Leave of Absence Policy

for

School Staff

Policy Title	Model Leave of Absence Policy for School Staff
Statutory	Yes
Policy Version	1
Policy Author	Mrs A Majcher
Ratified By	FGB Summer
Date Ratified	May 2017
Review Period	2 years
Next Review Period	May 2019
Distributed To	All staff
To be published on website	No
Changes to this policy	N/A
This policy has been impact assessed against race, gender and disability and no adverse impact has been identified.	

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1. INTRODUCTION

1.1 Employees have certain entitlements to leave of absence, in particular circumstances, under their conditions of service. This document outlines the policy for the Governing Body to grant leave of absence for employees.

2. SCOPE

2.1 The policy set out in this document applies to all Schools based staff under Teachers Pay & Pension Conditions and those staff under the terms of Bucks Pay Employment Conditions.

3. ROLES AND RESPONSIBILITIES

3.1 The Governing Body has responsibility for establishing the School's Leave of Absence Policy, for ensuring that the Leave of Absence Policy is followed and for monitoring staff absence rates.

3.2 The Headteacher is responsible for implementing this policy within their School. The authority to take decisions under this Procedure rests in the Headteacher or (Chair of Governors in the case of applications for leave of absence from the Headteacher).

4. PRINCIPLES

4.1 The Policy and Procedure contained within this document is founded on the following principles:

a. All employees are treated equally and consistently when applying for leave of absence, in accordance with the School's Equal Opportunities Policy and taking account of differing national and local conditions of employment.

b. Where an employee wishes to make representations against a decision made by the Headteacher or Chair of Governors, as applicable, he/she may write to the Governing Body or its appropriately designated Committee giving full details of the request. The decision of the Governing Body or its Committee is final.

c. Unauthorised absence will be dealt with under the School's Conduct and Discipline Policy and Procedure.

d. Not to discriminate against any individual in the application of this policy and procedure on the protected characteristics of age, sex, race, caste, disability, gender reassignment, marriage or civil partnership, maternity and pregnancy, religion or belief, sexual orientation, or other

grounds protected in law e.g. part time worker status, trade union membership/activities or HIV positive status

5. ENTITLEMENT

5.1 The Governing Body will grant leave of absence in accordance with national or local conditions of service in the following circumstances:

ENTITLEMENT: WITH PAY

5.2 Examiners and Moderators for Examining Bodies

Chief Examiners and Chief Moderators will be given up to 10 school days' leave with pay in any one financial year. Examiners and Assistant Moderators will be given up to 5 school days' leave with pay in any one financial year.

Employees shall not be required to pay the Council or their school any fees or expenses received for examining and moderating duties.

5.3 Jury Service and Other Public Service

An employee receiving a summons to serve on a jury must report this to his/her Headteacher who will grant him/her leave of absence unless exemption from jury service is secured. Headteachers should report the dates of jury service to the Senior Advisory Officer so that the necessary financial adjustments can be made. An employee serving as a juror is required to claim the allowance for loss of earnings to which he/she is entitled under the Juror Allowance Regulations currently in force. The Authority will deduct from the employee's full pay an amount equal to the allowance received for loss of earnings, and this sum will then be credited to the school's budget.

5.4 Witness Summons

An employee who is subpoenaed as a witness to appear before the court should report this immediately to the Headteacher, who will grant him/her leave of absence with pay for such time as is necessary to discharge the duty as witness.

5.5 Service in Non-Regular Forces

Employees must obtain the Governing Body's consent before joining the Non-Regular Forces (e.g. Territorial Army, Royal Air Force Volunteer Reserve). The Governing Body will grant two weeks' additional paid leave to volunteer members of the Non-Regular Forces who are required

by the Forces to attend summer camp.

* **[**Such employees are required to show the Headteacher a copy of their Forces' payslip for the period of the summer camp, so that the Headteacher can arrange for a deduction to be made from the employee's County Council salary of an amount equal to the pay received from the Forces for each normal working day of the absence (i.e. without making any deductions for days when the employee would not normally be working). The Headteacher should also arrange for this sum to be credited to the school's budget.**]**

Any such employees who are called-out by the Secretary of State for service with the armed forces will be granted leave of absence without pay for the duration of that service (unless the Governing Body applies for and gains exemption, deferral or discharge on the grounds that their absence would cause serious harm to the school in which they are employed.)

5.6 Community Fire Fighters

Paid leave will be granted for Buckinghamshire and Milton Keynes Community Fire Fighters to undergo the necessary training.

5.7 Special Constables

The Council supports special constables in their duties to increase public safety and confidence and staff will be released, with pay, for agreed training and in times of significant emergency.

5.8 Magistrates and Members of Public Bodies

Employees who are appointed as magistrates or who undertake duties connected with the work of district councils or other public bodies, including governing bodies, will be granted leave of absence with pay for the equivalent of up to 208 hours per year in the case of staff on Bucks Pay conditions of service, and 10 school days a year for other staff, unless special approval is given by the Governing Body in exceptional circumstances.

In the case of employees who have been appointed to service on the Education Committee of the County Council or any of its sub-committees, the question of leave of absence does not arise since the employees concerned are regarded as undertaking special duties at the Council's request.

5.9 Union Duties

* This symbol denotes an area of discretion which the Governing Body may wish to consider exercising. If the Governing Body has determined a policy of making a deduction from the employee's County Council salary, the bracketed text should be included.

See the Authority's Facilities Agreement.

5.10 Job Interviews

Leave with pay will be granted as necessary.

5.11 Revision/Study Leave

The Governing Body will approve up to a maximum of 5 days' revision/study leave with pay to employees undertaking work-related qualifications within an agreed timeframe. Leave will also be granted for completion of CPD course, as agreed at the start of the appraisal cycle, and while the teacher is still in post.

5.12 Examination Leave

Staff on Bucks Pay conditions of service will be granted a maximum of 5 days' leave with pay to sit approved examinations: this is normally half a day per examination subject. Other staff will be granted 1 day's leave with pay to sit each approved examination.

5.13 Maternity/Adoption Support Leave (Paternity Leave)

Partners or legal/special guardians of new mothers/adoptive parents are entitled to two weeks Maternity/Adoption Support Leave, to support the mother and/or carer of the baby/child. This leave is paid. To qualify the employee needs to have been continuously employed by the School for 26 weeks leading into the 15th week before the expected week of childbirth, or into the week in which they are notified of being matched with a child for adoption. They are entitled to one or two consecutive (full) weeks maternity support leave, they cannot take odd days.

Staff on Bucks Pay conditions of service are entitled to full pay for this period of leave. Employees on Teachers Terms and Conditions should seek guidance from their Headteacher to confirm the policy for Maternity/Adoption Support Leave and Pay adopted by the school. As a minimum Teachers are entitled to Statutory Maternity Support Pay (SPP).

5.14 Additional Maternity/Adoption Support Leave (Paternity)

Additional Paternity/Adoption Leave is available to the father/partner of the mother (main carer) of the child if they return to work before using their full entitlement to statutory maternity leave. This also applies to the partner of a couple adopting.

Additional Paternity Leave is in addition to the two weeks Maternity/Adoption Support Leave. The father/partner may benefit from up to 26 weeks of additional paternity leave. This entitlement must be taken within 56 days of the date on which the child is born/adopted.

See the Additional Maternity/Adoption Support Leave and pay guidelines on SchoolsWeb for further details.

5.15 Appointments with Dentist, Doctor etc.

These appointments should be made outside normal working time except in emergencies or where consultants etc. are inflexible over timing.

5.16 Medical Screening

Paid time off will be given to employees who participate in the Council's Health Screening Programme and for the purpose of breast and cervical cancer screening.

ENTITLEMENT: WITHOUT PAY

5.17 Parental Leave

Employees with one year's continuous service will be entitled to take up to eighteen weeks' parental leave for the purposes of caring for their child up to the age of five. Where the child is disabled, the entitlement is 18 weeks, which may be used until the child's 18th birthday. Parental leave arises in respect of each child e.g. if the employee has two children they would be entitled to a maximum of 36 weeks. This applies also to employees who acquire formal parental responsibility for a child aged five or under, on or after this date. This is in addition to other arrangements within these conditions of service for maternity leave, maternity support leave, adoption leave, compassionate leave, carers leave and sabbaticals.

Parental leave will be unpaid and must be taken by the fifth birthday of the child (18th birthday of a disabled child). Where the child is adopted, the leave must be taken within five years of placement for adoption or before the child's 18th birthday, whichever is the sooner.

6. DISCRETIONARY

6.1 The Governing Body will normally apply a limit of 5 days' discretionary leave with pay per annum, although additional time (either with or without pay) may be granted in exceptional circumstances.

6.2 The Governing Body may grant leave (either with or without pay) for a period of time in excess of the limits quoted in paragraph 5 above, and for any other good reason. These could include any of the circumstances listed below:

DISCRETIONARY: WITH PAY

6.3 Compassionate Leave

Each request will be judged on its individual merits but the following circumstances may be used as guidelines:

- Absence necessary as a result of the death or serious illness/injury of a close member of the family, close friend or partner.
- Breakdown of normal childcare arrangements.
- Maternity support leave. This recognises the need for employees to have leave associated with their spouse's/partner's maternity at short notice to deal with unforeseen circumstances.
- Other occasions when care of dependants is necessary.

6.4 Election Dues

Time off with pay will be granted to staff appointed as Presiding Officers/Poll Clerks/Counting Assistants at District, County, European or General Elections subject to adequate cover being maintained.

DISCRETIONARY: WITHOUT PAY

6.5 Carers' Leave

A carer is someone who, without payment, looks after or provides regular help to family members, neighbours or friends who are sick or disabled, vulnerable or frail. A carer may be the parent or guardian of a child or children. The support given by a carer may be with personal tasks such as dressing or practical tasks such as shopping and cooking; it may be emotional or supervisory. A carer may not necessarily live with the person they care for.

Employees with 26 weeks' continuous service may request up to 13 weeks' unpaid Carers' Leave, to be agreed by the Headteacher, at their discretion, and recorded as Carers' Leave. For more information refer to the Carers' Policy.

6.6 Parliamentary Candidates

Leave will be granted, but without pay, from the date when the candidate's nomination is accepted until the date of the election.

6.7 Religious Festivals

Leave will be granted, but without pay. A limit of 5 days' unpaid leave is normally applied although additional time may be granted in exceptional circumstances.

6.8 Secondment for Other Paid Employment

Leave may be granted without pay for an agreed period of time.

DISCRETIONARY: WITH OR WITHOUT PAY

6.9 Participation in National Sporting, Cultural and Similar Events

Leave will be granted (either with or without pay) for the necessary period of absence.

6.10 Moving House

For employees whose contractual arrangements do not allow them to take annual leave during term-time and where the move cannot be effected in a school closure period, 1 day's leave will be granted (either with or without pay).

7. APPLICATIONS FOR LEAVE OF ABSENCE

a. Requests for leave of absence (either with or without pay) should be made on the "Application for Leave of Absence" form (see **Appendix 1**).

APPENDIX 1

APPLICATION FOR LEAVE OF ABSENCE

SECTION ONE - to be completed by the Applicant

NAME: .....

POST HELD: .....

I hereby request leave of absence on the following date(s):

.....

.....

for the following reason:

.....

.....

(If there is insufficient room, continue overleaf.)

Signed ..... Date .....

When this section has been completed the form should be given to the Headteacher, or to the Chair of Governors where the Applicant is the Headteacher.

SECTION TWO - to be completed by the Headteacher/Chair of Governors

*(i) The Governing Body **agrees** this application for leave of absence **with** pay.

*(ii) The Governing Body **agrees** this application for leave of absence **without** pay.

*(iii) The Governing Body **does not agree** this application for the following reason:

.....

.....

Signed: ..... Date: .....

*Headteacher/Chair of Governors

* Delete as appropriate

A copy of the completed form should be returned to the Applicant.