

# Lawnswood Campus



## Leave of Absence for reasons other than Sickness Policy

Review Date: Local Agreement guidance followed for updates

Please read  
Governors as Management Board  
Schools as PRUs

Signed by the Chair of the Management Board: ..... Date: .....



# Leave of absence for reasons other than sickness

## - teaching/non-teaching staff

**ConnectEd Partnership highly recommend the use of this policy. The policy is considered best HR practice, it has been developed in accordance with current employment law and has been negotiated with all recognised professional associations and HR providers across the City of Wolverhampton.**

Updated April 2018

Review April 2019

# 1 General Information

## Policy Statement

It is in the interest of everyone that schools maximise attendance levels. Not only does absence impact upon teaching and learning within schools, in assessing an agreed absence the impact on the organisation should be considered. Although teachers and term time only staff are not entitled to take time off during the school term, Governing/Trust Boards understand 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 entitlements to unpaid time off to attend 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

It is intended that this policy will provide a clear and workable framework to enable requests or leave of absence for staff working in schools to be reasonable 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 has to refuse a request for leave.

It should be noted that there may 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 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 or Chair of Governors contact their HR Provider for further advice.

On adopting this policy the school has taken into account the arrangements for short term cover for absent teachers and the school's commitment that teachers will only rarely be required to cover for absent colleagues.

Care will be taken in applying this policy to ensure compliance with equality legislation and avoidance of potential discrimination.

Any suspected abuse of this policy by staff will be dealt with under the school's Disciplinary Procedure.

A formal record of requests made, including the description of the circumstances and whether or not the request was granted should be kept on the staff member's personnel file at the school. Where unpaid leave is granted the Headteacher should inform the Payroll Provider to deduct the pay for the dates it is granted.

## 2 Deduction of Salary

- a) Where the absence without salary does not exceed five normal school days (including any days on which the school may be closed other than during a recognised holiday period) salary will be deducted only in respect of absence on such normal school days, even if the absence extends on both sides of a week-end.

- b) Where leave without salary is granted in excess of five normal school days (including any days on which the school may be closed other than during a recognised holiday period), salary will cease to be payable on the first day of absence from school, and payment will not be resumed until the date on which the teacher recommences duty, notwithstanding the intervention of a week-end or one of the recognised holiday periods.
- c) Where an employee, having been granted leave without salary in excess of five normal school days immediately proceeding one of the recognised holiday periods, resumes duty on the first normal school day after such a recognised holiday period, the Governing Board, Trust Board or Management Board may, in special circumstances, consider some modification of paragraph 2(b) if application is made by the employee concerned.
- d) When leave is granted without salary, teachers should be aware that the deduction of pay will be calculated on the basis of 1/365ths (or pro rata for part-time teachers) of annual salary for each day of absence on which the teacher is not available for duty (including instances given in 2(c) above) and applications should therefore state clearly the specific period for which leave of absence is required. The alternative formula for non-teaching staff is  $\text{Weekly hours worked} \div \text{No. of days worked} = \text{hours to be deducted} \times \text{hourly rate of pay}$ .
- e) Staff should be made aware that if leave is granted without salary this could impact on their reckonable pension.
- f) It is not permissible to rearrange PPA time to facilitate known leave of absence with the exception of category 5 urgent and unforeseen absence.



	<p>In the event the employee has tried but cannot arrange an appointment outside working hours the following will apply:</p> <p>Employees must give at least 5 days' notice.</p> <p>Employees should make every effort that any time off causes as little disruption as possible, i.e. at the beginning or the end of the day, or on a non-working day.</p> <p>The school requests the right to see evidence of appointments, such as a letter or appointment card.</p> <p><b>(iii) Urgent appointments and for reasons that could not be foreseen</b></p> <p>Emergency treatment, specific and prescribed hospital appointments, health/preventative screening.</p> <p><b>(iv) Appointments covered under the Equalities Act 2010</b></p> <p>Wherever possible employees are expected to observe the requirements in clause (i)</p> <p><b>(v) Employees supporting dependants at medical appointment</b></p> <p>Employees must give at least 5 days' notice and the school has the right to see evidence of appointments, such as a letter or appointment card.</p>	<p>As may be necessary</p> <p>As may be necessary</p> <p>As may be necessary</p>	<p>With Salary</p> <p>With Salary</p> <p>Without Salary</p>
<p><b>Category 7</b></p>	<p>Family Bereavement:  In the event of a death of an established partner or immediate family member; the need to organise funeral arrangements; and/or travel and attend the funeral.  Where the circumstances may be unique and more challenging a representative of the Governing Board should consider additional compassionate leave.</p>	<p>Not normally to exceed three school working days (up to 5 school days maybe granted if necessary according to circumstances). Any longer period would require the approval of the Chair of Governors.</p>	<p>With salary</p>

<b>Category 8</b>	Attendance at a funeral of a person other than a member of the employee's family (see category 7).	Up to one day	Without salary
<b>Category 9</b>	<p>Time off for Dependants</p> <p>A dependant could be a spouse, established partner, child, parent, grandparent, brother, sister or someone who depends on an employee for care.</p> <p>Employees have the right to a reasonable time off during working hours for dependants, this time off is intended to deal with unforeseen matters and emergencies and would ordinarily last for one or two days, such as when a child minder is sick and there is no one else to look after an employee's child, and time is needed to make alternative arrangements or when -an employee's partner, parent or child falls ill or is taken to hospital.</p> <p>Employees must follow the school's absence reporting procedures and indicate how long they expect to be absent.</p>	<p>Usually one or two days but this will depend on individual circumstances</p> <p>To be discussed by GBWP</p>	<p>Up to 5 days in the academic year -With Salary</p> <p>Any longer would be without Salary</p>
<b>Category 10</b>	Moving house	One day	With salary
<b>Category 11</b>	University Graduation or similar ceremony if the employee or any of the immediate family is receiving award	One day	With salary
<b>Category 12</b>	Days of religious observance/ attendance at religious ceremonies. For adherents of certain religions, attendance at specified religious ceremonies is of major importance. At the commencement of the school year, the employee must demonstrate that attendance at specified ceremonies on the dates concerned is a vital part of his or her religious obligations. The Headteacher should consider the request sympathetically however employers are not legally required to grant requests for leave on religious grounds.	Normally not more than two working days in a school year. Any longer period would require the approval of a representative of the Governing Board which may be without salary.	Normally without salary
<b>Category 13</b>	<p>Where an employee is called by the school to act as a witness on the school/academy's behalf at an Employment Tribunal hearing or any court proceedings, the employee will continue to receive their full pay, as this will be deemed to be part of their normal duties. Attendance in court as a witness, if in a private capacity an employee is summonsed to appear as a witness in third party proceedings the appropriate time off will be granted with pay.</p> <p>Employees who are called for jury service will receive paid leave to attend, however, pay will</p>	As may be necessary	<p>With salary (less any allowances in lieu of salary which the teacher is entitled to claim)</p> <p>Employees will continue to be paid as normal</p>

	<p>be minus the deductions of any allowances or loss of earnings claimed directly from the court . Further information on what can be claimed can be found at <a href="https://www.gov.uk/jury-service/what-you-can-claim">https://www.gov.uk/jury-service/what-you-can-claim</a>. It is expected that employees seek reimbursement from Her Majesty's Courts Service(HMCS) wherever possible. To do this the employee should :</p> <p>a) Send the Certificate of Loss of Earnings or Benefit they receive with their jury summons to the School Business Manager/Headteacher in the first instance  b) Submit the Certificate to HMCS to receive reimbursement for loss of earnings  c) Send the reimbursement receipt they receive from HMCS to School Business Manager in the first instance.</p>		<p>whilst on jury service, until reimbursement for loss of earnings is confirmed by the court, at which point the School/academy will make the appropriate deduction from pay in the next monthly payroll</p>
<b>Category 14</b>	<p>Study and Examination Leave (It is intended that this provision shall normally apply to staff who are pursuing a course of study). At the commencement of the school year, the employee must demonstrate with evidence that attendance at specified examinations on the dates concerned is a vital part of his or her course of study</p> <p>(i) Leave of absence to staff for the period necessary for the purpose of sitting examinations  (ii) Study leave revision</p>	<p>As may be necessary</p> <p>Up to the equivalent of three school days in a school year</p>	<p>With salary</p> <p>With salary</p>
<b>Category 15</b>	<p>Right to time off for public duties</p> <p>Section 50 ERA states that:  An employer shall permit an employee who is a justice of the peace to take time off during the employee's working hours for the purpose of performing any of the duties of his office</p> <p>An employer shall permit an employee who is a member of -</p> <p>a) a local authority  b) a statutory tribunal  c) an independent monitoring board for a prison or a prison visiting committee  d) a relevant health body  e) a relevant education body or  f) the environment Agency or the Scottish Environment Protection Agency or  g) Scottish Water</p>	<p>If you qualify, the time must be agreed with your employer beforehand and your employer can refuse your request if it is unreasonable. Whether time is classed as 'reasonable' will depend on how much time is required, how much time off the employee has already been permitted and the circumstances of the employer's business and the effect of the employee's absence on the running of that business.</p>	<p>Your employer does not necessarily have to pay you while you take your time off for public duties.</p>

	to take time off during the employee's working hours for the purpose of performing any of the duties of their office.		
<b>Category 16</b>	<p>(i) Annual Training for H.M. Forces Attendance at annual camp as volunteers, member of the Army Reserve or similar service organisations. Employees will be expected to make every effort to arrange such training to take place during school holiday periods.</p> <p>(ii) Mobilisation If a reservist is "called up", they must notify their manager as soon as possible. The reservist's Headteacher should also receive notification of the call up directly from the Ministry of Defence (MoD).</p> <p>Reservists may be mobilised on a voluntary or compulsory basis. In instances of voluntary mobilisation, the employer is required to give its consent before individuals can be released from their employment. Where call up is compulsory, employers cannot refuse permission but can apply for exemption or deferral. The reservist or the school can seek exemption or deferral, but this must be done within 7 days of the individual being served with a call up or recall notice. An application for exemption or deferral may be made on the basis that the school can show that the loss of the employee will cause serious harm to business which could not be prevented by the financial assistance granted by the MoD. The Reserve Forces Appeal Tribunal will consider any appeals.</p> <p><b>Contract</b> Where members of the reserve forces are deployed, the employee's role will be kept open for up to a year; pension and continuous service rights will be protected; the employee will not receive pay whilst mobilised; annual leave entitlement will accrue</p>	Not more than 10 days in a school year	<p>With salary for one week: balance without pay.</p> <p>During the period of military service, the reservist will receive pay from the MoD to cover any shortfall in civilian earnings, not from the School.</p>
<b>Category 17</b>	Expectant fathers or a pregnant woman's partner will be entitled to time off to accompany the woman to 2 ante natal appointments. Any further requests are at the discretion of the headteacher	Two ante natal appointments	Without salary

<b>Category 18</b>	<p>IVF Treatment – employers should treat medical appointments related to IVF treatment in the same way as other routine medical appointments (Category 6 Clause (i)).</p> <p>Following implantation, pregnancy may or may not occur but the woman is considered to be pregnant from point of implantation. Employees should notify their employer once they have reached that stage. The pregnancy test is normally taken two weeks after implantation, if the treatment is successful then the maternity scheme will apply. If the treatment is unsuccessful, maternity scheme protection will end two weeks after the pregnancy test.</p>	Employers may agree to flexible working hours.	<p>Medical appointments without salary. However, a combination of paid and unpaid leave may be granted.</p> <p>From the point of implantation the Maternity Scheme rules will apply</p>
<b>Category 19</b>	Cosmetic or non-medically essential surgery	There is no statutory right to time off for cosmetic surgery or for surgery that is not medically essential	Without Salary or where appropriate annual leave could be requested. If there is insufficient annual leave entitlement unpaid leave may be agreed
<b>Category 20</b>	Urgent and/or exceptional circumstances where the employee will not be employed elsewhere during the period for which leave is granted.	Up to forty school days	Normally without salary