



HAWKSWOOD GROUP

LEAVE OF ABSENCE MODEL POLICY & PROCEDURE (For School-Based Employees)

FEBRUARY 2020

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INVESTOR IN PEOPLE



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SECTION 1

OUTLINE OF POLICY

1.0 Introduction

- 1.1 The provisions outlined in this policy serve as a guide to the Headteacher and the Governing Body in determining fair and reasonable practices for staff leave of absence. Leave of absence may be defined as leave given in addition to annual leave and may be paid or unpaid.
- 1.2 The policy aims to maintain consistent, positive practices to minimise the negative effects of absence on pupil's learning and the imposition of increased pressure on colleagues. This may not entail identical decisions in all cases, as each individual case will be assessed according to circumstances.
- 1.3 When considering requests for leave of absence which require discretion to be exercised, the Headteacher or Chair of Governors should have regard to fairness and consistency within the context of:
 - a) the operational needs of the school;
 - b) the individual needs of the person concerned;
 - c) the length of time requested;
 - d) the amount of notice given.
- 1.4 The provisions within this policy are not exhaustive and if any requests for leave of absence fall outside this document, Headteachers may refer the matter to the Schools Human Resources Team for advice.
- 1.5 Where specific levels of provision are quoted in this document, these will be adjusted on a pro-rata basis for part-time employees where appropriate.
- 1.6 All entitlements of leave are based on a rolling 12 month period unless stated otherwise.

2.0 Scope

- 2.1 This policy will be applied to all employees of the school. Where the Headteacher has requested leave of absence, the Chair of Governors will consider the request.
- 2.2 The policy covers the provision of paid or unpaid leave requested under the following categories:
 - a) Special Leave (e.g. domestic leave);
 - b) Leave for Public Duties (e.g. Governing Body duties and jury service);
 - c) Bereavement;
 - d) Other Leave (e.g. job interviews and medical appointments).

- 2.3 This policy does not cover periods of absence for, sickness, maternity, paternity or adoption leave. Separate policies outline these provisions.
- 2.4 This policy complies with the National Agreement on Pay and Conditions of Service for local authority staff (green book) and Burgundy book for Teachers

3.0 Aims of the Policy

- 3.1 The aim of this document is to establish a clear policy on all leave entitlements in order to:
 - a) ensure consistency of approach in line with employment legislation and commitment to good employment practice
 - b) ensure fairness and flexibility, whilst recognising diversity and the cultural differences of employees
 - c) promote the joint responsibility of staff, school managers and Governors to find practical and flexible ways of working which meet the needs of the School, its staff and pupils.

4.0 Roles & Responsibilities

4.1 Role of the Headteacher

The role of the Headteacher is to:

- a) promote working arrangements that meets the needs of the School, its staff and its pupils.
- b) ensure all employees are aware of the Absence from Work policy and procedures.
- c) comply with legal requirements to give time off and paid leave.
- d) ensure employees are aware of the notice required to book leave and times of the year when annual leave may or may not be taken
- e) act fairly in applying the procedure.
- f) ensure that all absences are monitored.

4.2 Role of the Employee

The role of the employee is to:

- a) give as much notice as possible when requesting leave
- b) understand the paid and unpaid leave entitlement
- c) book medical appointments as far as possible outside of working hours and provide evidence of appointments booked where required

4.3 Role of Governing Body

The role of the Governing Body is to ensure that:

- a) the school adopts a clear absence from work policy;
- b) there is a clear procedure for applying for all leave of absence;
- c) the Headteacher carries out his/her responsibilities;
- d) to act consistently and fairly when considering any appeal following a refusal by the Headteacher to grant leave for personal reasons.

SECTION 2: OUTLINE OF POLICY

1.0 Making a request for Leave

- 1.1 Requests for leave of absence should always be made in advance and in writing. Such requests would not relate to INSET which is a management matter.
- 1.2 Governing bodies may wish to consider an appropriate form on which such an application may be made and an example can be found at **Appendix 1**. The Governing Body accepts that completion of this form may not always be possible, for example, when absence relates to a sudden domestic emergency. However the employee would be expected to notify the school as soon as possible of the reasons for his/her absence and the form completed upon their return.
- 1.3 Please note that any breach of the Leave of Absence Policy will be investigated and may result in disciplinary action.
- 1.4 The maximum overall allowance for all types of paid / unpaid special leave is 20 days. Leave is on a pro rata for part time staff.

2.0 Special Leave

2.1 Leave for personal and family reasons

- 2.1.1 In this section employees may receive up to 5 days at full pay and thereafter any additional days will normally be unpaid.
- 2.1.2 The purpose of the leave is to enable the member of staff to deal with an unexpected or sudden problem and to make longer term arrangements. If a member of staff knows in advance that they are going to need time off, s/he should arrange this in advance with the Headteacher by way of annual leave or parental leave if appropriate.

- 2.1.3 A dependent is classed as your child, stepchild, adopted child, , , , , parent, brother, sister, grand parent, step-parent, stepbrother or sister, half brother or sister.. This may also be anyone who reasonably relies on the employee for assistance.
- 2.1.4 The legal right only covers emergencies. If the member of staff knows beforehand that they are going to require time off they should speak to the Headteacher to consider other arrangements, for example, parental leave if it involves a child.
- 2.1.5 The Headteacher should be notified as soon as possible about the need to take time off.
- 2.1.6 As an example, if a child falls ill the leave should be enough to help the member of staff cope with the crisis – to deal with the immediate care of the child, visiting the doctor if necessary and to make longer term care arrangements. The member of staff would be expected to make these arrangements as quickly as possible Where employees have a husband//wife/partner that leave of absence should be equally shared by both parties where possible.

3.0 Leave for Public Duties

- 3.0.1 Members of staff considering taking up any of the following public duties should discuss the implications with the Headteacher and provide evidence. There may be occasions when it will not be possible to approve time off because of the need to maintain school services.

3.1 Governing body duties

- 3.1.1 Up to 5 days leave or equivalent may be granted on full pay in any one academic year to undertake formal governor duties.

3.2 Jury service

- 3.2.1 Staff whose attendance is confirmed as essential for jury service will be entitled to leave of absence with pay, less the amount claimable for loss of earnings.

3.3 Leave for magistrates and members of public bodies

- 3.3.1 Staff who are appointed as magistrates or who undertake duties connected with the work of local government or other public bodies shall be granted leave of absence with pay for the equivalent of up to 12 working days a year.

3.4 Leave for accredited representatives of recognised associations and unions

- 3.4.1 Staff who are also accredited representatives of recognised associations and unions shall be afforded union facilities and rights as agreed between such bodies and London Borough of Waltham Forest Council.

3.5 Court proceedings not specifically covered by regulations (i.e. being called as a witness)

3.5.1 Leave with pay for the necessary period of absence when such absence is unavoidable. Evidence of attendance should be provided.

3.6 Candidate or agent in Local Government Election

3.6.1 Up to 5 days paid leave will be granted from the date when the candidate's nomination is accepted until the date of election.

4.0 Bereavement

4.0.1 Death of a member of the immediate family (e.g. spouse/partner, child, parent, brother or sister)

4.0.2 Up to 3 days paid leave of absence may be granted at the discretion of the Headteacher. It is recognised that further support may be needed, such as counselling, Occupational Health referral or further paid/unpaid leave.

4.1 Illness/death of family/friends other than above (e.g. in-laws, aunt, uncle)

4.1.1 Up to 1 days paid leave of absence will be granted at the discretion of the Headteacher. If the travel for the funeral is over 4 hours then up to 3 days' paid leave can be granted.

4.2 Parental bereavement leave

The council recognizes losing a child is one of the most devastating and traumatic experiences a parent can face. The UK government has enshrined the parental bereavement law from April 2020. However, the council proposes to bring this statutory entitlement forward with immediate effect.

Parents and primary carers, will be entitled to 2 weeks leave at full pay if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy. Parents will be entitled to this leave irrespective of length of service and the entitlement applies in respect of each child.

5.0 Other Leave

5.1 Job Interviews

5.1.1 Where agreed in writing with the Headteacher, leave of absence will be given as appropriate for external interviews. Normally one day paid leave would be granted for an interview.

5.2 Religious festivals

5.2.1 Up to 3 days leave with pay may be granted on request subject to reasonable notice and exigencies of service in any one school year.

5.3 Additional holidays

5.3.1 Any leave requested in term time will not normally be granted. The only exception to this that might occur is if the holiday has been booked in advance of the employee taking up employment and the school has been notified in advance in which case the leave would be unpaid.

6.0 Medical appointments

6.1 Routine medical/dental appointments should be taken outside school hours.

6.2 We acknowledge there can be less flexibility for hospital/specialist appointments. In the first instance staff will be asked to change their appointments, if appointments cannot be changed to take place outside of school hours paid leave of absence may be granted should the appointment fall when the individual would normally be working

7.0 Antenatal appointments

7.1 Staff are entitled to paid time off to attend ante-natal appointments; however they are expected to arrange such appointments at times convenient to not only themselves, but also colleagues and the school. Reference should be made to the Maternity Leave and Pay Policy.

8.0 IVF appointments

8.1 Requests for time off to attend medical appointments will be treated sympathetically, and may be taken as sick leave or special leave. Employees should discuss their plans with the Headteacher at the earliest opportunity.

9.0 Absence for any other reason

9.1 There may be other exceptional situations not covered by this policy in which the Headteacher may wish to grant further paid or unpaid leave at his or her discretion.

9.2 Subject to relevant Conditions of Service, a member of staff who is absent otherwise than by leave granted shall receive no pay in respect of the period of such absence unless the necessary consent of the governors is obtained. Unauthorised absence may result in disciplinary action.

All requests for leave of absence must to be made formally to the Headteacher or, in the case of the Headteacher, to the Chair of Governors on the relevant form