



Staff Leave of Absence Policy

Updated October 2022

Leave of Absence Policy

Introduction

This policy has been developed to promote a clear and consistent approach within the School for the management of requests from employees for leave of absence.

This policy applies to all employees of Penpol School. It does not form part of any employee's contract of employment.

Purpose of this Policy

- to comply with statutory entitlements to leave of absence;
- to clarify the conditions under which other leave of absence may be taken;
- to enable a consistent and transparent approach to requests for leave of absence;
- to establish a system which is fair to all employees.

Introduction

Any leave of absence taken by employees causes disruption; involves the School or the school in additional organisation and may incur additional cost. Whilst the School understands and accepts that situations will arise from time to time, outside of any statutory entitlement, where the School will need to grant employees leave of absence, employees have a contractual obligation to work during School term time. Employees are therefore requested, as far as is reasonably practicable, to minimise the necessity to ask for leave of absence.

It is at the Head Teacher's discretion, in line with the policy, whether leave of absence is paid or unpaid unless there is a statutory entitlement to pay. Other than extended leave of absence, the decision whether or not to agree to a request for leave is delegated to the Head Teacher.

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
- The operational needs of the School will be paramount
- Any dispute about a request for leave of absence or payment during leave of absence will be dealt with through the School Grievance Procedure; there is no right of appeal to a leave request being declined
- adequate notice of a request for leave of absence must be given
- it should not be assumed approval has been given until a response has been provided by the Head Teacher
- where the request for leave concerns the Head Teacher requests should be made to the Chair of Governors.

Considerations in Granting Leave

The most common requests for leave are home emergencies, serious illness/death of a partner/near relative and funerals. Each situation will be different, and it is essential not to make assumptions about the surrounding circumstances or nature/status of the relationship of an individual to the employee.

The Head Teacher should take account of the following:

- their duty of care to their staff
- the stated reason/purpose for the leave and the impact upon the person concerned

- any anticipated effect upon the welfare of the school, if leave is granted
- any benefit (for example educational or personal development) to the employee making the application.

Employees should endeavour to give the Head Teacher as much notice as possible as longer notice will give the School a greater opportunity to make alternative arrangements.

In instances where frequent requests for leave of absence are made, the Head Teacher will discuss the requests with the employee and consider whether the school can assist with any underlying difficulties either on a temporary or permanent basis.

Emergency Leave

Where the absence of the employee is unavoidable, for example due to the illness of a dependant relative, and after due consideration by the Head Teacher, or nominated representative, the employee would normally be granted immediate paid leave of absence. In such instances, the employee should be asked to contact the school, the next day at the latest, to inform the Head Teacher of the current position and to establish the duration of leave granted and whether or not it is paid.

Employees are allowed up to 1 week's paid leave in a rolling year to assist them in managing the illness/support of dependents and relatives.

Applications for Other Non Urgent Leave

For applications for leave of absence for any other reasons, other than Emergency Leave detailed above, or for leave of absence for a period longer than 2 weeks, a written application should be sent to the Head Teacher. The employee should give at least 15 school days' notice before the absence is to be taken.

Employees should note that the 15 school days' notice is a minimum period. As much notice as possible would assist the School and increase the likelihood of having the leave approved.

However, as previously stated, other than in exceptional circumstances no leave will be granted by the Governors during term time.

Extended Leave of Absence (for example of at least half a term in duration)

Requests for an extended period of leave, including leave for sabbaticals, exchanges and voluntary work, should be by written application to the Head Teacher giving at least a full term's notice. Such periods of absence may affect the leave entitlement of relevant employees.

Pay Considerations

Where leave of absence has been granted without pay, salary will be deducted based upon 1/365 of appropriate salary for each day of absence.

Statutory Entitlements

Statutory Entitlements and Requests for Absence

Statutory entitlements are given below, followed by a list of the most common requests for leave of absence. A suggested appropriate amount of leave is given and whether it should be paid or unpaid. This may be varied, according to circumstances while ensuring that all employees are treated fairly under the policy. Where paid leave of absence has been granted, further unpaid leave may also be granted at the discretion of the Governing Body.

- **Maternity Leave**
The Employment Act 2002 gives all employees an entitlement to 26 weeks' paid ordinary maternity leave, and subject to qualification, a further 26 weeks' unpaid additional maternity leave. **Different maternity provisions apply to teaching and support staff.**
- **Paternity Leave**

The Employment Act 2002 gives a qualifying employee an entitlement of up to 2 weeks' paid paternity leave (at Statutory Paternity Pay) for the purpose of caring for a newborn (or newly adopted) child and supporting the mother (or adopter). Different criteria apply depending on whether the leave is connected with a birth or an adoption.

- **Adoption Leave**

The Employment Act 2002 gives a qualifying employee an entitlement of 26 weeks paid ordinary adoption leave (at Statutory Adoption Pay) and 26 weeks' unpaid additional adoption leave. Different criteria apply depending on whether the adoption is from within the UK or from overseas.

- **Parental Leave**

The Parental Leave Regulations 1999 give a qualifying employee an entitlement to 13 weeks' unpaid parental leave for the purpose of caring for a child born or adopted on or after 15 December 1999. This entitlement lasts until a child's 5th birthday, or a disabled child's 18th birthday, and for 5 years following adoption or until the child is 18.

- **Shared Parental Leave**

Employees may be eligible for Shared Parental Leave during the first year of their baby's life. If eligible, the employee can start Shared Parental Leave if their partner stops maternity or adoption leave early.

- **Time Off for Dependants**

Since December 1999, all employees have the right to take a reasonable period of unpaid time off work to deal with an emergency or sudden problem involving a dependant, such as illness, accident or an unexpected breakdown in care arrangements. A dependant is the partner, child or parent of the employee, or someone who lives with the employee as part of their family e.g. a grandparent.

This right is intended to enable employees to make necessary longer term care arrangements for the dependant. In most cases, the amount of leave will be 1 or 2 days at the most, but this will depend on individual circumstances. The statutory right does not include a right to be paid. Whether or not the employee will be paid will depend on the existing terms and conditions of employment.

Under this policy, employees are allowed up to 1 week's paid leave in a rolling year to assist them in managing the illness/support of dependants and relatives.

- **Refusal of Time Off**

Employees who think they have been unreasonably refused time off, or victimised for taking it, may make a complaint to an employment tribunal against their employer. However, in practice, employees should be encouraged to make a reference under the appropriate grievance procedure.

Where it is suspected that an employee is abusing the right to time off for dependants, a reference should be made under the appropriate disciplinary process.

- **Employees needing longer time off, or knowing in advance that the problem is going to arise**

This is intended to cover unforeseen matters. If employees know in advance that they are going to need time off, they may be able to take this time as part of their annual leave entitlement. The right to Parental Leave covered above should also be considered.

- **Unauthorised Absence**

If an employee takes leave of absence without the prior consent of the Head Teacher, this will be investigated and may be considered Gross Misconduct under the School's Disciplinary Policy and Procedure.

Other Common Requests

Below are some of the common requests for leave of absence with guidelines of the appropriate time to be granted, paid or unpaid. It should be noted that these are guidelines only and may be varied according to circumstance.

Death of a Partner or Child

- 2 weeks' paid leave
- additional leave at the discretion of the Head Teacher

Death of a Relative or Close Friend

- up to 3 school days' paid leave
- a further 2 school days' paid leave for travelling if out of the county
- an additional 5 school days' unpaid leave if appropriate decided by the Governors

Terminal Illness of Partner, Child, Near Relative or Close Friend

- the employee must be the main carer
- 2 weeks' paid leave to be taken when needed as appropriate
- up to 12 weeks' unpaid leave also to be taken when needed by the employee

Compassionate Leave

In circumstances not covered by any of the above

- up to 2 weeks' paid leave
- up to 6 weeks' unpaid leave

Funerals

- 1 day's paid leave depending on the circumstances
- a further 2 school days' paid leave for travelling if out of county
- if an employee intends to attend an overseas funeral, then the Head Teacher has the discretion to grant additional unpaid leave
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Maternity Support Leave (in conjunction with Paternity Leave)

- 5 school days' paid leave for partner

Leave of Absence for Public Duties

Leave of absence with full pay is granted to enable employees to attend to public duties as a:

- Justice of the Peace
- member of a local authority (including a parish council or a county council established under the Local Government Act 1972)
- member of a police authority
- member of a relevant health body
- member (in England and Wales) of the managing or governing body of an educational establishment maintained by a local authority and members of the governing body of a further or higher education corporation
- member of the Environment Agency or the Scottish Environment Protection Agency
- member (in England and Wales) of boards of prison visitors, and in Scotland, prison visiting committees
- member of the service authority for the National Criminal Intelligence Service or the service authority for the National Crime Squad
- member of a water customer consultative panel

Jury Service

- paid time off for the whole period of service in court. Individuals are expected to reclaim salary expenses from the Court and reimburse the School.

Court Action

- if the court action is external to the school, unpaid leave

- if the court action is related to the employee's employment, whether directly or as a witness, paid leave

Agreed Training

- if the training has been agreed as part of the professional development of the employee (and therefore to the mutual benefit of the School and employee) paid leave
- if the training is primarily to the benefit of the individual, unpaid leave, subject to the Head Teacher's discretion to vary this

Approved Union Activities for Accredited Representative

- necessary paid time off within the conditions of service.

Interviews for Posts related to the Education Service

- paid leave for the duration of the selection process
- up to 2 school days' paid leave where necessary if out of county travel is involved.

Interviews for Posts not related to Education

- as above, unpaid.

Graduation Ceremony

- 1 School day's paid leave
- up to 2 School days' paid leave for travel if out of county.

Selection for County/National Teams

- 1 School day's paid leave
- up to 2 School days' paid leave for travel if out of county
- time off to attend events outside of the Country will be at the discretion of the governing body.

Hospital Appointments

- if unavoidably in School hours, necessary time off with pay.

Optician and Dental Appointments

- outside school hours except in an emergency.

Leave of Absence for Religious Observance

Many religions or beliefs have special festival or spiritual observance days. An employee may request holiday in order to celebrate festivals or attend ceremonies. This will be considered sympathetically where it is reasonable and practical for the employee to be away from work, and they have, where appropriate, sufficient holiday entitlement in hand. Employees specifically contracted to work term time will be treated equally and consistently. Using the criteria above, employees contracted to work in term time will not be granted time off other than in exceptional circumstances.

The criteria for deciding who should and who should not be granted leave may indirectly discriminate. Employees may request annual leave, if appropriate, to coincide with religious festivals. Refusal to grant such leave will need to be justified by a legitimate business need which cannot be met by any other reasonable means to ensure that there is no discrimination.