



Solihull Metropolitan Borough Council

Leave of Absence Policy (Schools)

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.

This Model Policy was provided by the Solihull School's HR Service. The school must undertake negotiation and consultation with the relevant Trade Union/Staff Association representatives before this policy is adopted by the School Governing Body. Advice is available from your HR provider on how to undertake this, if required.

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1.0 Scope and Purpose

This policy applies to all teaching and support staff employed atSchool.

The policy provides guidance on the leave of absence arrangements staff may request, which fall outside of the provisions already set out within the following documents:

- Adoption Scheme – Employee Guidance
- Conditions of Service for School Teachers in England and Wales (The Burgundy Book) Memorandum of Agreement for the Release of Teachers
- Flexible Working Policy – the right to request and the duty to consider
- Maternity Scheme (Teachers) / Maternity Scheme (Non Teachers)
- Parental Leave Scheme
- Paternity and Maternity Support Scheme
- Sickness Absence Management Policy
- Trade Union Time and Facilities Agreement

The purpose of the policy is to ensure that all staff are aware of the leave of absence provisions and requests for leave are dealt with in a fair and consistent way.

Statutory and discretionary leave of absence provisions exist to allow staff to manage their work and home life, by offering arrangements that enable them to balance their working life with other priorities.

2. 0 Principles

The Governing Body recognises the importance of supporting staff in aspects of their lives which are external to their day to day working lives, but which may from time to time require leave of absence from their working duties.

Members of staff are encouraged to make personal arrangements outside their normal working hours whenever possible, in order to minimise the impact on their jobs and their colleagues and pupils' education. Staff should have regard to future commitments and school holidays and schedule commitments accordingly. However, it is recognised that on occasions this may not be possible for reasons beyond a member of staff's control.

The spirit of the policy is to give sufficient discretion and flexibility to the Head teacher to enable him / her to respond sensitively and fairly to individual circumstances, whilst acting consistently and ensuring service standards are maintained.

3 0 Roles and Responsibilities

3 .1 Head teacher/ Chair:

- To consider requests for leave of absence in line with this policy, having regard to the nature of the request, statutory obligations, service needs, the member of staff's eligibility, any previous requests and the degree of flexibility that the member of staff already has in his / her current working arrangements.
- To ensure consistency and fairness when considering requests, and approving or refusing leave.

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- Where requested, or in circumstances where clearly appropriate, to maintain confidentiality with regard to the reasons relating to staff requests for leave.
- To ensure that the Human Resources Shared Service Team is informed of any leave of absence arrangements which affect pay.
- To keep up to date records of leave requests, updating the appropriate documents or Manager Self Service where available.
- To ensure a member of staff is not subjected to detriment for requesting to take leave of absence, or for taking any leave which is approved.
- Where discretion is exercised, full consideration is given to all the circumstances of the case, including (where appropriate) the closeness of the personal relationship of the person affected and conditions of service of the member of staff. Teachers and school based support staff whose holiday periods are defined by school holidays may need to be granted discretionary paid or unpaid leave during term time. Any costs of supply cover for time off granted under this policy will have to be met from the school's budget.

3.2 Members of staff :

- To ensure all leave of absence has been approved. Wherever possible requests should be made in advance and in writing.
- Submit leave requests to the Head teacher. Head teachers should submit leave requests to their Chair of Governors. Delegated responsibility may be given in the Head teachers absence.
- To plan ahead with regard to future commitments and possibilities, and where possible to use the school holidays.
- Do not assume that a leave of absence request will be approved.
- In emergency situations, to notify the Head teacher as soon as reasonably practicable, giving the reason for the absence and how long they expect to be away from work to deal with the emergency. In these circumstances written confirmation of the dates and reason for absence should be obtained at an appropriate time.
- Not to abuse the provisions in this policy; any abuse will be dealt with in accordance with the Disciplinary Procedure, or during the probationary period in accordance with the Probation Policy. Any monies paid for inappropriate or fraudulently obtained leave will be repayable to the employer.
- To be aware of pension implications when taking leave of absence.
 - LGPS/NHS employees may elect to buy any or all 'lost' pension through an Additional Pension Contribution (APC). If this is done within 30 days of returning

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to work the Council/ School shall pay two thirds of the cost of the APC (a shared cost APC) and you will pay the remaining one third. If you make your election past the 30 day deadline the Council/ School will not make a contribution to the APC and the full cost has to met by yourself. Where you choose to stop contributions during the same period this will not count towards reckonable service for pension purposes until contributions are resumed.

- Further advice can be sought from the LGPS by following the links at www.wmpfonline.com or by calling 0300 111 1665
- Please note that if a member of staff is a member of the Teachers' Pension Scheme (TPS), pension contributions cannot be paid for periods of unpaid leave.
- Further advice can be sought from the TPS by following the links at www.teacherspensions.co.uk or by calling 0845 606 6166

This may also effect other benefits such as National Insurance and tax contributions. Further advice should be sought from Human Resources

3.3 Human Resources

- To provide advice, guidance and support
- To process payroll information received in relation to leave of absence

4.0 PROCEDURE

4.1 Requesting Leave of Absence

Except in emergencies, permission to take any of the leave of absence outlined in this policy must be requested as far in advance as possible using the appropriate form. A pro forma for this purpose is shown in Appendix 1.

This pro forma should not be used to request annual leave, adoption, maternity, parental, paternity or paternity/maternity support leave,as each associated policy contains the relevant form.

Where a request for leave of absence is refused, the member of staff should be advised of the reasons for this decision.

4.2 Recording Leave of Absence

The request form will provide the member of staff with a record of the leave of absence that they have requested, and any approved leave, which must be signed for by their Head teacher/ Chair of Governors **A person designated by the Head teacher, will record ALL leave taken, whether paid or unpaid, full day or part day, on the employee's record or in Oracle using Manager Self Service where it is available.**

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In areas where Manager Self Service is not currently available, ALL leave taken, will be reported to Human Resources Shared Service Team in the normal way by using the relevant electronic form.

In emergencies, where it is not possible to request leave in advance and in writing, staff must notify their Head teacher as soon as reasonably practicable, giving the reason for the absence and how long they expect to be away from work to deal with the emergency. In these circumstances written confirmation of the dates and reason for absence should be obtained at an appropriate time.

4.3 Unauthorised Absence

Unauthorised leave of absence should be dealt with in accordance with the school's Disciplinary Policy, and salary will be deducted accordingly following written notification being sent to the member of staff.

If unauthorised absence occurs during the probationary period, it will be dealt with as a disciplinary offence in accordance with Probation Policy, and salary will be deducted accordingly following written notification being sent to the member of staff.

5.0 BEREAVEMENT/ COMPASSIONATE LEAVE

The Head teacher may grant permission for leave to be taken in cases of bereavement in the immediate family.

Leave may also be granted on other compassionate grounds such as the critical illness of a close relative or where there are serious personal / family problems.

The number of days granted shall depend on individual circumstances and/or considerations outlined below. In exceptional circumstances this period may be extended at the discretion of the Governing Body.

Considerations

▪ **The relationship of the member of staff to the deceased**

Leave with pay will be granted following the death of close family members. This need not necessarily be a traditional family relationship; for example live-in partners of either sex should be treated in the same way as a spouse. Equally the closeness of a relationship should be taken into account; for example the deceased person may have raised or lived with the member of staff. .

▪ **The Timing and Location of a Funeral**

Up to one day's leave should normally be granted to attend a funeral. However, location, the distance a member of staff may have to travel and any other 'access' difficulties (e.g. availability of public transport etc) may need to be taken into account.

▪ **Responsibility for the Affairs of the Deceased**

A member of staff may be responsible for arranging the funeral and/or sorting out the will or other administration etc. In these circumstances account needs to be taken as to

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whether or not he / she carries sole responsibility, or whether it is shared with other family members.

- **Time to overcome the loss**

Grief will affect different members of staff in different ways and the Head teacher will be sensitive to this. In appropriate circumstances staff will be encouraged to visit their GP, to seek bereavement counselling or referred to Occupational Health for advice.

- **Religious Duties**

A member of staff may have a religious duty to observe a specific mourning period.. The Head teacher will respond sensitively and consistently to requests for additional leave. Any additional leave approved will normally be unpaid, unless the member of staff requests use of flexible working arrangements where appropriate.

- **Other special circumstances**

Account will be taken of any other special circumstances that create additional unforeseen difficulties. For example the sudden death of a spouse may require the remaining spouse to make child care arrangements.

The number of days authorised should be appropriate to individual circumstances. **Up to 5 days paid leave may be provided. This is a benchmark for Head teachers and is not intended to imply a minimum, or in exceptional circumstances, a maximum entitlement.**

6.0 DEPENDANT CARE LEAVE

The right to dependant care leave applies to all staff regardless of their length of service. It entitles them to time off for emergencies involving their dependants, and in order to make any necessary longer-term arrangements for their care.

The Head teacher may grant **up to 3 days paid leave** during a 12 month period (i.e. academic year)

The Statutory right is for unpaid leave and there is no limit to the number of times a member of staff may request dependant care leave, therefore any further requests over and above the entitlement outlined above will be taken as unpaid leave.

Requests for additional paid dependants care leave may be considered under bereavement/ compassionate leave (Section 5.0).

The right is not for time off for the on-going care of dependants. If for example a dependant is unwell and requires on-going care, a member of staff is not entitled to time off to look after them beyond responding to an emergency or whilst making longer-term arrangements for their care.

In circumstances where dependant care leave is not sufficient, staff should discuss the issues with their Head teacher or they may request to make a permanent change to their working pattern through the Flexible Working Policy.

Definition of a Dependant

A dependant is defined as:

- The wife, husband, child or parent of a member of staff , or any other person who lives in the same household as, or is the responsibility of him / her but who is not their employee, tenant, lodger or boarder. This means that unmarried couples, including same sex couples, are included in the definition of a dependant, as are stepchildren and elderly relatives who are the responsibility of the member of staff..
- Any person who reasonably relies on a member of staff for assistance in cases of illness or injury or where care arrangements break down. For example a dependant includes a relation whom he / she looks after, or an elderly neighbour who suffers an injury, where the member of staff is the person who is closest at the time of the injury.

The Timing of Dependant Care Leave

Dependant leave can be taken:

- If a dependant falls ill, gives birth, or is injured or assaulted. An illness (physical or mental) or injury need not be life threatening or serious, and it may be the result of a deterioration of a pre-existing condition. A member of staff can take leave to assist a dependant who is giving birth but not after the birth of the child (in these circumstances please refer to the parental and paternity and maternity support leave provisions)
- To make longer-term arrangements for the provision of care for a dependant who is ill or injured.
- To deal with unexpected disruption or breakdown of arrangements for the care of a dependant. A member of staff will be allowed time off if the dependant's normal carer, for example a childminder or nurse, is unexpectedly absent.
- To deal with an unexpected incident during normal working hours involving the member of staff's child.

The right is intended to cover usually unforeseen and emergency situations. However, the school will consider events which may be foreseen, but which are of a serious nature such as to make the presence of the member of staff necessary. The latter is at the absolute discretion of the Head teacher/ Governors, and may include such circumstances as accompanying dependants to medical appointments where the presence of the carer is required

Notification

Staff must inform the Head teacher of:-

- the reason for their absence as soon as reasonably practicable; and
- the likely duration of the absence.

If a member of staff fails to reasonably notify the Head teacher and provide a reason for their absence, the leave will be treated as any other unauthorised absence in accordance with Section 4.3 of this policy.

7.0 MEDICAL LEAVE

7.1 Leave of Absence for Medical Appointments

For guidance on attending medical appointments please refer to Appendix 5 of the school's Sickness Absence Management Policy. This is available from the School Office.

7.2 Blood Donation and Medical Screening

The school will grant reasonable paid time off for blood donors and for the purpose of cancer screening, where it has proved impractical to attend outside normal working hours.

The member of staff should liaise with the Head teacher to agree a mutually convenient time so that operational arrangements are not affected.

7.3 Fertility Treatment

The school recognises that experiencing problems with infertility can be very stressful for staff, and that the timing of some treatments is critical. This will be given due consideration when leave for fertility treatment is requested. Treatment may include obtaining medical advice, tests, operations or courses of treatment.

The school will grant up to **10 days' paid leave** in any one year for a member of staff to undergo fertility treatment. The year will run from the first date that leave for fertility treatment is approved. If a member of staff requires time off in excess of 10 days, they should make use of school holidays. Alternatively unpaid leave may be requested.

A member of staff requesting time off may be required to produce documentation confirming details of appointments.

7.4 Elective Surgery

Where surgery is considered to be elective and not medically necessary there is no entitlement to paid time off. This includes cosmetic surgery, which is concerned with the enhancement of appearance through surgical and medical techniques and procedures. In these situations, members of staff should use school holidays.

For cosmetic surgery that relates to a medical condition and is supported by a medical certificate, the usual sickness absence provisions apply. Please refer to the School's Sickness Absence Management Policy.

8.0 PERSONAL DEVELOPMENT LEAVE

8.1 Exam and Study Leave

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Paid leave of absence will be granted where the study/ training has been approved by the School and is a requirement of the job. Members of staff will be granted paid leave for the duration of any mandatory exams. Where such exams are being taken, 1 day's revision leave with pay may be taken.

This arrangement does not apply to students attending block or day release courses and will not be offered when re-sitting exams.

Where study is not a requirement of the job role, the Head teacher may wish to give careful consideration to requests. At their discretion unpaid leave may be appropriate.

Unpaid leave may also be granted through a Statutory Request for Time to Train or Study.

Please note if the member of staff is 18 years of age or under please contact Human Resources for advice about leave for study and training.

8.2 Interviews

Reasonable leave with pay will be granted, for the purpose of attending interviews within the Authority, with another Local Authority or School.

Paid leave may also be granted where a visit to another Local Authority or school forms part of the recruitment and selection process.

Reasonable leave with pay will also be granted, for members of staff, under notice of dismissal for reasons of redundancy to:

- Attend interviews
- Look for new employment
- Make arrangements for training for future employment

Leave can be refused if the number of occasions requested is excessive.

8.3 Examiners' Meeting

Prior agreement has to be obtained from the Head teacher before a member of staff will be released to take on the role of a subject examiner for an examination board. This also applies to the number of days release required and is subject to the exam board reimbursing the school.

9.0 PUBLIC AND VOLUNTARY DUTIES

9.1 Time off for Public Duties

Where a member of staff holds a public office or public position, which may include

- (1) A Justice of the Peace (magistrates); or

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- (2) An official member of :
- a local authority;
 - a statutory tribunal;
 - a police authority;
 - a managing or governing body of an educational establishment;
 - relevant health, education, water and river authorities
 - the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
 - the Environments Agency and the Scottish Environment Protection Agency;
 - a board of prison visitors or visiting committee to prisons, remand centres and young offender institutions;
 - the General Teaching Council for England and the General Teaching Council for Wales.

They have a right to reasonable time off work in order to perform the duties associated with that position (Employment Rights Act 1996, section 50)

Under normal circumstances the school will grant **a maximum of 20 days (or equivalent for part time employees) in a 12 month period**. This time will be paid at the normal rate of pay during periods of time off for public duties subject to the deduction of any monies received from the relevant authority in respect of the duties performed, which the member of staff must declare.

Leave should be agreed with the Head teacher and notification provided as far in advance as possible. Approval of time off for public duties will be subject to operational / school requirements and whether other staff already have similar commitments.

9.2 Jury Service or Witness Leave

Staff called up for jury service should advise their Head teacher. When requesting leave the member of staff should provide a copy of the court summons, and should then submit a claim to the court for loss of earnings. A claim form for this purpose may be obtained from the court.

Staff will continue to be paid whilst on jury service at the normal rate of pay, subject to the deduction of any monies received from the court in respect of loss of earnings.

The school will advise the Human Resources Shared Service Team of the amount received (excluding any expenses) from the court and they will arrange to deduct this amount from salary in the following month.

Leave of absence will be approved if staff are required to be a witness in a criminal case subject to the above.

9.3 Volunteer Reserve Forces and Special Constables Leave

Staff in the Volunteer Reserve Forces or volunteer as Special Constables may be granted **up to 10 working days per year with pay (or equivalent for part time employees)** in order to attend mandatory training.

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N.B. Staff should wherever possible endeavour to accommodate their training commitments during the designated holiday periods or weekends.

Please refer to Human Resources for further information regarding mobilisation.

10 OTHER CIRCUMSTANCES

10.1 Religious Observance Leave

Staff whose religious duties are not covered by weekends or Bank or Public Holidays may need time away from work. This can include days off for religious festivals, time away from work during the day for prayer, and adjusting working time to accommodate periods of fasting or requirements to cease work by a particular time.

Please be aware that some religious events occur on different dates each year.

Requests for time off for religious observance will be considered sympathetically and on a case by case basis. The school will give consideration to adjusting work patterns, wherever appropriate or approving unpaid leave to enable employees to participate.

Requests should be made to the Head teacher in the first instance, who can seek information and advice from Human Resources or the Equalities and Diversity Team.

10.2 Special Leave

In addition to the leave of absence described in this and other policies, there may be other special circumstances in which members of staff may need to take leave of absence. Such circumstances may relate to emergencies or planned events and will be considered as outlined below.

10.2.1 Paid Leave

At the absolute discretion of the Head teacher/ Governing body, paid leave may be considered in personal domestic circumstances that are not covered by these specific arrangements and where the employment contract restricts use of alternative flexible working arrangements or annual leave. **Such leave should not normally exceed one day on any one occasion.** Examples may include one day's paid leave to attend the wedding or civil ceremony of a close relative, graduation of a spouse or own children, moving house.

10.2.2 Unpaid Leave

Where requests relate to longer term periods of leave, such as, voluntary services overseas or participating in sport or the performing arts at a high level the Head teacher/ Governing Body may, at their discretion and in line with service requirements, **approve unpaid leave of up to 1 month.** Where requests for leave of absence extend beyond this, the Manager/ Head teacher should refer to Human Resources for advice.

In school careful consideration needs to be given when approving leave of absence to ensure it is compliant with School Teachers Pay and Conditions document and the schools Cover and Planning, Preparation and Assessment Policies.

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Appendix 1: PRO-FORMA

..... **School**
REQUEST FOR LEAVE OF ABSENCE

PERSONAL DETAILS

Your Name:	
Your Job Title:	
Your Contact Telephone No:	
Name of Line Manager/ Head teacher:	

DETAILS OF REQUEST

Dates From:	To:
Reason for Request:	

APPROVAL (Head teacher)

Your request for leave is approved:		
YES with pay <input type="checkbox"/>	YES without pay <input type="checkbox"/>	NO <input type="checkbox"/>
if No please give reasons below		
Reason(s):		
Head teacher Signature		
Date		

ACTION/ RECORD (HR Shared Service/ Oracle Manager Self Service)

Completed by:	
Date	