

SPECIAL LEAVE OF ABSENCE POLICY

Approved by: The Trust Board

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Review Date: To be reviewed annually and updated as required

Owner: Human Resources Manager, Cumbria Education Trust

INTRODUCTION

1. Introduction

- 1.1 The Trust recognises that the success of its academies depends upon the contribution of all staff and gives full acknowledgement that a fair and effective policy on Leave of Absence contributes to the maintenance of staff morale and thereby to the success of the academy.
- 1.2 The Trust recognises that absence from duty by staff may occur for a wide variety of reasons including compassionate grounds, jury service or for other reasons. Personal illness or injury are covered by the employee's sickness absence scheme.
- 1.3 The Trust and individual academies will observe its statutory obligations.

All requests for time off work ideally should be made in writing to the Headteacher, giving as much notice as possible of when the time off is required. The request should indicate the reason for the request and also the expected duration of the absence.

The Headteacher will consider the request and advise the employee of their decision. If there are exceptional reasons why the request cannot be approved, the Headteacher will advise/discuss with the employee what these reasons are.

In dealing with requests for leave of absence in special circumstances the Headteacher will apply the principles set out below:

1. The cost to the academy of the leave in terms of salary, cover arrangements and organisational disruption.
2. The circumstances of the individual including previous paid and unpaid leave granted relative to the period of employment.

The special leave year commences in September.

Please also make reference to time off work as detailed within the Burgundy Book for Teachers and Green Book for support staff.

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1 Antenatal Care

Under section 55 of the Employment Rights Act 1996 (ERA), any pregnant employee, regardless of their service or hours, is entitled not to be unreasonably refused time off work, with pay, to keep appointments for antenatal care.

To qualify for this they must provide written confirmation of their pregnancy and evidence of their medical appointments e.g. an appointment card.

Antenatal care has been held to include not only standard visits to antenatal clinics but also attendance at relaxation classes and parent craft classes.

Employees are requested to bear in mind the requirements of their post when arranging such appointments. Although such leave would not unreasonably be refused, the Headteacher does have the right to request a change of time/date if the demands of the academy necessitate. We strongly advise that time off is granted wherever possible.

An employer is only obliged to allow time off where this is reasonable. In the case of a part-time employee, an employer might reasonably request that appointments are arranged outside of the contracted working hours, although this will depend on how much control the employee has over the timing of such appointments at the health centre.

2 Fertility Treatment

It is recommended that up to 5 days special leave is granted to staff undergoing fertility treatment.

3 Award Ceremonies

Leave of absence of up to one day with pay may be granted for attendance at degree ceremonies of close family members, subject to the approval of the Headteacher.

4 Duties as Partner to a Mayor/Mayoress or as Deputy Mayor/Mayoress

An employee undertaking duties in the role of partner to a Mayor/Mayoress (or as a Deputy) should be allowed time off, without pay. There is no specific limit to the amount of time but it should be that which is reasonable in the circumstances.

5 Elected Health and Safety Representatives

Elected health and safety representatives are allowed time off, with pay, in order to carry out these duties or to receive appropriate training in health and safety matters this is subject to provisions of the Burgundy Book for Teachers and the Green Book for support staff.

6 Election Leave

(a) Staff assisting as Presiding Officers, Poll Clerks and Counting Assistants

Leave with pay shall be granted for duties in connection with European, Parliamentary and Local Council Elections, subject to approval by the Headteacher.

(b) Prospective Parliamentary Candidates

Special unpaid leave of absence will be granted from nomination day until the day after the election.

(c) Local Council Candidates

Special unpaid leave for polling day will be granted.

7 Examinations & Study Leave

Leave of absence with pay may be granted for the purpose of sitting examinations applicable to the role at the academy.

In addition up to a maximum of three days leave of absence with pay (dependant upon the number of examinations being taken) may be granted for the purpose of revision for the final examinations at the Headteachers discretion. Normal reasonable time will be one day per final exam.

Employees undertaking a course relevant to their post and in agreement with the Headteacher could be allowed up to one-half day per week paid leave to attend study at an educational institution.

8 Holiday during term time

If an employee finds themselves in the situation where their residential partner is compelled to take their main holiday during term time for such reasons as staggering of holidays in industry, they should in the first instance discuss with the Headteacher the possibility of requesting unpaid leave.

9 House Removal

Home owners or tenants in own right who, on appointment, live more than 30 miles from the new place of work and sell their home within a reasonable period, may be granted up to two days paid leave for actual house removal. There is no right to paid time off work for those who move house which is not linked to changing jobs. Unpaid leave is at the discretion of the Headteacher.

10 Interviews

Reasonable time off with pay will be allowed for employees to attend interviews.

11 Jury Service

Where an employee is required to attend for Jury Service the procedure is as follows:

- Employee will receive a form from the Court which they should forward to their Headteacher.
- The Headteacher retains a copy of the form on the employee's personal file.
- The academy will complete and certify any documentation relation to the confirmation of the employees earnings and daily rate of pay.
- The Employee will be paid by the Court for their attendance.
- The Court will confirm in respect of payment(s) they have made to the employee and will return this information to the employee.
- The employee should return this information to the Finance Department who will then deduct from the employee's salary payments which have been made by the Court in respect of loss of earnings.

12 Medical Screening

Employees shall be granted necessary paid time off for the purpose of medical screening. Evidence of appointment should be produced if requested.

13 Parental Leave

Employees who have more than one year's continuous service will be entitled to 18 weeks' unpaid parental leave for each child born on or after 15 December 1999. This entitlement applies to children up to age 18.

This entitlement also applies to children under age 18 adopted after 15 December 1999 for a period of 5 years from the date on which a child is placed for adoption (or until the 18th birthday, whichever is the

sooner). If the child has been awarded disability living allowance then parental leave can be taken up to the child's 18th Birthday.

Leave can only be taken in blocks of one week or more up to a maximum of four weeks' leave in a year.

The employee must give their Headteacher 21 days' notice of taking leave, and, the employer can postpone leave for up to six months "where the operation of the employer's business would be substantially prejudiced."

14 Personal Medical/Dental Appointments

There is no entitlement to leave with salary for doctor or dental appointments there is an expectation that such appointments will be made in the employees own time.

15 Public Duties

Employees who are members of the Non-Regular Forces shall be entitled to attend Summer Camp or similar training activities.

Employers must also co-operate when call-out notices are issued. The rules and regulations governing call-out have been changed as a result of the Reserve Forces Act 1996 which took effect from 1 April 1997.

By virtue of section 50(1) of the ERA, an employer shall permit an employee who is a Justice of the Peace to take time off during the employee's working hours for the purpose of performing any of the duties of office. The right includes time spent sitting in court and attending the required training sessions, plus visits to various prescribed institutions.

Membership of various committees, such as the Probation Committee and a panel such as the Youth Panel of the Court are also covered.

For employees who are a Member of a Local Authority (as defined by Section 40 of the Local Government Superannuation Act 1937), leave with salary up to a maximum of 208 hours (approximately 28 days), (pro rata for part-time employees) may be granted in any one year, together with such additional leave without salary as may be necessary (subject to Departmental/Unit requirements) for duties and attendance at meetings as a Member of a Local Authority or of any Committee or Sub-Committee thereof. (It is not necessary to pay any fees received for attendance at meetings into the County Fund).

Under section 50(2) of the ERA further categories of membership are identified which give employees a statutory right to time off. These are Membership of a Statutory Tribunal, a Police Authority, a Board of Prison Visitors or a Prison Visiting Committee, a relevant Health Body, a relevant Education Body, or the Environment Agency.

The amount of time off which an employee should generally be permitted for public duties, is that which is reasonable in all the circumstances. In the event of a dispute, tribunals decide what is reasonable by reference to the following particular factors:-

- How much time off is required for the performance of the duties of the office or as a member of the body in question, and how much time off is required for the performance of the particular duty for which time off is requested?
- How much time off the employee has already been permitted for public duties, or for trade union duties or activities?
- The circumstances of the employer's business and the effect of the employee's absence on the running of the business.
- In granting leave to cover these supplementary duties, the Headteacher will have regard to the needs of the academy and reserves the right to insist that a public duty does not take preference over academy duties.

16 School Governors

Employees appointed as School Governors may be granted up to a maximum of ten half days (five days) paid leave per annum, subject to agreement with and the approval of the Headteacher.

Additional leave without pay may be granted as necessary by the Headteacher subject to the exigencies of the service and academy requirements.

17 Special Constables

Employees who are Special Constables shall be granted one weeks paid leave to undergo necessary training.

Unpaid leave may be granted for Special Constables attending as witnesses at trial at the discretion of the Headteacher.

18 Trade Union Members

Employees who are trade union members should be allowed to take reasonable time off work to take part in the following trade union activities:

- (a) to take part, as a representative or delegate, in meetings of the trade union executive committee or annual conference
- (b) voting at the workplace in union elections;
- (c) to attend union meetings called during working hours.

Such time off will normally be without pay unless otherwise agreed and be subject to the prior approval of the Headteacher.

There is **no right** to time off for trade union activities which themselves consist of industrial action.

If an official or a member of a union is refused time off for trade union duties/activities then they have the right to complain to an industrial tribunal within three months of the refusal.

19 Trade Union Officials

Employees who are trade union officials (an employee who has been elected or appointed by a union to be a representative of the union members in a workplace) should be allowed "reasonable" time off work with pay, ("reasonable" means that the employer can take account of the needs of the business), subject to appropriate prior approval, to undertake the following duties:

- (a) collective bargaining with the appropriate level of management;
- (b) informing employee members about negotiations or consultations with management;
- (c) meeting with other lay officials or with full-time union officers on matters which are concerned with industrial relations between his or her employer and any associated employer and their employees;
- (d) interview with and on behalf of employee members on grievance and discipline matters concerning them and their employer;
- (e) appearing on behalf of constituents before an outside official body, such as an employment tribunal, which is dealing with an employee relations matter concerning the employer;
- (f) explanation to new employees whom he or she will represent of the role of the union in the workplace employee relations structure.

Where there is some element of doubt as to whether a matter is a trade union duty, the academy must exercise its discretion (it is good practice for the academy to consult with both their HR Provider and a relevant full time Trade Union Official).

20 Trade Union Safety Representatives

Employees who are trade union safety representatives are allowed time off, with pay, in order to carry out their duties or to receive appropriate training in health and safety matters.

21 Training for Trade Union Officials

Trade union officials should be allowed a reasonable amount of time off work with pay in order to attend relevant training courses approved by the T.U.C. or the official's union. Such time off is always subject to the prior approval of the Headteacher.

22 Under notice of Redundancy

An employee who has been given notice of redundancy must be allowed to take a reasonable amount of time off, with pay, to look for new employment or to make arrangements for training for future employment.

This right is dependent on the employee having at least one years' continuous employment by the date on which the notice is due to expire, or by the date on which it would expire had the statutory minimum period of notice been given.

23 Urgent Domestic Reasons

Headteachers can grant special leave in respect of urgent domestic reasons which may include, for example, bereavement, compassionate leave and family sickness. This also includes personal events or emergencies which, if response were to be delayed, would result in significant personal loss to the individual. Each case would need to be judged on its merits.

The following list of examples is non-exhaustive and the Headteacher may exercise discretion up to the limits described. Paid leave in excess of this shall not normally be granted.

Absence With Pay	Days per Annum -All Staff
<ul style="list-style-type: none"> Family Care including illness or injury of a significant other giving rise to serious domestic difficulties 	period reasonably necessary but not normally more than 3 days
<ul style="list-style-type: none"> death (inc. funeral) of a significant other 	period reasonably necessary but not normally more than 5 days
<ul style="list-style-type: none"> personal events or emergencies i.e. an event which, if response were to be delayed, would result in significant personal loss to the individual. 	1 day

In addition, since December 1999, all employees have a statutory entitlement to a reasonable amount of unpaid time off to deal with domestic incidents. These are defined in the legislation as incidents where it is necessary for an employee to take action which is:-

1. to provide assistance when a dependant falls ill, gives birth or is injured or assaulted
2. to make arrangements for the provision of care for a dependant who is ill or injured

3. in consequence of the death of a dependant
4. because of the unexpected disruption or termination of arrangements for the care of a dependant
5. to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him/her

A dependant is:

- a spouse
- a child
- a parent
- a person who lives in the same household as the employee eg a live in partner, but not someone living there as an lodger, tenant or employee

NB for the purposes of 1 and 2 above, a dependant is any person who reasonably relies on the employee for assistance but does not live with them. For the purposes of 4, a dependant is any person who is reliant upon the employee for making arrangements for care e.g. an elderly relative who does not live with the employee.

24 Weather

Reasonable time off with pay for accepted impossible travel because of the weather or other public crisis.

25 Weddings / Civil Partnerships

Leave without pay for the day of the wedding of a close family member at the discretion of the Headteacher.

26 Witness in Court

An employee, summoned to attend Court as a technical witness and where their appearance is in a capacity deriving from their employment with the academy, should be allowed time off work with pay. A claim should be submitted to the Court for loss of overtime pay where applicable, and travelling and subsistence expenses incurred.

An employee giving evidence under other circumstances, or litigating on his or her own behalf, would be expected to advise the Headteacher who may grant unpaid leave.