

LEAVE OF ABSENCE POLICY FOR TEACHING AND SUPPORT STAFF IN ACADEMIES

This policy was agreed by the SRET Board on: (and supersedes all previous policies relating to this area)	26/01/2022
Signed by:..... (Chair of the SRET Board)	
Implemented:	
Review date:	01/09/2022
Author:	Model Wiltshire Policy adopted in 2018 and reviewed by Tracey Allman, SRET HR Officer, on 19/01/2022

This model policy will apply where adopted to both teaching and non-teaching staff working in Academies and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison and GMB

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1. Policy statement

- 1.1 It is in the interest of everyone working in Somerset Road Education Trust (SRET) to maximise attendance levels. Not only does absence impact upon the teaching and learning within our school, it also takes its toll on colleagues who must take on additional work. Although teachers and term time only staff are not entitled to take time off work during the school term, the governing body understands that there may be occasions when employees unavoidably need to be absent from work. This policy therefore provides a protocol for treating requests for leave of absence in a fair and consistent manner.

This policy recognises:

- The statutory entitlement to unpaid time off to attend to urgent matters related to dependants.
 - National and local agreements.
 - Best practice which seeks to maintain good working relationships between staff and school management.
 - The operational needs of the school.
- 1.2 It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence for staff working in schools to be reasonably and fairly handled. This policy recognises that the operational needs of the school are a clear priority in any decision making and there may be times when the Headteacher/Head of School has to refuse a request for leave.
- 1.3 It should be noted that there might be occasions when circumstances arise that are not identified in this policy. In such circumstances the decision regarding leave of absence remains within the discretion of the Headteacher/Head of School or Chair of Governors. Each case will be judged on its own merits and circumstances. The granting of time off in one case will not necessarily set a precedent for other cases. It is recommended that in such circumstances the Headteacher/Head of School or Chair of Governors contacts the Academy's HR Advisor for further advice.
- 1.4 In adopting this policy the school has taken into account the arrangements available for short term cover for absent teachers and the school's commitment that teachers will only rarely be required to cover for absent teaching colleagues.
- 1.5 Care will be taken in applying this policy to ensure compliance with equality legislation and avoidance of potential discrimination.

2. Scope

This policy has been adopted by the governing body of SRET and applies to all members of Academy staff. It should be read in conjunction with other relevant documents on contractual terms and conditions (e.g. the Burgundy Book and the Green Book) which cover the terms and conditions of specific groups of staff. Nothing in this document seeks to override those particular provisions.

3. Decisions regarding requests for time off

- 3.1 The Headteacher/Head of School (or Chair of Governors if it is the head requesting time off) has the delegated authority to decide as to whether to grant time off and whether it should be paid or unpaid. However, the Local Authority supports a range of minimum recommended leave periods (see toolkit 1) for various circumstances. It is strongly recommended that Headteacher/Head of Schools (or Chair of Governors if it is the head requesting time off) should grant the levels of leave outlined in that guidance. Appeals against the Headteacher/Head of School/Chair's decision should be made to the governing body via the Academy's Grievance procedure.
- 3.2 Any suspected abuse of the policy by staff at the school will be dealt with under the Academy's Disciplinary procedure.
- 3.3 A formal record of requests made, including a description of the circumstances and whether or not the request was granted, should be kept on the member of staff's personnel record at the school. Where unpaid leave is granted the school should inform the Schools HR and Payroll Administration team (or any alternative payroll provider) to deduct the pay for the dates it is granted.

4. Time off for emergencies relating to dependants

The Employment Relations Act 1999 provides all employees with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependants.

Staff taking time off under this right must notify the Headteacher/Head of School of their absence on the day they take time off and if possible to give notification in advance by following the Academy's procedure for reporting absence.

Circumstances when an employee may take time off are:

- If a dependant falls ill, or has been injured or assaulted.
- When a dependant is having a baby.
- To make longer term care arrangements for a dependant who is ill or injured.
- To deal with a death of a dependant.
- To deal with unexpected disruption or breakdown of care arrangements for a dependant.
- To deal with an incident involving the employee's child during school hours.

The statutory rights to parental and adoption leave are explained in the relevant compliance guidance documents.

5. Compassionate leave

Paid compassionate leave may be granted in the following circumstances:

- Sudden, serious illness of near relative, spouse or child – up to 5 days paid leave.
- Death of a near relative, spouse, or partner – up to 5 days paid leave.

- Death of a child – 10 days paid leave.
- Funeral of a near relative, spouse, partner or child – 1 day of paid leave.

Employees wishing to attend the funeral of other relatives, friends or colleagues in term time may request unpaid leave.

6. Sick children

6.1 It is recognised that it can be difficult for working parents to respond to the need to care for sick children. At this Academy parents may be allowed up to 3 days paid leave to care for sick children subject to not exceeding three occasions for such paid leave in the current academic year.

6.2 Staff also have a statutory right to unpaid time off to make arrangements for the care of a dependent child. If it is impossible to make appropriate arrangements for the care of sick children using the arrangements at 6.1 above, the staff in this Academy may, after discussion with the Headteacher/Head of School take reasonable additional unpaid leave to care for sick children. This arrangement applies to all staff with dependent children. For the care of seriously ill children also see paid compassionate leave at paragraph 5 above.

Amendment due to Covid (1 September 2021 to 31 August 2022)

6.3 **Covid related childcare responsibility** - staff should try to put in place plans for alternative care arrangements, however in an emergency the Headteacher/Head of School can grant an additional 3 days paid leave if a member of staff is unable to work in their normal place of work or do their normal hours because of care responsibilities. Staff should discuss alternative possibilities with the Headteacher/Head of School to try and find a means of meeting the member of staffs caring obligations whilst still being able to work which may include:

- Flexible working at times when there is alternative care in place (e.g. evenings).
- Sharing child care arrangements with a partner, friend, neighbour or extended family (where possible in line with national guidance).
- Recording and making up the lost hours (where these are not excessive) as soon as possible after the event taking annual leave for those employees on a 52-week contract and not term time.
- Unpaid leave (inform your payroll provider for adjustments to salary to be made).

7. Leave to attend significant events

The Governors recognise that from time to time staff may have the need to attend a significant event during term time such as the graduation ceremony for a son or daughter or the wedding of a close family member.

Teachers and term time only staff do not have a leave allowance, which can be taken during term time. This leave of absence policy enables staff to take one day of paid leave in a school year in order to attend a significant event. Staff must seek the express permission of the Headteacher/Head of School for paid leave in advance of the event. The operational needs of the Academy will be considered before granting leave and there may be times when the Headteacher/Head of School will need to refuse a request for leave of absence.

8. Job Interviews

All staff under notice of redundancy may take reasonable paid leave to attend selection interviews for jobs.

Where staff are applying for employment in other schools it is likely to mean an interview will be held within term time. The Headteacher/Head of School has discretion to allow reasonable paid leave for such interviews. Requests to take leave to attend an interview must be made to the Headteacher/Head of School in advance of the event.

9. Other leave

9.1 Examination duties

Teaching staff undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained in Appendix 2 of the Conditions of Service for School Teachers in England and Wales (Burgundy Book).

Staff attending examinations approved by the Academy to obtain professional qualifications relevant to their role and approved by the Headteacher/Head of School should be allowed paid leave to attend such examinations. Revision or study leave for such examinations is left to the discretion of the Headteacher/Head of School to determine whether this will be paid or unpaid time off.

9.2 Jury service

Employers are required by law to allow time off work for jury service. The employer cannot apply for deferral or excusal on their behalf, only the person summoned for jury service may ask for a deferral or excusal based on their own personal circumstances. In the public sector employers are strongly recommended to support staff called on for public duties and services. Employees in schools are therefore given paid leave to undertake their jury service so there is no detriment to them. They are however required to claim the allowance for loss of earnings from HM Courts & Tribunals Service (HMC&TS) and an equivalent amount will be deducted from the employee's salary. This means that the employee is not disadvantaged and receives the equivalent of their normal salary for the period of their Jury Service.

9.3 Moving house

Paid time off for moving house is normally only allowed on an employee's first appointment with the Academy or on appointment to another Academy within Wiltshire requiring relocation. Existing staff are encouraged, if at all possible, to make arrangements to move house during school closures. However, if this proves impossible, staff may be granted one day of paid leave in order to move house. The Headteacher/Head of School/Principal is permitted to ask for documentary evidence relating to why the move could not take place during school closures.

9.4 Medical Appointments

Employees are expected to make appointments outside normal working hours wherever possible. However, if necessary paid time off to attend medical appointments will be granted but will be recorded as a sickness absence as per the academy's Ill Health and Sickness Related Absence Management Policy. Staff attending such appointments must seek the permission of their line manager or Headteacher/Head of School before attending. The Headteacher/Head of School/line manager have the right to request to see hospital appointment letters.

Paid time off should be permitted for the purpose of cancer screening which will be treated like any other medical appointment

Fertility treatment - Employees requesting time off for fertility treatment will in general be supported. The specific needs of the employee for time off will need to be addressed, and the various provisions for leave set out in this policy will be used to enable this to happen where reasonable. This may mean taking time off for medical appointments and making full use of compassionate leave. The compassionate leave may be paid or unpaid depending on the specific circumstances. In any event the situation should be treated with sensitivity. Sickness absence resulting from the treatment should be counted against the employee's sick leave entitlement in the usual way. The nature of the treatment may mean that absences cannot always be planned in advance but it is reasonable to expect staff to give as much notice of the need for time off as is possible.

9.5 Time off to attend ante-natal appointments

The Maternity Regulations provide the right for all women to take paid time off to attend antenatal care. Pregnant staff must produce evidence of appointments if requested to do so by their line manager or Headteacher/Head of School.

9.6 Time off for Public Duties

Staff who are appointed to an important office in public service, e.g., as a Justice of the Peace, Magistrate, or Local Government Councillor will be granted up to 17 days paid leave of absence in a school year. Staff who hold such public office should advise the Headteacher/Head of School of the obligations of their office at the time of their appointment.

9.7 Time off for Volunteer Members of HM Forces

Volunteer members of HM Forces will be granted up to two weeks' paid leave of absence (ie 10 working days) in any school year to attend summer camp where this cannot be arranged during a school vacation. If volunteers are mobilised the law protects employment and requires reinstatement on return from mobilised service.

9.8 Leave for Religious Festivals and Holy days

Regulations do not require employers to provide time or facilities for religious or belief observance in the workplace. However, request for time off will be treated sympathetically where it is reasonable to do so. Time off granted will

be unpaid and up to 3 days per academic year would be considered reasonable. It is recommended that Academies consider whether employee requests for additional breaks in a working day for religious observance are reasonable and practical but where any such breaks agreed it should be unpaid.

9.9 Time off to accompany a fellow employee in a disciplinary or grievance situation

Reasonable paid time off will be granted to accompany a fellow worker at a disciplinary or grievance hearing.

9.10 Trade union and professional association duties

Certain staff undertaking recognised Trade Union, or Professional Association, duties are provided with paid time off as defined in the Local Authority's facility time agreement.

9.11 National sporting fixtures

Staff are granted reasonable paid time off where they are a national representative in sporting event. This is recommended not to exceed 10 working days in an academic year but governing bodies have discretion to grant additional days based on individual cases.

10. Deductions from Pay for unpaid leave

All approvals to allow unpaid leave should be notified to the Schools HR and Payroll Administration team (or any alternative payroll provider) to deduct the pay for the dates granted.

Where the time off granted is unpaid, the deduction from salary will be at the following rates:

- Leave of absence without pay to be calculated for Teachers on the basis that one day equals $1/365^{\text{th}}$ of annual salary.
- In cases of leave of absence without pay for Teachers extending both sides of a weekend eg Thursday to Tuesday inclusive, the weekend shall be included in the calculation.
- In cases of leave of absence without pay for one week for a Teacher, Monday to Friday, the calculation shall be for the whole week of 7 days which will include one weekend.
- Leave of absence without pay to be calculated for Support staff on the basis that one day equals $1/5^{\text{th}}$ of their weekly pay.
- For part-time support staff, the amount of unpaid leave to be deducted should be calculated in relation to their normal working week at the time unpaid leave is taken. For example, where an employee works 18 hours per week over 3 days each of 6 hours and they take a day of 6 hours off as unpaid leave, they will have $6/18 = 0.33$ of a week's pay deducted from their pay.
- In cases of leave of absence without pay for one week for Support Staff, Monday to Friday, the calculation shall be for the whole working week which will not include the weekend.
- All entitlements are pro-rata for part-time / job share staff.

Except in emergency situations, where an oral request may be granted, all requests for leave of absence under these provisions should be made in writing to the Headteacher/Head of School/Principal on the leave of absence request form with sufficient notice to allow written approval to be given to the employee.