative is defined as a husband, wife, partner, son, daughter, father, mother, father-in-law, mother-in-law, brother or sister. Paid leave may be authorised by the Headteacher.

5.2 Other relatives/relationships

Paid leave may be authorised by the Headteacher.

7 Career Breaks

A career break is an extended period of unpaid absence from work, after which it is the intention of the school to make every effort to provide re-entry to employment at a mutually agreed time, normally not more than five years after the date of resignation. This will be at the equivalent grade, but not necessarily to the same job.

The career break scheme is likely to be attractive to employees who wish to take a break for care commitments, either for children or elderly relatives, but this need not be the only reason. There may be some other personal reason why an employee wishes to take a break and in this case they will need to satisfy the Headteacher that the reason for the break is justified. Each request will be treated on its merits. To be eligible the employee must:

- * Have at least two year's service at Greenside
- * Have a good performance record in all aspects of work.
- * Have a good record in relation to attendance, sickness absence and conduct.

Requests for a career break must be directed to the Headteacher. If a request is approved it will be agreed in advance between the employee and the Headteacher and the maximum period is typically 5 years.

8 Child Care

The school recognises that it may be necessary for an employee to make arrangements at short notice when their child's normal carer is suddenly taken ill or when normal childcare arrangements are not available due to the child's illness. Requests for a maximum of 3 occasions in the academic year with pay, for the purpose of making alternative care arrangements should be directed to the Headteacher. Any reasonable requests for further leave to deal with such emergencies will be

without pay.

9 Court Appearances

Requests for leave should be directed to the Headteacher. This leave will be granted with or without pay depending on circumstances.

9.1 Witness

Leave will be granted to employees who attend court as a witness. This will be paid or unpaid according to circumstance at the discretion of the Headteacher.

9.2 Accused

Leave will be granted to a person who is attending court as the accused. This will be paid or unpaid according to circumstance at the discretion of the Headteacher.

9.3 Juror

Leave will be granted to a juror. This leave is at full pay less the loss of earnings entitlement under the juror's allowance regulations.

10 Criminal Injuries Compensation Board

Employees who make a claim at the Criminal Injuries Compensation Board can request paid leave of absence to attend the board.

11 Dental Treatment (urgent)

All dental appointments should, where possible be, arranged for outside the employee's normal working hours. However, the school recognises that circumstances may make it necessary and unavoidable for an employee to be absent during the school day for dental treatment. Requests for leave for urgent dental treatment may be requested from the Headteacher.

Paid leave per term may be authorised by the Headteacher.

12 Dependants

Employees have a right to take a reasonable amount of time off work (unpaid) to deal with certain unexpected or sudden emergencies and make any necessary longer term arrangements.

The emergency must involve a dependent of the employee. A dependant is defined as the employee's parent, wife, husband or partner, child, or someone who lives as part of the family, but not the employee's tenant, lodger or boarder. It also includes somebody for

whom the employee is the main carer. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

The following are examples of where an employee has a statutory right to request time off:

- * If a dependant falls ill or has been involved in an accident or assaulted, including where the victim is distressed rather than injured
- * When a partner is having a baby;
- * To make longer term care arrangements for a dependent who is ill or injured;
- * To deal with the death of a dependant; for example, to make funeral arrangements or to attend a funeral;
- * To deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when the childminder or nurse fails to turn up;
- * To deal with an incident involving the employee's child during school hours; for example if the child has been involved in a fight or is being suspended from school.

All requests for leave of absence for this reason must be directed to the Headteacher. The length of leave authorised will depend on individual circumstances, and leave for this reason may be offered in addition to other leave provisions available - see also Child Care (section 8) Injury & Illness (Section 25) and Elder Care (section 15).

13 Disability (related leave/flexible working)

The Disability Discrimination Act 1995 provides the right to disabled people to work reduced hours if they require this to carry out the job and it is a reasonable adjustment to the job. All requests should be directed to the Headteacher who will treat all requests seriously and sympathetically to determine how the request might be accommodated with the operational needs of the school.

14 Domestic Crisis

The school recognises that circumstances may make it necessary and unavoidable for an employee to be absent due to domestic crisis (including damage or disruption to property). Requests for leave should be directed to the

Headteacher. Paid leave per term may be authorised by the Headteacher.

15 Elder Care

The school will treat requests from carers sympathetically. Requests for a maximum of 2 days leave per term with pay, for the purpose of elder care should be directed to the Headteacher. Any reasonable requests for further leave will be without pay. In more extended circumstances, it may be necessary to discuss the possibility of a mutually agreed change to reduced working hours and/or a different working pattern to accommodate the need for time away from the workplace (see Flexible Working section 19).

16 Elections – candidates

Employees standing as a candidate at Local or Central Government elections will be granted one days leave, without pay, on the day of the poll. An additional day's unpaid leave may be granted where the count does not take place on the same day. Requests should be made to the Headteacher and authorisation is discretionary depending on operational requirements.

17 Examinations (see study Leave)

18 Fertility treatment

Requests for reasonable time off to attend appointments and treatment relating to fertility treatment should be directed to the Headteacher. Each request will be considered individually in the context of the particular circumstances. An agreement should be reached with the Headteacher regarding what time is required. The Headteacher may, at his discretion, provide two days' worth of paid leave per term for medical/hospital appointments for fertility treatment and associated treatments.

19 Flexible working (including part time and job share)

All requests to work flexibly will be given serious consideration by the Headteacher. Employees with young or disabled children have a statutory right to request to work flexibly. Flexible working allows an employee to request a change in their hours of work (including part time and job share), a change to their working times or to request to work from home. Flexible working can be requested by any employee but the statutory right to request is an entitlement for employees who have a child under 6 years old, or up to age 18 in the case of a disabled child (i.e. a child who is in receipt of a disability living allowance).

20 Graduation – of Child/Partner

One day's leave with pay is available for employees wishing to attend the graduation of a child or partner. Staff may take one day (paid) to attend their own graduation. Requests should be directed to the Headteacher.

21 Holidays / Days off for personal reasons

Class staff are not entitled to holidays during term time (see also Weddings 50). Time off for birthday and other such celebrations will not be granted. Requests would be considered for special family circumstances. Such requests must be made in writing to the Head with at least 3 months' notice. If granted this will be unpaid. No one person would be granted more than 1 request within a 3 year period. The member of staff's attendance record will be considered as part of this process.

22 Home Working (see Flexible working)

23 Hospital Treatment (see Illness/Injury)

24 Hours of Work (see Flexible Working)

25 Illness/Injury (including Urgent hospital Treatment) (see also Sick leave)

25.1 Immediate Family

The following paid leave is available to an employee whose immediate family member (husband, wife, partner, son, daughter, father, mother) or other dependant suffers an illness or injury.

Requests for leave should be directed to the Headteacher. Paid leave per term may be authorised by the Headteacher..

25.2 Other Relatives

When other relatives (including father-in-law, mother-in-law, brother or sister) are affected by illness/injury: paid leave per term may be authorised by the Headteacher.

26 Interviews

Leave of absence with pay may be authorised by the Headteacher at his/her discretion. Consideration will be given to the operational requirements of the school and individual circumstance.

27 Job Share (see also Flexible working)

Job-sharing arrangements are a special form of part-time work, where a full-time post is shared between two part-time workers. The job can be divided in a number of ways to suit the circumstances of the post and the individuals concerned. Job-sharing enables skilled workers to obtain or remain in a range of posts and often allows greater flexibility, lower absences etc. All requests for a job share must be made to the Headteacher. The Headteacher will consider all requests fairly and equitably taking into account the operational needs of the school. The Headteacher will give serious consideration to requests for job-sharing both from existing staff and applicants to posts. Job-share applicants are not obliged to apply with a partner; if an applicant proves suitable every effort will be made to find a job share partner before offering the post. Ultimately, requests to job-share can be refused where no suitable partner can be found.

28 Justice of the Peace (see Public Bodies – Service on)

29 Maternity Leave

All pregnant employees have a statutory entitlement to 26 weeks' ordinary maternity leave irrespective of length of service or hours of work. Employees who have been continuously employed for 26 weeks at Greenside at the start of the 15th week before their Expected Week of Childbirth (EWC) are entitled to 26 weeks' ordinary maternity leave and a further 26 weeks additional maternity leave (unpaid). An employee must notify the Headteacher of her pregnancy, her expected week of childbirth and the date on which she intends to start her leave, by the 15th week before the EWC (or if that is not reasonably practicable, as soon as it is reasonably practicable).

30 Medical Appointments/Treatment (see 'Antenatal Care' Section 3)

Wherever possible employees should arrange to attend medical appointments outside of their normal working hours. Where this is not possible, or where emergency treatment is needed, paid time off may be granted subject to the operational needs of the school. All requests should be directed to the Headteacher.

Requests to attend medical appointments relating to elective surgery will be considered in the light of individual circumstances and the opportunity for the applicant to use annual leave (where applicable) or school closure periods for all or part of the absence.

31 Moving House

Employees should make all efforts to move house outside of their normal working

hours.

Employees will be granted one day per academic year paid for own house move and a second day unpaid which should be requested in advance and authorised by Headteacher.

Where an employee is moving to take up his/her post at the school, or to settle nearer the school, sympathetic consideration will be given to granting leave of absence with pay on the day of removal.

32 Other Reasons

The school recognises that employees may on occasion need to take time off for a variety of reasons that do not fall within any of the categories set out within this policy. The Headteacher will give consideration to all requests and will take the following factors into account:

- * The circumstances surrounding the request for special leave.
- * Where applicable - any outstanding annual leave the employee may have (although having unused annual leave would not rule out special leave being granted, especially for compassionate or carers leave);
- * Any previous requests for special leave.
- * The employee's attendance and absence record.
- * The number of days special leave requested.
- * The employee's employment history, e.g. length of service.
- * Staff cover arrangements and workload volumes in the workplace.

33 Parental Leave

The right to parental leave entitles all eligible employees who have completed one year's qualifying service to take a period of unpaid leave to care for each child under 5 (or under 18 in the case of a disabled child). Parental leave is for parents, adoptive parents and guardians to care for their children. Emergency leave for child care arrangements is covered under the section entitled 'child care'. Parental leave is a statutory entitlement which enables eligible employees to take a total of 13 weeks unpaid leave or for parents of disabled children a total of 18 weeks.

34 Part time working (see also Flexible working)

The Headteacher will give serious consideration to requests to change from fulltime to part-time; from part-time to full-time; and to change hours. All requests will be considered fairly and equitably taking into account the operational needs of the school.

The Headteacher will explore with the employee how such changes could be accommodated and may, in the end, prescribe when the hours need to be worked and how many hours are appropriate in accordance with the needs of the school. Ultimately requests may be refused where there is an objective justification which must be based on sound business reasons.

35 Paternity Leave

Paternity leave is available for fathers/partners and adoptive fathers/partners. The paternity leave provisions extend to an adoptive mother or the partner of an adoptive father, who may take paternity leave if the other partner chooses to take any entitlement under the statutory adoption leave provisions.

Employees can take up to 2 consecutive weeks' leave. The entitlement is for one period of paternity leave for each pregnancy, regardless of the number of babies born or children adopted. Eligible employees who meet the qualifying length of service criteria may be entitled to Statutory Paternity Pay (SPP), providing their average weekly earnings (over 8 weeks prior to the qualifying week) exceed the lower earnings limit for National Insurance purposes.

Leave must be taken within 56 days (8 weeks) of the actual date of birth of the child or in the case of adoption, 56 days (8 weeks) of the placement date. If the child is born early, leave can be taken within the period from the actual date of birth up to 56 days (8 weeks) after the expected week of childbirth. Individuals must notify the Headteacher of their intent to take paternity leave by the 15th week before the expected week of childbirth. In regards to paternity leave for an adopted child the individual must give notification within 7 days (unless not reasonably practicable) of being notified by the adoption agency that they have been matched with a child.

Requests for Paternity leave must be submitted on the Paternity Leave request form available from Sharon.

36 Pre- Retirement Leave – For Support Staff

The Governing Body has the discretion to authorise a phased period of leave leading up to an employee's retirement if it was felt to be in either the school's or the employee's interests. All support staff are able to be considered for pre-retirement leave during the 2 years leading up to their retirement. In the penultimate year before retirement

(age 65), a maximum of half a day's leave for each year of continuous service with Greenside School up to an overall maximum of 8 days can be authorised.

In the year before retirement a maximum of one day's leave for each year of continuous service with Greenside School's Governing Body up to an overall maximum of 16 days may be granted. The timing of the leave will be subject to agreement with the Headteacher (or Governing Body where request is from the Headteacher). (NB Part-time staff should be authorised leave on a pro-rata basis in accordance with contractual hours worked).

37 Professional Bodies –

(e.g. Service on National Joint Council for Local Government Services)

All requests for leave of absence for this reason require the approval of the Governing Body, who at their discretion can grant a maximum of 15 days with pay per year.

38 Public Bodies – Service on

Employees are entitled to paid time off to attend duties for the purposes and organisations shown below. Up to 20 days per year may be granted.

In exceptional cases, where an employee is responsible for a greater number of duties, for example, as a chairman of a school governing body, up to 26 days may be granted. Requests must be authorised by the Governing Body.

- Justices of the Peace
- Members of a Local Authority
- Members of a statutory tribunal
- Members of a relevant health body e.g. Regional/District Health Authority.
- Members of a relevant education authority e.g. maintained school or college governing body.
- Members of a board of visitors for prisons, Remand Centres and Young
- Offender's Institutions.
- Members of a Police Authority.

39 Religious Observance

The school recognises the importance of religious observance and will attempt to accommodate the needs of the employee, including for example, time away from work during the day for prayer or to accommodate periods of fasting.

Employees whose religious duties are not covered by weekends or the current statutory bank holidays may request time off for religious festivals. Leave without pay for the purpose of attending special religious festivals, subject to adequate prior notice will not be unreasonably refused.

40 Reservist Duties

(E.g. Territorial Army, Royal Naval Volunteer Reserves). Teaching Staff – Leave of absence is at the discretion of the Headteacher and due to conditions of service will only be granted in exceptional circumstances.

Support Staff – Leave of absence is at the discretion of the Headteacher. 2 weeks paid leave will normally be granted for the purpose of training or voluntary service.

41 Schools – seeking for a child

Circumstances may arise where an individual is required to find schooling or alternative schooling for their child. Requests for leave of absence should be directed to the Headteacher who may at his discretion authorise one day's unpaid leave.

42 Sabbaticals

Requests for sabbaticals should be made to the Headteacher. Sabbaticals are normally unpaid and are often used for periods of full time study or periods of travel, VSO etc. The Headteacher will consider requests individually, taking into account the operational requirements of the school.

43 Secondments

A secondment is the temporary movement of an employee from one organisation to another associated organisation for operational or project purposes. In this situation the employer remains the same and Terms and Conditions will be unchanged. This process is designed to bring benefits to the parties involved in the secondment agreement. An employee wishing to undertake a secondment must seek the agreement of the Headteacher (or Governing Body if the request is from the Headteacher). The secondment of teaching and support staff will be governed by an agreement between parties involved.

44 Sick Leave (refer to Sickness Absence Management Policy)

An employee who is taken sick must contact the school as soon as possible on the first day of absence. Wherever possible contact should be made by

telephone or in person, giving an indication of the nature of the illness and its likely duration, any work matter that may need to be attended to during the absence and an indication of whether it is intended to visit the doctor.

45 Study leave

Requests for study leave must be made to the Headteacher. The employee must notify the Headteacher as soon as possible of dates and reasons for leave.

Leave will be paid or unpaid depending on the reason for the request and the level of relevance of the qualification being studied.

46 Trade Union Activities

Reasonable time off will be granted for recognised trade union stewards and trade union members to attend official trade union meetings. The amount of leave of absence will be according to the agreements reached between the employer and the appropriate trade union. Requests should be directed to the Headteacher.

47 Union Officials/Reps

Union Officials/Reps, including and Health and Safety Reps of independent trade unions recognised by the school, have a statutory right to reasonable paid time off work to carry out their activities and undergo relevant training. Trade union members (of independent trade unions recognised by the school) will have the right to reasonable unpaid time off to access the services of a Union Learning Representative. All requests for leave for this reason must be directed to the Headteacher.

48 University – seeking for a child

An employee who wishes to visit a university place for their child may request one day's unpaid leave for this purpose. Authorisation is by the Headteacher.

49 Weather – Severe Conditions

Where severe weather conditions prevail, e.g. snow or flooding, employees are expected to make every effort to attend work, using alternative modes of transport where possible.

50 Weddings

Although the leave of absence scheme does not refer to same sex weddings, the same rules should be followed, in order to comply with the Equality Act. Time off for weddings is not a right. The Headteacher does not have discretion to grant leave of absence for employees' own weddings. Employees are expected to arrange their own weddings at weekends or during school holidays and not to seek any time off work for the wedding or the honeymoon. The Headteacher is advised to ensure that this expectation is fully understood, employees' requests for time off during term-time for their own weddings are

highly likely to be denied by the governing body, even in cases when weddings are arranged not by the bride and groom but by their families.

Staff should wherever practicable, advise close relatives planning a wedding that contracts of employment in schools do not enable employees in schools to take annual leave during school terms, so that they would have to apply for special leave to attend a wedding taking place during school hours, and that the result of such an application would depend on the needs of the school. This could therefore lead to a request for leave of absence being denied.

A close relative is defined as "parent, husband, wife, brother, sister, child, grandparent, grandchild, parent-in-law, daughter or son-in-law" and also "a person standing in special relationship to the employee".

An application for absence will be decided by the Headteacher.

Head teachers do not have discretion to grant special leave for rehearsals for weddings.