



# JUDGEMEADOW COMMUNITY COLLEGE

## ABSENCE MANAGEMENT POLICY

**Last reviewed date:**  
March 2017

**Next review date:**  
March 2018

**Responsibility of:**  
Principal

## Employee Absence Management Policy and Procedure – School-based Employees

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## **1. Policy**

- 1.1 The purpose of this policy and procedure is to facilitate the management of employee absence resulting from ill health, injury or disability in a fair and consistent way.
- 1.2 The policy is designed to ensure that the reason for absence is understood, is investigated where necessary and that, where appropriate and reasonably practicable, measures are taken to facilitate attendance at work.
- 1.3 However, high levels of sickness absence can have a significant impact on the school. It may, therefore, be necessary to take appropriate action, which could lead to dismissal, if the length or frequency of absence becomes unsustainable.

## **2. Scope**

- 2.1 This policy and procedure applies to all Leicester City Council school-based employees. It also applies to all teachers employed directly by Leicester City Council, subject to appropriate amendments being made in the context of management responsibilities.

## **3. Responsibility for managing absence**

- 3.1 In this procedure the term 'manager' means the Headteacher or, where appropriate, another manager nominated by the Headteacher.
- 3.2 Appropriate representatives of the governing body are responsible for managing absence in the case of a Headteacher.

## **4. Responsibilities**

### **4.1 Employees**

- To look after their general health and wellbeing and seek medical or other support where necessary in order to minimise their sickness absence.
- To comply with the absence reporting and evidence requirements.
- To maintain regular contact with their manager during absence.
- To co-operate with the absence management procedure, attending meetings and occupational health appointments as required.

### **4.2 Managers**

- To manage employees' sickness absence, applying this policy and procedure fairly and consistently whilst taking account of individual circumstances.
- To advise employees how, when and to whom they should report sickness absence.
- To record sickness absence accurately and on time.
- To conduct return to work meetings after every absence and other absence management meetings where appropriate.
- To maintain appropriate contact with absent employees.
- To ensure they understand the reason for absence and make all appropriate efforts to facilitate attendance.
- To implement reasonable adjustments in line with legislation, where appropriate, to facilitate attendance.

### **4.3 Headteachers**

- Where the Headteacher has been given delegated authority by the governing body and where they have not been responsible for managing the employee's absence, they may, with an appropriate member of the governing body, consider and determine a recommendation to dismiss an employee.

### **4.4 Governing body panels**

- To consider, and decide upon, recommendations regarding dismissal of employees due to sickness absence, where not undertaken by a Headteacher, as per clause 4.3.
- To hear appeals against warnings or dismissal.

### **4.4 The school's Human Resources service provider**

- To provide training for managers in the management of sickness absence.
- To provide advice and support to managers when dealing with cases of sickness absence including absence related to a protected characteristic.
- To provide sickness absence monitoring reports to managers.

## **5. Disability and pregnancy**

5.1 Throughout the procedure consideration will be given to whether an employee's absence may result from a disability, or whether common ailments may have exacerbated an existing disability. If so, consideration will be given to whether there are any reasonable adjustments that could be made to the employee's working arrangements.

5.2 Adjustments to the operation of the absence management policy may also be considered if appropriate.

5.3 If the employee considers that they are affected by a disability or any medical condition which affects their ability to attend work, they should inform their

line manager.

- 5.4 Pregnancy related sickness absence will not be included for the purpose of considering what level of absence is unacceptable.

## **6. Stress**

- 6.1 It is important that management action is taken with a view to reducing the risk of employees being absent due to work-related stress, or minimising the potential for further absence when an employee returns to work following a period of stress-related absence.
- 6.2 Where an employee is absent due to stress and does not feel able to have contact with the school themselves, it is acceptable for them to communicate via a representative.

## **7. Reporting and providing evidence of absence**

- 7.1 An employee who is unable to attend work because of illness, injury or disability must contact their line manager by the most appropriate method. Ideally this will be by telephone. However, where this is impracticable, alternative local arrangements within the school should apply.
- 7.2 The employee must make contact themselves unless they are too unwell to do so. If contact is made other than by telephone, or the manager is unavailable at the time the employee telephones, the manager may telephone the employee in the context of their duty of care.
- 7.3 The employee must state the reason for absence and provide an overview of any non-diarised items, but is not expected to submit work. If the employee speaks to someone other than their line manager they will not be required to state the reason for absence, but will subsequently be required to tell their manager. If, exceptionally, the employee is unwilling to disclose the reason for their absence to their manager because it is highly personal, they may disclose it to another person such as the HR Adviser, a colleague or trade union representative at this stage.
- 7.4 If an employee needs to leave work due to illness or injury they must inform their manager before leaving.
- 7.5 If an employee is still absent on the eighth calendar day they must obtain a statement of fitness for work from their doctor and provide this to their manager as soon as possible. If the absence continues further statements, which run consecutively, must be provided immediately to cover the whole period of absence, including school closure periods if applicable.
- 7.6 Where absence has not been notified, or evidence provided, in accordance with the above the absence will be deemed unauthorised and will be dealt with under the disciplinary procedure. This may result in loss of pay.

- 7.7 If a manager, following discussion with the employee at a return to work meeting (see below), has cause to doubt the reason for absence given he/she may require the employee to provide a statement of fitness for work for any subsequent absence regardless of duration. The school will pay the cost of obtaining a statement for absences of less than eight days, on production of a doctor's invoice.
- 7.8 If the doctor provides a statement indicating that the employee 'may be fit for work', the employee should inform their manager immediately. The manager will then discuss with the employee any measures that may be needed to facilitate a return to work, taking account of the doctor's advice. If appropriate measures cannot be implemented, the employee may remain on sick leave and the manager will set a date to review the situation.
- 7.9 Where an employee's statement of fitness for work has expired, but the manager has reason to seek advice from the school's occupational health provider on the employee's fitness to return before he/she does so, this will be deemed to be a medical suspension and the employee will receive full pay pending the occupational health referral and advice.

## **8. Sickness absence and annual leave (staff on whole year contracts)**

- 8.1 If an employee becomes ill or injured during a period of pre-arranged annual leave they may choose to treat that period as sickness absence instead. The employee must telephone their manager to inform them that they are unfit for work, and the reason, as soon as possible even if they are abroad. The period will normally only be treated as sickness absence from the date the employee contacts their manager. The evidence requirements above also apply.
- 8.2 If the employee is off work because of sickness they may choose to cancel any pre-arranged annual leave that would otherwise coincide with the sickness absence. They should notify their manager as soon as possible that they wish to do this. In cases of long term sickness it may be appropriate for the manager to remind the employee of any pre booked leave.
- 8.3 If an employee's period of sickness absence extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take the remaining holiday entitlement, the employee can carry any unused holiday entitlement over to the following leave year. Any annual leave not taken within 15 months of the end of the holiday year in which it accrues (whether or not the employee has returned to work) will be lost.

## **9. Sick pay entitlement**

- 9.1 Details of sick pay entitlements, and circumstances in which sick pay may be withheld, can be found in the relevant conditions of service.

## **10. Keeping in touch during absence**

- 10.1 Following initial notification of their absence employees must, depending on the length of absence, maintain regular direct or, if necessary, facilitated contact with their manager and should also expect to be contacted from time to time by their manager and/or the school's Human Resources service provider.
- 10.2 Regular contact is particularly important in long term ill health cases so that the employee can update the manager on his/her progress and to enable the manager to provide appropriate support where necessary.
- 10.3 The frequency of contact should be determined by the manager in consultation with the employee, taking account of all the circumstances. Whilst managers have a duty of care to keep in contact with the employee, and keep them up to date on developments at work, they should act with sensitivity and satisfy themselves that contact is appropriate. Where an employee is asked to attend a meeting in connection with their absence this may be on school premises, at an alternative venue or by agreement at the employee's home. Unless otherwise agreed, a minimum of five working days' notice will be provided of a meeting.

## **11. Return to work discussion/meeting**

- 11.1 An appropriate senior manager must hold a return to work discussion with the employee after every period of absence. Where possible this should take place on the day the employee returns. If this is not possible the discussion must take place as soon as possible thereafter.
- 11.2 The return to work discussion is an important part of absence management. Depending on the circumstances it may range from a brief 'chat' to a more formal meeting. The discussion can help to identify issues which could, if not addressed at an early stage, cause further short or long term absence. It is an opportunity for the manager to start or continue a dialogue with the employee about any underlying issues which may be causing absence and any changes or support that may be appropriate.
- 11.3 Depending on the circumstances the purpose of the discussion may include to:
- confirm the reason for the absence and provide an opportunity for the employee to give any other details. If the employee is unwilling to disclose the reason for their absence to their manager (see 7.3), the manager will be limited in the support they are able to provide.
  - check that the employee is fit to return to work
  - give the employee an opportunity to raise any concerns or questions they may have and to bring any relevant matters to the manager's attention
  - consider whether there may be any underlying health issue that should be investigated further, or determine whether the employee may have developed a disability, or consider any other issues that may be affecting the employee's ability to attend work
  - provide an opportunity to discuss any changes or reasonable adjustments needed to facilitate/support the return

- ensure that the employee has an appropriate level of support, if required, e.g. referral to occupational health, IPRS, Amica (charged)
- update the employee on work related matters
- depending on the level of previous absence, advise the employee that the formal absence management procedure is to be invoked or that further absence could lead to the formal procedure being invoked.

11.4 The return to work discussion will be recorded and signed by both the employee and manager and a copy kept by the manager on the employee's file.

## **12. Referral to occupational health**

12.1 The manager may, at any time in operating this procedure, require the employee to attend an appointment with the school's Human Resources Service provider occupational health service. The employee has the right to be accompanied at these appointments.

12.2 In order to ensure that all relevant information is available to assist in managing an employee's absence it is essential that employees attend such appointments.

12.3 If an employee does not co-operate in assisting the school to establish his/her true medical position, any decisions made on their continued employment will be based on the information available.

12.4 Failure to attend an occupational health appointment, or an appointment with a doctor nominated by the school's Human Resource service provider, without giving the correct notice (as notified to them), may also lead to loss of pay.

12.5 Where ill-health redeployment or ill health retirement (support staff) is recommended, but the employee does not agree, they may request a second medical opinion. Occupational health will identify a suitable medical practitioner.

12.6 The employee will be asked to agree that any report produced in connection with any such examination may be disclosed to the school and that the school may discuss the contents of the report with their advisers and the relevant doctor.

12.7 Management guidelines on occupational health referral are available from the school's occupational health provider.

## **13. Procedure for reviewing short term absence**

13.1 In managing short term absence any action taken should be fair, reasonable, and justifiable in the particular circumstances. Advice and support is available from the school's Human Resources service provider at any stage.

**Note:** If a manager has cause to believe that an employee's absence is not

due to sickness the disciplinary procedure should be invoked.

- 13.2 On each occasion an employee is absent the manager should consider (having reviewed the employee's previous absence record and taking account of previous return to work discussions) whether the level of absence is unacceptable.
- 13.3 The review of an individual's absence record should include an assessment of whether:
- the record indicates the likelihood of future absences, for example apparent general poor health with a variety of ailments
  - the record indicates a disabling health problem
  - the absences could have been attributable to work related incidents or situations the absences result from a disability or a common ailment that may have exacerbated an existing disability
  - the record indicates a discernible pattern
- 13.4 Where the manager considers that the level of absence is unacceptable, at the return to work meeting following the latest absence (subject to anything revealed in that meeting), he/she should advise the employee that the formal absence management procedure is to be invoked. The manager should explain the procedure to the employee and the potential consequences if their attendance does not improve to an acceptable level.
- 13.5 The manager will give the employee at least five working days' notice, in writing, of the date, time and place of the meeting. The manager will include the reason for the meeting and any concerns about the sickness absence, including the basis of those concerns. The employee will be informed of their right to be accompanied at the meeting by a trade union representative or a colleague.
- 13.6 The employee must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If the employee or their companion is unable to attend at the time specified the employee should immediately inform the manager who will seek to agree an alternative time.
- 13.7 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to the employee in writing following the meeting.
- 13.8 The manager should exercise discretion throughout the process and give full consideration to the individual circumstances.
- 13.9 The procedure should be operated in a fair and open way with the emphasis on trust and providing advice, assistance and support where reasonably practicable in order to facilitate an acceptable level of attendance. Reasonable adjustment, redeployment, or ill health retirement should be considered at the earliest appropriate opportunity.

See guidance on reasonable adjustment (link to follow)

13.10 The manager should, where appropriate, seek advice from the occupational health service. An occupational health referral should normally have been made, and advice received, before any decision is taken to issue a warning under the procedure.

#### 14. Stage one formal meeting

14.1 Following discussion the manager may decide to issue a first warning that an improvement in attendance is required. The warning will remain live for 12 months.

14.2 Equally the manager may decide that a warning is not appropriate. **If no warning is issued** the manager will continue to monitor the employee's attendance. If and when there is any further absence the manager may decide, and advise the employee at the return to work meeting following that absence, that a further stage one formal meeting is to be held.

14.3 **If a first warning is issued** the manager will continue to monitor the employee's attendance. If and when there is any further absence whilst the warning is live the manager may decide, and advise the employee at the return to work meeting following that absence, that a stage two formal meeting is to be held.

#### 15. Stage two formal meeting

15.1 Following discussion the manager may decide to issue a final warning that an improvement in attendance is required and that, if attendance does not reach an acceptable level, his/her employment may be terminated. The warning will remain live for 12 months.

15.2 Equally the manager may decide that a final warning is not appropriate.

15.3 **If no final warning is issued** the manager will continue to monitor the employee's attendance. If and when there is any further absence whilst the first warning is live the manager may decide, and advise the employee at the return to work meeting following that absence, that a further stage two formal meeting is to be held.

15.4 **If a final warning is issued**, the manager will continue to monitor the employee's attendance. If and when there is any further absence whilst the warning is live the manager may decide, and advise the employee at the return to work meeting following that absence, that a stage three formal hearing is to be held.

#### 16. Stage three formal hearing – consideration of dismissal

16.1 The case will be heard by a governor panel, unless previously delegated to a Headteacher and member of the governing body.

16.2 The employee should be informed in writing that this hearing could result in

termination of their employment and of their right to be accompanied at the hearing (see 'Procedure for reviewing short term absence' above).

- 16.3 The employee will be informed of the date and time of the hearing and will be provided with full details of the manager's case for dismissing them together with any evidence to be relied on at the hearing, not less than ten working days prior to the hearing. The employee must provide the clerk to governors with details of any evidence they wish to rely on at a reasonable time prior to the hearing.
- 16.4 At the hearing the chair of the panel will resolve any procedural issues raised by either side. The manager will present their case and evidence and take questions from the employee and the panel. The employee will have the right to respond, by presenting their case and evidence and taking questions from the manager and the panel.
- 16.5 The employee, and anyone accompanying them, must not make electronic recordings of any hearing conducted under this procedure unless as a reasonable adjustment under the Equality Act 2010, in which case advance notification should be given by the employee. In any event, a note of any hearings under this procedure will be taken.
- 16.6 If the employee fails to attend a hearing, due consideration should be given to the reasons for this. If an employee unreasonably or persistently fails to attend a hearing a decision may be made in their absence based upon the available evidence. Employees must still be offered the right to appeal this decision.
- 16.7 Where the employee is dismissed the school will confirm the dismissal within 14 days of being notified in accordance with the School Staffing (England) Regulations 2009 (as amended from time to time).
- 16.8 If the employee is not dismissed the manager will continue to monitor the employee's attendance. If and when there is any further absence whilst the final warning is live the manager may decide, and advise the employee at the return to work meeting following that absence, that a further stage three hearing is to be held.

Note: Further action under the procedure should not be taken whilst any appeal against a warning issued is outstanding.

## **17. Procedure for reviewing long term absence**

- 17.1 Given the nature of long-term sickness, the many and varied forms it can take and differing circumstances surrounding each case, flexibility may be required in implementing this procedure.
- 17.2 In managing long term absence any action taken should be fair, reasonable, and justifiable in the particular circumstances. Advice and support is available from the school's Human Resources service provider at any stage.

- 17.3 As a general rule long-term absence is defined as continuous absence of four weeks or more, or absence that is expected to last this long.
- 17.4 The reason for absence on the statement of fitness for work may give an indication of the seriousness of the condition and may help to inform how long the employee may continue to be absent.
- 17.5 The manager should speak to and/or meet with the employee at points during their absence considered appropriate, taking account of all the circumstances. Individual circumstances are likely to dictate how frequent contact should be. See also 'Keeping in touch during absence' above. The purpose of the first meeting is for the employee to explain how they are, their treatment if appropriate and how long they anticipate being absent. The meeting also provides an opportunity to discuss any changes or reasonable adjustments needed to facilitate/support a return to work.
- 17.6 The manager should seek advice from the occupational health service if he/she considers this would be helpful in managing the absence. At what point this is appropriate will depend on individual circumstances. However, an occupational health referral should certainly be made if a recommendation is received from an employee's doctor that he/she should seek a different job more suited to his/her capability, or that he/she should undertake 'light duties' either permanently or for a defined period. Early referral is also considered good practice where the absence is stress related. An ill health retirement referral may be made if the manager (support staff) or teacher believes the criteria for this may be met.
- 17.7 The manager should discuss the occupational health report with the employee, allowing him/her to comment on the report, and then consider and communicate the next steps which can include:
- agreeing a way forward;
  - any action to be taken;
  - a date for a review or further meeting.
- 17.8 If a point is reached where continued absence is likely to lead to termination of employment, this should be made clear to the employee.
- 17.9 The school is committed to helping employees return to work from long term absence and will, where appropriate and possible, support a return to work by:
- making reasonable adjustments to the workplace, working practices and/or working hours;
  - considering redeployment; and/or
  - agreeing a return to work programme with the employee (see Therapeutic Return Procedure).
- 17.10 Any return to work programme should be for a fixed period and should be developed through liaison between the manager, the occupational health

service, the employee and, if appropriate, the employee's doctor.

17.11 The length of absence may reach a point where the manager considers the employee's job can no longer be held open. If the employee does not agree with this a formal hearing will be held. The case will be heard in accordance with section 16.

17.12 If the employee agrees with the recommendation to terminate his/her employment the manager will meet with the employee and then send a letter confirming the outcome of the meeting and offering the right of appeal. A copy of this letter should be signed by the employee to confirm that he/she agrees with the termination of his/her contract and does not wish to appeal against the decision to terminate employment.

17.13 Where the employee is dismissed the school will confirm the dismissal within 14 days of being notified in accordance with the School Staffing (England) Regulations 2009 (as amended from time to time).

## **18. Appeals**

18.1 An employee has the right to appeal against a first written warning, a final written warning or dismissal.

18.2 The employee should send written grounds of appeal to the person notified to them within seven working days. The employee will be notified, in writing, of the date, time and place of the appeal and be advised of their right to representation.

18.3 The appeal will be heard by a panel of governors with no prior involvement in the case. A HR Adviser will also be present.

18.4 The appeal panel will have the power to:

- (a) uphold the sanction
- (b) overturn the sanction
- (c) extend a live lower level sanction

18.5 Appeals submitted out of time will only be heard in exceptional circumstances.

18.6 An appeal hearing will usually involve a review of the original decision but, in exceptional circumstances, there may be a complete rehearing of the matter.

18.7 The employee will be informed of the outcome of their appeal in writing. There will be no further right of appeal.

18.8 If the employee is dismissed due to ill health and has not been granted retirement on the grounds of ill health, or is not in agreement with the level of pension release, they have a right to appeal to the relevant Pension Scheme.

## **19. Review**

19.1 This policy and procedure will be reviewed and updated in line with relevant legislation, case law and emerging good practice.

## Addendum

The Governing body at Judgemeanow Community College has adopted the additional addendum for this policy;

The recommended threshold points for initiating absence management procedures are:-

- 3 occasions of absence in any rolling 6 month period
- 4 occasions of absence in any rolling 12 month period
- 10 (working) days of absence in any rolling 12 months period

An occasion is defined as any period of absence of half a day or more.

# **APPENDIX 1 - LEAVE OF ABSENCE POLICY FOR SUPPORT STAFF**

## **Leicester City Council**

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### **Leave of Absence Policy for Employees Based in City Schools/Colleges and other Establishments**



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## **PURPOSE**

This Policy is recommended to Governing Bodies for adoption in schools. It also applies to teachers employed to work in any centrally-managed service.

The purpose of this Policy is to promote a **fair, reasonable, non-discriminatory** and **consistent** approach to absence (excluding absence due to personal illness) throughout schools which recognises that there are occasions where discretion and flexibility need to be exercised. It replaces Administrative Memo 33, (which solely applied to Teachers) and applies to all school-based staff with the exception of Catering and Cleaning staff not employed by the school, for example, kitchen staff employed by City Catering.

In applying this Policy, Headteachers will be mindful that certain groups of staff, such as Teachers and Teaching Assistants, do not have the discretion to take annual leave to allow them time off when others may use this provision, such as to attend functions of significance to their family members or when moving house. The staff to which the annual leave provisions apply are: Business Managers, Bursars, Office Staff, Technicians and Premises Officers. With this in mind, there may be occasions when such staff are asked to take annual leave to cover their absence from work, as would be consistent with their Local Authority colleagues also covered under the National Joint Council (NJC) for Local Government Services, as set out in the Handbook for the NJC (the 'Green Book'). The occasions when this is likely to apply are indicated on page 5.

Please note that, for ease of reference, the term 'Headteacher' is used to cover Headteachers, Principals and Managers from this point onwards. In addition, the term 'school' is used to apply to schools, colleges and other services covered by this document.

## **POLICY REVIEW**

This Policy was ratified at Teachers' Negotiating Committee (TNC) on 18 June 2009 and Joint Negotiating Committee (JNC) on 25 June 2009. It will be subject to review after the first 12 months of operation with the involvement of relevant Trade Unions/Professional Associations, and then at 12-monthly intervals thereafter.

## **LEGISLATIVE FRAMEWORK**

For teaching staff, reference needs to be made to the Education (Teachers) Regulations 1993, as amended by the Education (Teachers) (Amendment) (No 2) Regulations 1997. These are discussed in the former DfEE Circular 'Physical and Mental Fitness to Teach of Teachers and Entrants to Initial Teacher Training'.

In addition, a wide range of legislation applying to all employees provides the right to time off for a range of reasons, such as the Employment Relations Act 2004, Employment Rights Act 1996, the Work and Families Act 2006, etc.

This Policy differentiates between leave of absence governed by statute and that over which some discretion may be exercised.

## **ARRANGEMENTS FOR LEAVE OF ABSENCE**

In schools with delegated budgets, the authority to grant leave (with or without pay) rests with Governors, however, Headteachers have delegated powers to manage this Policy, with the exception of leave for Headteachers themselves, when the Chair of Governors would consider requests in line with this Policy.

Headteachers will grant paid leave of absence of up to 5 working days in any academic year for any of the following reasons combined:

- a) Serious illness of a close relative/friend;

- b) Death of a close relative/friend;
- c) Attendance at funerals;
- d) Attendance at functions of significant importance to family members, such as a Wedding or Graduation Ceremony;
- e) Moving house;
- f) Interviews for posts within the Local Government Service (in some cases the interview may be more than one day);
- g) Actual periods of examinations (NOT study leave) for improvement of a teacher's qualifications, including reasonable travelling time;
- h) Observance of major religious festivals by persons who are members of the faith concerned.

This Policy recommends a maximum number of days paid leave for the different circumstances covered. A table summarising these recommendations is included for easy reference on page 6.

Governors may extend paid leave by a further 5 working days in any academic year, or beyond this in exceptional cases.

When considering non-statutory requests for leave of absence, Headteachers should have regard to fairness and consistency within the context of:

- The operational needs of the school;
- The individual needs of the person concerned;
- The length of time requested;
- The amount of notice given.

Written requests for leave of absence should be made in advance wherever possible, either via letter or by completion of a Request Form: a sample form that Governing Bodies may wish to consider for this purpose is included at [Appendix 1](#). Advance requests obviously cannot be made in the event of domestic emergencies, but employees would be expected to notify the school as soon as possible of the reason for their absence and will be asked to either complete a Request Form or provide a letter on their return to work. Accurate records of each instance of time off should be retained for reference purposes and for scrutiny by Governors.

Any right of appeal would be to the Governors' Appeal Committee.

Staff should be aware that any time taken off under these guidelines must be used only for the purpose specified. A failure to comply with any aspect of the Policy may be dealt with under the Disciplinary Procedure and could result in Disciplinary action, up to and including dismissal.

### **STATUTORY LEAVE**

The absences which require Headteachers to observe statutory obligations are listed overleaf. For support staff arrangements for, and payment during, these absences are covered under the National Joint Council (NJC) for Local Government Services, as set out in the Handbook for the NJC (the 'Green Book'), as amended and supplemented by local agreements and any other local provisions.

For teaching staff, the points in italics are covered under the Conditions of Service for School Teachers in England and Wales (the 'Burgundy Book') and the Maternity (including Adoption) Provisions for Teachers. Leave in connection with recognised union duties is covered by a separate facilities agreement. The leave categories not in italics are included in this guidance.

- *Time off for Ante Natal Care;*

- *Maternity/Adoption Leave;*
- Paternity Leave;
- Parental Leave;
- Emergencies involving Dependents;
- Jury Service;
- *Leave for Accredited Representatives of Recognised Professional Associations and Trade Unions;*
- Service in non-regular forces during term time.

#### **NON-STATUTORY LEAVE**

- *Medical Appointments/Health Screening (donating blood or plasma);*
- *Job Interviews;*
- *Examination Leave;*
- *Participation in international sporting, cultural and similar events;*
- *Time off for work in the community;*
- *Leave for duties associated with local or national elections;*
- *Maternity Support Leave;*
- *Bereavement Leave;*
- *Court proceedings not specifically covered by regulations (eg, being called as a witness);*
- *Leave for Magistrates/ Members of Public Bodies;*
- *Leave relating to Service on Public Bodies;*
- *Annual Training for non-regular forces;*
- Moving House;\*
- Attendance at functions of significant importance to employees' family members;\*
- Additional holidays;
- Parliamentary Candidates;
- Absence for urgent personal reasons/compassionate leave, eg, for attendance at a funeral, to care for a sick relative;
- Attendance at religious festivals.

For support staff, the categories of leave listed in italics are covered under the National Joint Council (NJC) for Local Government Services. This Policy covers the remaining categories of absence. For teaching staff, all of the above absences are covered in this document.

There would be an expectation that staff who are entitled to annual leave would use this provision on the occasions identified by an asterisk (\*).

#### **ABSENCE FOR ANY OTHER REASON/UNPAID LEAVE**

Leave of absence may be requested for other exceptional situations not covered by this Policy. It is recommended that Headteachers seek HR advice in such circumstances.

Headteachers and/or Governors may grant unpaid leave in addition to the provisions in this document, of course having due regard to the needs of the school.

**SUMMARY - RECOMMENDED MAXIMUM NUMBER OF DAYS PAID LEAVE (PER ACADEMIC YEAR UNLESS OTHERWISE STATED)**

REASON	REC MAX ALLOWANCE	FUNDING
<b>Serious illness or death of a close relative/Domestic Emergencies / Attendance at funerals</b> <i>(not limited to close relatives)</i>	5	School funded
<b>Functions of importance to family members, eg, wedding , Graduation ceremony of son/daughter</b>	1	School funded
<b>Moving house (on day of move where it is <u>impossible</u> to move during holiday periods)</b>	1	School funded
<b>Job Interviews*</b>	Up to 5	School funded
<b>Examination leave</b>	Up to 5	School funded
Visits to other schools/colleges; educational visits; in-service education	Up to 5	School funded
<b>Observance of Religious Festivals</b>	<b>1</b> <b>Option to grant 1 additi unpaid leave.</b>	School funded
Annual training – non-regular Forces.*	Up to 5	School funded
Representing country/county at national/international sporting events*	Up to 5	School funded
Delegate at: - Church Synods (or equivalent) - T.U. Conferences. -Local Government Conferences -Committee member of national education body.	Up to 5	School funded
Governing Body meetings (as a Governor)	Up to 5	School funded
Time off for Work in the Community	1	School funded
Paternity Leave / Maternity or Adoption Support Leave Subject to qualifying service (to be taken within 8 weeks of birth/adoption placement commencing).	10	Centrally funded CF
Parental Leave (unpaid)	13 wks in first 5 years of (18 years for disabled children). Max. of 4 wks leave per year per child.	
<b>Public Duties</b>		
Member of District Council*	Up to 15/20 per annum (p	Centrally funded CF
Magistrates/Justices of the Peace*	Maximum of 18 p.a.	Centrally funded CF
Meetings re national/ provincial council affairs *	Up to 10 p.a.	Centrally funded CF
Certain committees when specifically nominated;*	Up to 10 p.a.	Centrally funded CF
Regional or area health authority*	Up to 10 p.a.	Centrally funded CF
Tribunal or similar bodies*	Up to 10 p.a.	Centrally funded CF
Youth Offending Panels*	Up to 10 p.a.	Centrally funded CF
Candidate for parliamentary/LA elections	Day of poll only	Centrally funded CF
Duties associated with Local/National Elections	Day of poll only	Centrally funded CF
Jury Service/ Attending Court as a Witness	As required	Centrally funded CF

\* please see additional guidance on the following pages.

Headteachers may grant paid leave of absence of up to 5 working days in any academic year for the reasons in bold above combined. Governors may extend this provision by a further 5 working days in any academic year, or beyond this in exceptional cases.

## **GUIDANCE ON ALLOWANCES**

This section provides further guidance on the categories of leave covered in the table where necessary.

### **STATUTORY LEAVE**

#### **Paternity Leave**

The biological father of a child, or an employee who expects to have responsibility for a child's upbringing as the husband, partner, or civil partner of a woman having/individual adopting a child qualifies for 10 days Paternity Leave and Pay (pro-rata for part-time/job share employees). This leave is intended for the purpose of caring for a newborn-child (or a child newly-placed for adoption) and supporting the mother/adoptive parent. Leave must be taken within eight weeks of the birth of the child/the commencement of adoption placement.

To qualify for this provision, employees must have at least 26 weeks' continuous Local Government service by the 15th week before the expected week of childbirth/date of placement.

#### **Parental Leave (Unpaid)**

The purpose of parental leave is to enable parents to care for their child. This means looking after their welfare and could include making arrangements for the good of the child, for example, accompanying them during a stay in hospital, settling their child into new childcare arrangements or enabling their family to spend more time together, such as taking a child to stay with grandparents.

Employees have the right to parental leave if they:

- have at least one year's continuous Local Government Service; **and**
  - are a parent named on the child's birth certificate; **or**
  - are named on the child's adoption certificate; **or**
  - have legal parental responsibility for a child under five (18 for disabled children).

Foster parents do not the right to parental leave.

Either parent has the right to parental leave. Employees separated from their partner and not living with their children maintain the right to parental leave if they keep formal parental responsibility for the children. Parental leave is an individual right and so cannot be transferred between parents, for example, a father cannot decide to take only 10 weeks and the mother take 16 weeks.

Headteachers must be given at least 21 days' notice of the intention to take parental leave, specifying the start/end dates of the leave period. For the first occasion of such leave, Headteachers may ask the employee to provide a birth certificate or papers confirming the adoption placement.

#### General Provisions

Employees can take a total of up to 13 weeks' parental leave for each of their children up until their 5th birthday (up to a maximum of 4 weeks' per child per year).

Adoptive parents can take a total of up to 13 weeks' parental leave until the fifth anniversary of their child being placed with them or until their 18th birthday, whichever comes first.

This leave can only be taken in minimum blocks of one week, eg, two days leave would count as one week taken.

### Parents with Disabled Children

If their child is disabled (that is, receiving Disability Living Allowance (DLA)) parents have the right to up to 18 weeks' parental leave (up to a maximum of 4 weeks per child per year) until their child's 18th birthday. Parents can take this time off in days instead of weeks meaning, for example, that parental leave could be used for regular hospital visits.

For the first occasion of parental leave, parents may be requested to provide the award for DLA to their Headteacher in order to qualify for the extended leave provisions.

### **Emergencies involving Dependants**

Guidance on leave for this purpose is covered at Appendix 2.

### **Jury Service**

Employees required to attend Court as a Jury member shall be granted leave as required – Headteachers could find themselves in contempt of court for not allowing such leave. Allowance for loss of earnings is claimed from the Court and an equal amount will be deducted from the employee's pay.

Jury service usually lasts for 10 days, but some trials take longer - jurors are usually warned in advance if a trial is expected to last a long time. Employees called up for Jury service should advise Headteachers of this as far as possible in advance, providing the Confirmation of Jury Service letter as confirmation of the requirement to attend Court.

### **Annual Training for Non-Regular Forces during Term-Time**

Employees in the Reserves or Territorial Army will require time off for their annual 15-day continuous training. Although it is not a legal right, employees in Leicester City schools will be granted up to two weeks paid leave (based on average earnings), less any payments received from the Army (excluding out of pocket expenses), to attend annual training.

Anyone joining the Volunteer Reserve Forces (VRF), or seeking to re-engage, gives permission for the Ministry of Defence to contact their employer to ensure the employer is aware that they have an employee in the VRF.

Financial compensation for employers is available if a reservist is called up for active duty. This includes money for replacing the employee - including one-off agency/advertising fees, and additional salary costs of up to £110 per day – and retraining when the reservist returns to their job, if this is demonstrated to be necessary. The claim for the cost of replacing the reservist must be returned within four weeks of the call-up. The claim for costs of retraining should be made following the reservist's completion of the retraining course. Information on such financial assistance is available on the Supporting Britain's Reservists and Employers (SaBRE) website ([www.sabre.mod.uk](http://www.sabre.mod.uk)).

## **NON STATUTORY LEAVE**

### **Maternity/Adoption Support Leave**

The expectant mother/adoptive parent may nominate an alternative primary carer to provide support at/around the time of the birth of her child and to assist with care of the child, eg, their mother or friend. In such cases, Headteachers have discretion to approve up to 10 days (pro-rata) Maternity/Adoption Support Leave to this nominated carer. Leave must be taken within eight weeks of the birth of the child.

To qualify for this leave, employees must have at least 26 weeks' continuous Local Government service by the 15th week before the expected week of childbirth/date of placement.

### **Employees called as Witnesses**

Headteachers **must** allow an employee time off to appear as a witness where they have been issued with a witness summons with which they must comply or risk being in contempt of court. Employees called as Witnesses should advise Headteachers of this as far as possible in advance, providing either the letter received from the police (prosecution witnesses) or defense solicitor (defense witnesses) as confirmation of the requirement to attend court.

Allowance for loss of earnings is claimed from the Court and an equal amount will be deducted from the employee's pay.

### **Employees taking legal action**

Employees instigating legal action themselves would be required to take any time away from work as unpaid leave.

### **Time off for Public Duties**

The benefits of staff getting involved in public duties and engaging with the wider community, along with the additional skills and experience they gain as a result, are acknowledged. Section 50 of the Employment Rights Act 1996 requires employers to permit employees who hold the following public positions reasonable time off to perform the duties associated with them:

- a magistrate, sometimes known as a justice of the peace;
- a member of a local authority, police authority, local education authority, governing body of an educational establishment or further or higher education corporation, health authority or primary care trust;
- a member of any statutory tribunal, an environmental agency, or of the boards of prison visitors;
- member of the General Teaching Councils for England and Wales;

In addition, employees in Leicester City schools may be granted time off for the following purposes.

- a member of certain committees when specifically nominated;
- a member of Youth Offending Panels;
- to allow attendance at meetings concerned with national or provincial council affairs;

A specific amount of time off is not laid down in law and there is no obligation on employers to pay employees during this time. However, in Leicester City schools, up to 10 days paid leave per year (pro-rata for part-time employees and job-sharers) or 18 days per year (pro-rata) when serving as a Magistrate/Justice of the Peace may be granted, subject to the needs of the school. Any leave authorised for other reasons will be in addition to leave for public duties.

Employees must agree any time off with Headteachers beforehand and should be aware that it may not be possible to grant paid leave at the requested time in all cases. Headteachers may not be able to grant a request if it is felt to be unreasonable. Whether your request for time off is classed as 'reasonable' depends on:

- what the duties are;
- the time needed to carry them out;
- the impact on the school;
- how much time has been already taken for public duties.

Where the employee participates in a Tribunal or Committee in Council time and receives a fee, this shall be paid over to the Council.

Employees thinking of taking on public duties are encouraged to investigate the time off likely to be required, which will vary depending on the nature of the role, and discuss this with their Headteacher at the earliest opportunity. It will aid this discussion if they think through the implications on their job and consider some possible solutions. Headteachers can then discuss with the employee how the time off can best be accommodated.

#### Magistrates/Justices of the Peace

Employees who volunteer as Magistrates are asked to commit at least 26 half-days per year to sit in court. Employers are required by law to grant reasonable time off work for Magistrates to fulfill this commitment: this Policy provides for a maximum of 18 days per year (pro-rata) to be granted, subject to the needs of the service. Magistrate duty rotas are finalised well in advance and so planning for these absences should be straightforward, as long as employees make Headteachers aware of leave requirements at the earliest opportunity.

Any individual wishing to serve as a Magistrate must apply in writing to the Governing Body, who should make them aware of the limitations and requirements of this Policy. Applications will be dealt with individually according to the requirements of the Lord Chancellor's Office. Where the application is supported by the Governing Body and subsequently accepted by the Lord Chancellor's Office, the Director of Children's Services should be informed of the employee's status as a Magistrate.

Magistrates are not paid for their services. Employees granted time off to carry out these duties should claim the following financial loss allowance/s (applicable from 1 May 2008), which can then be deducted from the employee's full pay:

Attendance of up to 4 hours (i.e. half a day)	£45.30
Attendance of more than 4 hours (i.e. full day)	£90.61

The equivalent sums will be deducted from salaries/wages for each half day/day of absence and these deductions credited centrally. Time-off for Magistrate duties should be recorded on the monthly return to enable Payroll to make the appropriate deductions. If an employee is absent for half a day, this should be clearly indicated on the service return (ie 'am only' / 'pm only').

#### Members of District Councils

Where the duties of office and attendance at meetings will involve absence from work, individuals intending to stand for election as members of District Councils must inform the Director of Children's Services of this intention in writing. This letter should confirm that their Headteacher has been informed and estimate the likely periods and frequency of absence.

Headteachers should make individuals aware of the relevant limitations/requirements of this policy. Absences (paid or unpaid) must be agreed by the Headteacher, or in the case of the Headteacher, the Chair of Governor and must be reported on the Monthly Service Return. Absence for part of a session will be treated pro-rata. Paid leave for members of District Councils will be granted on the following basis:

- Leader/Deputy Leader, Mayor or Chairman of large district council (population exceeding 250,000) – up to 20 days per annum.
- Leader or Deputy Leader, Mayor or Chairman of a small district council – or Chairman of a Committee of any district council – up to 18 days per annum.
- Members of councils not holding any of the above offices – up to 15 days per annum.

Where 5 or more days paid leave is granted for purposes such as other public duties or trade union duties, the basic maximum leave for the aforementioned duties will be reduced to 15, 13 and 10 days respectively.

Where less than 5 days paid leave is granted for special purposes, the total amount of leave for both public duties and special purposes, will not exceed the appropriate basic maximum.

#### Governing Body Meetings

Approval for leave of absence includes official duties in connection with service as a Governor, for example, membership of a working party in addition to attendance at Governing Body meetings. Schools are requested to arrange Governing Body meetings at convenient times for the Governing Body wherever possible.

#### **Special Leave for Participation in Sporting Competitions**

Headteachers may grant up to 5 days paid leave per year (pro-rata for part-time employees and job-sharers) to employees selected to represent the City, County or Country in a sporting competition on an amateur basis where the competition takes place on the employee's normal working day/s.

#### **Aggregation of Leave – Public Bodies, Non-Regular Forces, Sporting Competitions**

No more than 10 days (18 days for Magistrates/Justices of the Peace) paid leave per year (pro-rata for part-time employees and job-sharers) may be granted to an employee for the following types of special leave combined:

- Service on Public Bodies (including governing bodies);
- Volunteer Members of Non Regular Forces;
- Sporting Competitions.

#### **Time off for Medical Visits, Health Screening and Amica Counselling**

Employees are expected to request medical appointments, eg, doctor, hospital, dentist, health screening (for example, for cancer) and counselling appointments outside normal working hours wherever possible and to attend work before/after visits where appropriate. It is recognised that appointments for hospital treatment are generally outside the individual's control and so greater flexibility and sensitivity will be need to be exercised by Headteachers in such cases.

Optician appointments must **always** be made outside working hours, **except** where the Local Authority's scheme for regular VDU use applies, and in exceptional situations, ie, emergencies and where the DDA Applies to an optical condition (for example, retinopathy appointments).

With the exception of emergencies, advance authorisation to attend such appointments during working hours must be sought from Headteachers. Where a series of visits are anticipated, the timing and frequency of the appointments should be discussed in advance with the Headteacher in order for arrangements to be made both to assist the employee to attend and minimise the impact on service delivery.

Details of any illnesses need not be given, but employees are reminded of their duty of care to both themselves and others at work.

In the case of Amica Counselling appointments, because of the confidentiality involved an individual may feel more comfortable advising their HR Advisor of the need for them to attend such an appointment during working hours. In such cases, the HR Advisor would contact the Headteacher to advise of the need for paid leave and the timing of this, but would not disclose the nature of the appointment.

### Donation of Blood or Plasma

Necessary paid time off will be granted for the purpose of donating blood or plasma.

### Time off for Medical Visits - The Disability Discrimination Act 1995 (DDA)

Under the DDA, it is unlawful for an employer to treat a disabled employee less favourably for a reason related to their disability without justification. An employer also has a duty to make “reasonable adjustments” to prevent an employee from being placed at a substantial disadvantage. Allowing absence during working hours for rehabilitation, assessment, treatment or counselling are cited as examples of possible reasonable adjustments in the DDA Code of Practice. Some employees may need to take time off for such appointments at regular intervals, for example, every few weeks, every few months or each year, These absences should be relatively easy to manage, given that they can be planned with the employee beforehand.

### **Job Interviews**

Employees will be allowed paid leave if they are attending an interview within the Local Government Service. For staff covered by this Policy, this provision has been extended to include other state-funded schools, for example, trust, voluntary-aided and hospital schools, Academies, FE Colleges and independent schools, which are covered by the Redundancy Payments (Continuity of Employment in Local Government, etc) Modification Order 1999. The Civil Service, Nationalised Industries, New Towns and Development Corporations, Statutory Boards and the Health Service are classified as outside the Local Government Service and employees attending for interviews with these bodies will normally be entitled to time off without pay. This condition does not apply to staff in a redundancy situation, who may apply for reasonable paid time off for job hunting with any employer.

### **Time off for Work in the Community**

Employees can request one day's paid leave per academic year to support charitable work in the community and develop their skills. This work must directly assist the community, have relevance to the work of the School/Local Authority and be consistent with its priorities.

Those wishing to participate must be able to show that there is a benefit to those they are assisting and that the work helps develop them in their own jobs.

Advance approval, giving adequate notice, should be sought from Headteachers. Approval is subject to the overriding needs of the School. No additional cost should fall on the school, which means that employees who will have to be directly replaced cannot be released under this Scheme.

The employee will be required to sign an undertaking acknowledging that, during this leave, the school/Local Authority bears no responsibility for them/their actions, they accept the responsibility of being seen as a Leicester City Council employee and that they should conduct themselves in accordance with the relevant Code of Conduct.

### **Attendance at functions of significant importance to employees' family members**

For staff unable to take annual leave, paid leave (normally restricted to one working day) may be given, for example, for the graduation ceremony of son/daughter or the wedding of a close relative (child, parent, brother/sister, any other relative who normally resides with the member of staff or a person who stands in loco parentis to the member of staff or vice versa) on the actual day of the event. As much notice as possible of the event should be given. Support staff may be asked to take annual leave to cover such events.

### **Moving House**

For staff unable to take annual leave, paid leave may be given for the purpose of moving house during term-time where it is impossible for the move to take place during the holiday period. This leave would normally be restricted to one working day on the day of the move.

### **Additional time off/holidays**

Requests for leave of absence (paid or unpaid) for holidays during term time or to accompany a spouse/partner on a business trip/function may not be granted. One exception to this would be if the holiday was booked before the employee took up employment where the school had been notified of this in advance, in which case the leave granted would normally be unpaid.

### **Parliamentary Candidates**

Individuals offering themselves as candidates for Parliamentary/Local Authority elections do not receive their salary for absences while campaigning from the date of the writ to the day of the election. Employees standing as candidates for such elections are granted paid leave on the day of the poll only.

### **Leave of Absence for Urgent Personal Reasons**

Appendix 2 provides guidance on granting leave in such circumstances.

### **Attendance at Religious Festivals - Employment Equality (Religion or Belief) Regulations 2003**

These Regulations protect workers from discrimination on the grounds of religion or belief (as well as those who have no religion or belief) by outlawing:

Direct Discrimination – treating people less favourably than others on the grounds of religion or belief (or instructing someone else to behave in this way).

Indirect Discrimination – applying a provision, criterion or practice (whether intentionally or not) which disadvantages people of a particular religion or belief, unless it can be justified. To be able to justify it, employers have to show there is a real business need for the practice.

Harassment on the grounds of religion or belief – subjecting someone to unwanted conduct that violates their dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Victimisation – treating people less favourably because they made or intend to make an allegation about discrimination on the grounds of religion or belief, or because they have given, or intend to give, evidence under the regulations. As long as they were made in good faith, the allegations do not have to turn out to be true.

With regard to time off for observance of a religious holiday or festival, the Regulations require employers to try to accommodate this as long as the request does not interfere with the smooth running of the service in question. Employers may need to consider factors such as the health and safety, budgetary, and organisational implications of requests for time off. Employers must be careful not to follow a policy which favours employees with a particular religion or belief, as this would be directly discriminatory.

### Guidance for Schools

Forward planning on behalf of both Headteachers and staff for time off for observance of religious holidays/festivals is necessary. For their part, staff should give as much notice as possible of a leave request and be aware that Headteachers may not always be able to accommodate it. Headteachers should be mindful that such occasions are obviously of significant personal importance to the individuals concerned and so uncertainty over whether requests for time off will be granted until very near the occasion itself can cause unnecessary distress.

Although there is no express right to time off work for this purpose, Headteachers should sympathetically consider such requests where it is reasonable and practical for employees to be away from work. However, whilst it may be possible for one or a small number of employees to be absent, it may be difficult if numerous requests are made. In these instances, the Headteacher is recommended to discuss the matter with the employees affected, and their Trade Union/Professional Association. The aim of this discussion would be to explore all the available options to minimise the potential disadvantage to staff of a particular religion/belief and balance the needs of the school and all employees.

Headteachers should be aware that some religious festivals are based on the lunar months and therefore dates change from year to year. For example, the Muslim festivals of Eid-ul-Adha or Eid-ul-Fitr are approximately 11 days earlier every standard year. Furthermore, the dates of these festivals may not become clear until close to the actual day. However, although employees may not know the exact date for Eid-ul-Adha or Eid-ul-Fitr, they should be able to advise the possible dates that they may fall on. Employees should be aware that 'time off in lieu', for example, where the religious festival occurs at the weekend or outside term time will not be granted.

### **Extended Leave**

If a member of staff requests extended leave for the purpose of going on a pilgrimage, Headteachers should attempt to accommodate the request, bearing in mind that for many staff this is a once-in-a-lifetime experience. Where staff have an annual leave entitlement, the expectation is that this would be used. If the extended leave exceeds this entitlement, the excess days would be classed as unpaid leave.

Staff with relatives abroad may have particular religious/cultural needs for occasional extended leave for births, weddings and deaths. Headteachers should attempt to accommodate such requests if reasonable and practical.

**APPENDIX 1 LEAVE OF ABSENCE REQUEST FORM**

**Name:** .....

**Post:** .....

**LEAVE REQUESTED:**

**From:** ..... **To:**.....

**Number of Working Days:** .....

**Reason for Request:** .....

**Signed:** .....

**Date:** .....

-----  
**FOR HEADTEACHER/GOVERNOR USE:**

**No of Days Approved:** .....

With Pay            Δ

Without Pay        Δ

If    request    partially    approved/not    approved    reason    for    this:

.....  
.....

If request approved without pay, reason(s) for this:

.....

**Signed:** .....

**Date:**

Once completed, this Form should be retained by the School and a Copy returned to the member of staff for their records.

## **APPENDIX 2 - LEAVE FOR URGENT PERSONAL REASONS/DOMESTIC EMERGENCIES**

'Emergencies' are classed as situations that occur suddenly where employees are unable to give Headteachers notice of the leave requirement. In addition, all employees have the right to time off to care for a dependant in certain circumstances, including when the arrangements for a dependant's care are unexpectedly disrupted and where the employee has advance notice of the unavailability of childcare and is unable to make suitable alternative arrangements. Therefore, Headteachers need to consider the circumstances of the employee and availability of alternative childcare in the event of requests for time off to care for dependants/close relatives. Employees of Leicester City Council are entitled to be considered for paid leave to cover such situations.

'Dependant' is defined as a spouse, child, parent or person who lives in the same household as the employee, other than their employee or tenant. For this Policy, the definition of a 'close relative' includes children, parents, and spouse/partner. It also covers other relatives/close friends where the employee can demonstrate that they have been responsible for the individual's upbringing or the employee is the main carer.

### **Guidelines for Headteachers**

The main principle behind this Policy is to consider whether employees can claim emergency/domestic leave (paid or unpaid) to attend an emergency situation affecting him/herself or a close relative.

The term 'emergency' means "an unexpected event requiring immediate attention"; therefore the time required to address the emergency will be for a finite period. Once the need for immediate action has been addressed, the emergency will be considered to be over.

Although it's impossible to outline every scenario that may result in a request for leave, a few common examples are illustrated below:

- An employee is contacted at work to inform them that their child is unwell at school and needs to be removed. There is nobody available to collect the child and so the employee may be granted paid leave for the rest of the day.
- An employee's partner falls at home, breaking their arm. The employee takes them to hospital. In this situation, an employee may be granted one day's paid leave to deal with the emergency.
- An employee's child develops chicken pox and need to stay at home for two weeks. In this situation, the employee would usually be allowed one day's paid leave to allow them to stabilise the situation and secure alternative child minding assistance. Should it not be possible to secure alternative child-minding assistance and the employee has to remain with the child, any further leave required would be taken from the overall allowance for leave of absence.

The employee will need to submit a letter or Request for Leave Absence Form to their Headteacher, ideally in advance of the leave being taken, although it is recognised this will not be possible in most circumstances. In such cases, employees should complete the form/provide a letter immediately on their return to work. Whilst Headteachers should aim to be as flexible as possible when granting Emergency/Domestic Distress leave to employees, they must be mindful of the needs of the school. Headteachers should discuss all requests for emergency/domestic distress leave with the employee in an attempt to reach an amicable agreement, which may include combining a request for emergency/domestic distress leave with pay with an element of unpaid leave.

Employees may ask for written details of why any request has been declined or partly awarded.

## APPENDIX 2 - LEAVE OF ABSENCE POLICY FOR TEACHING STAFF

### Leave of Absence Policy for Teachers Based in Schools/Colleges and other Establishments

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**For ease of reference, the term ‘headteacher’ is used to cover headteachers, principals and managers and the term ‘school’ is used to apply to schools, colleges and other services covered by this policy.**

## **1. Purpose**

This policy sets out the circumstances in which teachers will be granted paid or unpaid leave of absence during term time. It aims to promote a fair, reasonable, non-discriminatory and consistent approach to granting such leave, recognising that there are occasions where discretion and flexibility need to be exercised.

The policy recognises that teachers do not have the discretion to take annual leave, and so provides for leave of absence in certain circumstances where other employees would be expected to use annual leave, such as to attend functions of significance to their family members or when moving house.

## **2. Scope**

This policy is recommended to governing bodies for adoption in schools for teachers in all LA establishments. It also applies to teachers employed to work in any centrally-managed service.

## **3. Legislative Framework**

The Education (Teachers) Regulations 1993, as amended by the Education (Teachers) (Amendment) (No 2) Regulations 1997, contain provisions specific to teachers.

In addition, a range of general legislation provides the right to time off for certain reasons, such as the Employment Relations Act 2004, Employment Rights Act 1996 and the Work and Families Act 2006.

This policy differentiates between leave of absence governed by statute and that over which some discretion may be exercised.

## **4. Authorisation of Leave of Absence**

In schools with delegated budgets, the authority to grant leave (with or without pay) rests with governors. However, headteachers have delegated powers to manage this policy. Leave for headteachers should be authorised by Chairs of Governors.

## **5. Reasons for, and amounts of, leave of absence**

**Appendix 2** sets out the reasons for which paid or unpaid leave of absence will be granted, the recommended maximum number of days per year, funding arrangements and further guidance.

## **6. Exercise of discretion**

When considering non-statutory requests for leave of absence, headteachers should have regard for fairness and consistency within the context of:

- The operational needs of the school including continuity of educational provision and health and safety;
- Budgetary implications
- The individual needs of the teacher concerned;
- The length of time requested;
- The amount of notice given.

Where permission has been granted, pay should not normally be deducted where the school does not incur costs and is not specifically identified on **Appendix 2** in the policy.

Teachers may ask for written reasons why a request has been declined or partly awarded.

## **7. Requests for, and recording of, leave of absence**

Requests for leave of absence should be made, giving as much notice as possible, by letter (stating the reason for the request and the relevant date(s)) or completion of a request for leave of absence form. A sample form that governing bodies may wish to adopt is at **Appendix 1**. Advance requests obviously cannot be made in the case of domestic emergencies, but teachers should notify the school as soon as possible of the reason for their absence and either complete a request form or provide a letter on their return to work.

Headteachers should retain accurate written records of leave requested, granted and not granted for reference purposes and for scrutiny by governors.

## **8. Time off for Medical Visits, Health Screening and Amica Counselling**

Teachers are expected to request medical appointments, e.g. doctor, hospital, dentist, health screening, counselling, outside normal working hours wherever possible and to attend work before/after visits where appropriate. However, it is recognised that hospital appointments are generally outside the individual's control and so greater flexibility and sensitivity should be exercised by headteachers in such cases.

Optician appointments must **always** be made outside working hours, **except** where the council's scheme for regular DSE use applies and in exceptional situations, e.g. emergencies or where the teacher's optical condition constitutes a disability (for example, retinopathy appointments).

With the exception of emergencies, prior permission to attend appointments during working hours must be sought. Where a series of visits is anticipated, the timing and frequency should be discussed in advance with the headteacher so that arrangements can be made both to assist the employee to attend and to minimise the impact on service delivery.

## **9. Donation of Blood or Plasma**

Employees wishing to donate blood or plasma will be allowed to do so during normal working hours. Prior permission for absence should be obtained in the same way as for medical visits

## **10. Right of appeal**

Any right of appeal against a decision not to grant leave would be to the Governors' Appeal Committee.

## **11. Policy abuse**

Any leave taken under this policy must be used only for the purpose for which it was requested. Failure to comply with any aspect of the policy may be dealt with under the disciplinary policy and could result in disciplinary action, up to and including dismissal.

## **12. Policy Review**

This Policy was ratified at Teachers` Negotiating Committee (TNC) in June 2014. It will be subject to review in line with relevant legislation and emerging good practice, with the involvement of relevant Trade Unions/Professional Associations.

**LEAVE OF ABSENCE REQUEST FORM**

<b>Name:</b>	<b>Employee Number:</b>
<b>Number of working days/hours requested:</b>	
<b>Date(s) requested:</b> From.....to.....	
<b><u>TYPE OF REQUEST</u></b> Emergency/Domestic Leave <input type="checkbox"/> Other Leave <input type="checkbox"/>	
<b>Reason for request</b>	

**Signed:**.....

**Date:**.....

**FOR HEADTEACHER/GOVERNOR USE:**

<b>No of days/hours approved:</b> With pay: Without pay
Reason(s) if request partially approved/not approved
Reason(s) if request approved without pay

**Signed:**.....

**Date:**.....

**Once completed, this form should be retained by the school and a copy returned to the Teacher for their records**

# APPENDIX 3

## Appendix 2

### RECOMMENDED MAXIMUM NUMBER OF DAYS PAID LEAVE PER ACADEMIC YEAR

# Headteachers will grant a total of up to 5 working days paid leave of absence per academic year for these reasons **combined**. Governors may extend this provision by a further 5 working days per academic year or beyond this in exceptional cases.

No more than 10 days (18 days for Magistrates/Justices of the Peace) paid leave per year (pro-rata for part-time employees) will be granted for the following types of special leave combined:

- Service on public bodies (including governing bodies)\*
- Volunteer members of non-regular forces;\*
- Sporting competitions (in the City, County or Country)\*

Reason	Recommended max days per academic year	Funding	Guidance
<b>Serious illness or death of a close relative or friend/domestic emergency/attendance at funeral</b> <i>(not limited to close relatives)</i>	5#	School	<p>An 'emergency' is defined as 'an unexpected event requiring immediate attention'. A teacher will, therefore, be unable to give notice of the leave requirement. The time required to address the emergency will be for a <b>finite period</b>. Once the need for immediate action has been addressed, the emergency will be considered to be over.</p> <p>Whilst headteachers should aim to be as flexible as possible when granting emergency/domestic distress leave, they must be mindful of the needs of the school. Headteachers should discuss all requests for such leave with the teacher in an attempt to reach an amicable agreement, which may include combining paid emergency/domestic distress leave with an element of unpaid leave.</p> <p>In addition, all teachers have the right to time off to care for a dependant in certain circumstances, including when the arrangements for a dependant's care are unexpectedly disrupted and where the employee has advance notice of the unavailability of childcare but is unable to make suitable alternative arrangements. Therefore, headteachers need to consider the</p>

			<p>circumstances of the employee and the availability of alternative childcare in considering requests for time off to care for dependants/close relatives. Whilst the statutory right is to unpaid leave, the council provides for paid leave.</p> <p>'Dependant' is defined as a spouse, child, parent or person who lives in the same household as the teacher, other than their employee or tenant. For this policy, the definition of a 'close relative' includes child, parent, and spouse/partner. It also covers other relatives/close friends where the teacher can demonstrate that they have been responsible for the individual's upbringing or are the main carer.</p>
<b>Functions of importance to family members</b>	1#	School	Paid leave will be given for, for example, the graduation ceremony of son/daughter or the wedding of a close relative (child, parent, brother/sister, any other relative who normally resides with the teacher or a person who stands in loco parentis to the teacher or vice versa) on the actual day of the event. As much notice as possible of the event should be given.
<b>Moving house</b>	1#	School	Paid leave, on the day of the move, will be given for the purpose of moving house during term-time where it is impossible for the move to take place during the holiday period.
<b>Job interviews for posts within local government</b>	5#	School	Teachers who are in a redundancy situation can apply for reasonable paid time off for job hunting with any employer.
<b>Examination</b>	5#	School	For actual period of examination (NOT study leave), for improvement of a teacher's qualifications, including reasonable travelling time.
<b>Religious festivals</b>	1# Option to grant 1 additional day's unpaid leave	School	<p>For observance of major religious festivals by a member of the faith concerned.</p> <p>Although there is no express right to time off work for this purpose, headteachers should sympathetically consider such requests where it is reasonable and practical for teachers to be away from work.</p> <p>The Employment Equality (Religion or Belief) Regulations 2003 protect workers from discrimination on the grounds of religion or belief (as well as those who have no religion or belief).</p> <p>Forward planning by both headteachers and teachers for time off is necessary. Teachers should give as much notice as possible of a leave request and be aware that the headteacher may not always be able to accommodate it. Headteachers should be mindful that such occasions are</p>

			<p>of significant personal importance to the teacher concerned, so uncertainty over whether time off will be granted until very near the occasion itself can cause unnecessary distress.</p> <p>Some religious festivals are based on the lunar months and, therefore, dates change from year to year. For example, the Muslim festivals of Eid-ul- Adha or Eid-ul-Fitr are approximately 11 days earlier every standard year. Furthermore, the dates of these festivals may not become clear until close to the actual day. However, although teachers may not know the exact date, they should be able to advise the possible dates.</p> <p>Whilst it may be possible for one employee, or a small number of employees, to be absent, it may be difficult if numerous requests are made. Where this is the case the headteacher is recommended to discuss the matter with the employees affected, and their trade unions/professional associations, with the aim of exploring all the available options to minimise the potential disadvantage to staff of a particular religion/belief and balance the needs of the school and other employees.</p> <p>No time off in lieu will be granted where a religious festival occurs at the weekend or outside term time.</p>
<b>Visits to other schools/colleges; educational visits; in-service education</b>	5	School	
<b>Annual training – non-regular forces*</b>	Up to 2 weeks	School	Employees serving in the Reserve Forces will be entitled to up to two weeks leave*(average earnings), less any payments received from the Reserve Forces (excluding out of pocket expenses), to attend their annual training camp. Any further requests considered will be for unpaid leave.
<b>Representing country/county at national/international sporting events*</b>	5	School	
<b>Delegate at:</b> - Church Synods (or equivalent) - T.U. conferences - Local government conferences <b>Committee member of national education body</b>	5	School	
<b>Governing body meetings (as a governor)</b>	5	School	Leave of absence will be granted for official duties in connection with service as a governor, for example membership of a working party, in addition to attendance at governing body meetings.

<p><b>Time off for work in the community</b></p>	<p>1</p>	<p>School</p>	<p>Teachers may request one day's paid leave per academic year to support charitable work in the community and develop their skills. This work must directly assist the community, have relevance to the work of the school/local authority and be consistent with its priorities.</p> <p>A teacher wishing to participate must be able to show that there is a benefit to those they are assisting and that the work helps develop them in their own job.</p> <p>Advance approval, giving adequate notice, should be sought. Approval is subject to the overriding needs of the school. No additional cost should fall on the school, which means that teachers who will have to be directly replaced cannot be released.</p> <p>The teacher will be required to sign an undertaking acknowledging that, during this leave, the school/local authority bears no responsibility for them/their actions, they accept the responsibility of being seen as a Leicester City Council employee and that they should conduct themselves in accordance with the relevant Code of Conduct.</p>
<p><b>Public Duties</b></p>			<p>No specific amount of time off is laid down in law and there is no obligation to pay for leave that is granted. However, this policy provides for up to 10 days paid leave per year (pro-rata for part-time teachers), or 18 days per year (pro-rata) when serving as a Magistrate/Justice of the Peace, to be granted, subject to the needs of the school. Any leave authorised for other reasons will be in addition to leave for public duties.</p> <p>Teachers thinking of taking on public duties are encouraged to investigate the time off likely to be required, which will vary depending on the nature of the role, and discuss this with their headteacher at the earliest opportunity. It will aid this discussion if they think through the implications for their job and consider some possible solutions. The headteacher can then discuss with the teacher how the time off can best be accommodated.</p> <p>Time off must be agreed with the headteacher in advance. It may not be possible to grant paid leave at the requested time in all cases and a headteacher may not be able to grant a request if it is felt to be unreasonable. Whether a request for time off is classed as 'reasonable' depends on:</p> <ul style="list-style-type: none"> <li>• what the duties are</li> </ul>

			<ul style="list-style-type: none"> <li>• the time needed to carry them out</li> <li>• the impact on the school</li> <li>• how much time has already been taken for public duties.</li> </ul>
<b>Member of Local Authority*</b>	15, 18 or 20	Central	<p>Where the duties of office and attendance at meetings will involve absence from work, a teacher intending to stand for election as a member of a District Council must inform the Strategic Director of Children's Services of this intention in writing. The letter should confirm that their headteacher has been informed and estimate the likely periods and frequency of absence.</p> <p>The headteacher should make the teacher aware of the limitations/requirements of this policy. Absences must be reported on the monthly service return. Absence for part of a session will be treated pro-rata.</p> <p>Paid leave will be granted on the following basis:</p> <ul style="list-style-type: none"> <li>• Leader/Deputy Leader, Mayor or Chairman of large district council (population exceeding 250,000) – up to 20 days pa</li> <li>• Leader/Deputy Leader, Mayor or Chairman of a small district council (up to 250,000 population), or Chairman of a Committee of any district council – up to 18 days pa</li> <li>• Council member not holding any of the above offices – up to 15 days pa</li> </ul> <p>Where 5 or more days paid leave is granted for purposes such as other public duties or trade union duties, the basic maximum leave for the roles above will be reduced to 15, 13 and 10 days respectively.</p> <p>Where less than 5 days paid leave is granted, the total amount of leave for both public duties and other purposes will not exceed the appropriate basis maximum.</p>
<b>Magistrate/Justice of the Peace*</b>	18	Central	<p>Magistrates are asked to commit at least 26 half-days per year to sit in court. Employers are required by law to grant reasonable time off work for magistrates to fulfill this commitment. This policy provides for a maximum of 18 days per year (pro-rata for part time teachers) to be granted, subject to the needs of the service. Magistrate duty rotas are provided well in advance, so planning for these absences should be straightforward.</p> <p>A teacher wishing to serve as a magistrate must apply in writing to the</p>

			<p>governing body, which should make them aware of the limitations and requirements of this policy. Applications will be dealt with individually according to the requirements of the Lord Chancellor's Office. Where the application is supported by the governing body, and subsequently accepted by the Lord Chancellor's Office, the Strategic Director of Children's Services should be informed of the teacher's status as a magistrate.</p> <p>Magistrates are not paid for their services. Teachers granted time off to carry out these duties should claim the allowances available and the equivalent sums will be deducted from salary for each half day/day of absence and these deductions credited centrally. Time-off for magistrate duties should be recorded on the monthly return to enable Payroll to make the appropriate deductions. If an employee is absent for half a day, this should be clearly indicated on the service return (i.e. 'am only' / 'pm only').</p>
<b>Meetings re national/provincial council affairs*</b>	10	Central	
<b>Certain committees when specifically nominated*</b>	10	Central	Where the employee receives a fee this must be paid over to the council.
<b>Regional or area health authority*</b>	10	Central	
<b>Tribunal or similar body*</b>	10	Central	Where the employee receives a fee this must be paid over to the council.
<b>Youth Offending Panel*</b>	10	Central	
<b>Candidate for parliamentary/LA election</b>	1	Central	A teachers offering themselves as a candidate for parliamentary/local authority election will not be paid for absences while campaigning, from the date of the writ to the day of the election. A teacher standing as a candidate for such elections is granted paid leave on the day of the poll only.
<b>Duties associated with local/national elections</b>	Day of poll only	Central	
<b>Jury service</b>	As required	Central	<p>Teachers called for jury service must be granted leave as required – headteachers could find themselves in contempt of court for not allowing such leave.</p> <p>Allowance for loss of earnings is to be claimed from the court and an equal amount will be deducted from the employee's pay.</p> <p>Jury service usually lasts for 10 days, but some trials take longer – jurors are usually warned in advance if a trial is expected to last a long time. The headteacher should be advised as soon as the teacher is called for jury service and the teacher should provide a copy of the letter calling them up.</p>

<b>Attending court as a witness</b>	As required	Central	<p>A teacher issued with a witness summons must be granted time off to attend court – headteachers could find themselves in contempt of court for not allowing such leave.</p> <p>Allowance for loss of earnings is to be claimed from the court and an equal amount will be deducted from the employee’s pay.</p> <p>The headteacher should be advised as soon as the teacher is summoned and the teacher should provide a copy of the letter received from the police (prosecution witnesses) or defense solicitor (defense witnesses).</p>
<b>Other reasons</b>		School	<p>Teachers may request paid or unpaid leave of absence for other exceptional situations not listed above. It is recommended that headteachers seek HR advice in such circumstances.</p> <p>Teachers instigating legal action themselves would be required to take any time off as unpaid leave.</p> <p>If a teacher requests extended leave for the purpose of going on a pilgrimage the headteacher should attempt to accommodate the request, bearing in mind that this may be an once-in-a-lifetime experience. Any extended leave granted would be on an unpaid basis, apart from the first day which would be paid in line with time off for religious festivals above.</p> <p>Teachers with relatives abroad may have particular religious/cultural needs for occasional extended leave for births, weddings and deaths. Headteachers should attempt to accommodate such requests if reasonable and practicable.</p> <p>Leave should not be granted for holidays or to accompany a spouse/partner on a business trip/function. One exception to this would be if the holiday was booked before the teacher took up employment and the school had been notified of this in advance, in which case the leave granted would normally be unpaid.</p>