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Marlborough St Mary's CE Primary School



MARLBOROUGH
ST MARY'S
PRIMARY SCHOOL

Leave of Absence Policy for Teaching and Support Staff in Schools

*Together we believe, learn and
achieve*

This model policy will apply to both teaching and support staff working in Wiltshire Schools and has been agreed with the following recognised unions: ATL, NUT, NAHT, NASUWT, ASCL, Unison and GMB

Policy statement

1. It is in the interest of everyone to maximise Marlborough St Mary's CE Primary School attendance levels. Not only does absence impact upon the teaching and learning within our school, it also takes its toll on colleagues who must take on additional work. Although teachers and term time only staff are not entitled to take time off work during the school term, the governing body understands that there may be occasions when employees unavoidably need to be absent from work. This policy therefore provides a protocol for treating requests for leave of absence in a fair and consistent manner.
2. This policy recognises:
 - the statutory entitlement to unpaid time off to attend to urgent matters related to dependants
 - the statutory entitlement to parental bereavement leave and pay
 - national and local agreements
 - best practice which seeks to maintain good working relationships between employees and school management
 - the operational needs of the school
3. It is intended that this policy will provide a clear and workable framework to enable requests for leave of absence for employees working in schools to be reasonably and fairly handled. This policy recognises that the operational needs of the school are a clear priority in any decision making and there may be times when the headteacher has to refuse a request for leave (except in relation to parental bereavement leave).
4. It should be noted that there might be occasions when circumstances arise that are not identified in this policy. In such circumstances the decision regarding leave of absence remains within the discretion of the Headteacher or Chair of Governors. Each case will be judged on its own merits and circumstances. The granting of time off in one case will not necessarily set a precedent for other cases. It is recommended that in such circumstances the Headteacher or Chair of Governors contacts a Schools HR Advisor for further advice.

5. In adopting this policy, the school has taken into account the arrangements available for short term cover for absent teachers and the school's commitment that teachers will only rarely be required to cover for absent teaching colleagues.
6. Care will be taken in applying this policy to ensure compliance with equality legislation and avoidance of potential discrimination.

Scope

7. This policy has been adopted by the governing body of Marlborough St Mary's CE Primary School and applies to all school employees. It should be read in conjunction with other relevant documents on contractual terms and conditions (e.g. the Burgundy Book and the Green Book) which cover the terms and conditions of specific groups of employees. Nothing in this document seeks to override those particular provisions.

Decisions regarding requests for time off

8. The Headteacher (or Chair of Governors if it is the head requesting time off) has the delegated authority to decide as to whether to grant time off and whether it should be paid or unpaid. However, the Local Authority supports a range of minimum recommended leave periods (see toolkit 1) for various circumstances. It is strongly recommended that Headteachers (or Chair of Governors if it is the head requesting time off) should grant the levels of leave outlined in that guidance.
9. Any suspected abuse of the policy by employees at the school will be dealt with under the school's Disciplinary procedure.
10. A formal record of requests made, including a description of the circumstances and whether or not the request was granted, should be kept on the member of employee's personnel record at the school. Where unpaid leave is granted the Headteacher should inform the Schools HR and Payroll Administration team (or any alternative payroll provider) to deduct the pay for the dates it is granted.

Data Protection Act 2018 & GDPR (General Data Protection Regulations) 2016

11. Records will be treated as confidential and kept in accordance with the General Data Protection Regulations (GDPR) 2016 and its Data Protection Act 2018. Data collected when an employee informs you that they plan to take leave of absence is held securely and accessed by, and disclosed to, individuals only for the purpose of managing the employees leave of absence and pay. Further details on how your data is used and the basis for processing it is provided in the school's privacy notice.

Time off for emergencies relating to dependant

12. The Employment Rights Act 1996 provides all employees with the right to take reasonable unpaid time off to deal with certain unexpected or sudden emergencies relating to dependants.
13. Employees taking time off under this right must notify the headteacher of their absence on the day they take time off and if possible to give notification in advance by following the School's procedure for reporting absence.
14. Circumstances when an employee may take time off are:
 - If a dependant falls ill, or has been injured or assaulted
 - When a dependant is having a baby
 - To make longer term care arrangements for a dependant who is ill or injured
 - To deal with a death of a dependant (except where this relates to the death of child under 18 years old where the arrangements for parental bereavement leave set out in the policy should be used)
 - To deal with unexpected disruption or breakdown of care arrangements for a dependant
 - To deal with an incident involving the employee's child during school hours
15. The statutory rights to parental and adoption leave are explained in the relevant compliance guidance documents.

Compassionate leave

16. Paid compassionate leave may be granted in the following circumstances:
 - Sudden, serious illness of near relative, spouse or child – up to 5 days paid leave.
 - Death of a near relative, spouse, partner or child (over 18 years old) – up to 5 days paid leave
 - Death of a child under 18 years old or a still birth over 24 weeks – up to 10 days paid leave, offset against statutory parental bereavement pay
 - Funeral of a near relative, spouse, partner or child – 1 day of paid leave

17. Employees wishing to attend the funeral of other relatives, friends or colleagues in term time may request unpaid leave.

Parental bereavement leave

18. Parental bereavement leave is a statutory entitlement and will be granted to employees who are the parents of a child who dies who is under 18 years old or a stillbirth after 24 weeks of pregnancy.

Who can take parental bereavement leave:

19. Employees can take parental bereavement leave regardless of their length of service if they are the:

- parent of a child who has died; or
- partner of the child's parent, where you live in an enduring family relationship with the child who has died and their parent; or
- "parent in fact" of a child who has died, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child and had "day-to-day responsibility" for the child (but you have not been paid to look after the child);
- "intended parent" of a child who has died, i.e. a parent using a surrogate;
- "natural parent" of a child who has died who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- adopter of a child within the UK who has died, where the placement has not been disrupted or the child was living with the employee following their entry into the UK for the purpose of adoption and the employee has received official notification in respect of the child.

Parental bereavement pay

20. All employees will be entitled to two weeks full pay during parental bereavement leave. This is an enhancement to statutory parental bereavement pay. The headteacher / principal may authorise paid time off beyond this entitlement in exceptional circumstances?

21. Where applicable the school will offset the entitlement to statutory bereavement pay against the 2 weeks of full pay. To ensure that the school can claim statutory parental bereavement pay, the headteacher/principal will ask the employee to sign and return a form to provide notice and evidence of entitlement to [parental bereavement](#) pay.

How and when employees can take parental bereavement leave

22. Employees are able to take the parental bereavement leave as:

- a single block of two weeks; or
- two separate blocks of one week at different times.

23. The leave must be taken within 56 weeks of the date of the death of the child. For example, employees may:

- wish to take leave around the first anniversary of the child's death or at another particular time that is special, such as the child's birthday; or
- already be on another type of leave, such as maternity leave or sickness absence.

24. For each child who has died, a bereaved parent can take one or two weeks' parental bereavement leave.

25. Parental bereavement leave is not available as individual days. This is a pro-rata entitlement for part-time employees.

Taking Leave and notification

26. Employees must let their headteacher / principal know:

- the date of the child's death;
- the date on which they are beginning parental bereavement leave; and
- if they intend to take one or two weeks' parental bereavement leave

27. Where the first period of leave is to take place within 56 days of the death, employees should let the headteacher / principal know as soon as is reasonably practical that they intend to take leave and whether they intend to take one or two weeks of leave during this period. This can be informally by phone or email.

28. Where the period of leave is after the first 56 days, employees must give the headteacher / principal at least one week's notice of the date they intend to start leave. Employees must give at least one week's notice if you wish to cancel this leave.

29. Employees cannot cancel a week of parental bereavement leave that has already begun.

30. The headteacher / principal must arrange to inform their HR payroll provider of any parental bereavement leave arrangements for an employee and the amount of parental bereavement leave they are intending to take. If the employee is eligible for statutory parental bereavement pay the headteacher / principal should ask the employee to complete the parental bereavement leave declaration form in the toolkit, to provide evidence of their entitlement to statutory parental bereavement pay and also provide a copy of this to their HR payroll provider.

Rights during parental bereavement leave

31. During parental bereavement leave, all terms and conditions of an employee's contract will continue.

Returning to work following parental bereavement leave

32. Employees have the right to resume working in the same job when returning to work from parental bereavement leave. If the period of leave is added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, they should refer to the relevant policy relating to the type of leave you are on.

Sick children

33. It is recognised that it can be difficult for working parents to respond to the need to care for sick children. At this school parents may be allowed up to 3 days paid leave to care for sick children subject to not exceeding three occasions for such paid leave in the current academic year.

34. Employees also have a statutory right to unpaid time off to make arrangements for the care of a dependent child. If it is impossible to make appropriate arrangements for the care of sick children using the arrangements at 12 - 14 above, the employee in this school may, after discussion with the Headteacher take reasonable additional unpaid leave to care for sick children. This arrangement applies to all employees with dependent children. For the care of seriously ill children also see paid compassionate leave at paragraph 15 and 16 above.

Leave to attend significant events

35. The Governors recognise that from time to time employees may have the need to attend a significant event during term time such as the graduation ceremony for a son or daughter or the wedding of a close family member.

36. Teachers and term time only staff do not have a leave allowance, which can be taken during term time. This leave of absence policy enables employees to take one day of paid leave in a school year in order to attend a significant event. Employees must seek the express permission of the headteacher for paid leave in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the headteacher will need to refuse a request for leave of absence.

Job Interviews

37. All employees under notice of redundancy may take reasonable paid leave to attend selection interviews for jobs.

38. Where employees are applying for employment in other schools it is likely to mean an interview will be held within term time. The headteacher has discretion to allow reasonable paid leave for such interviews. Requests to take leave to attend an interview must be made to the headteacher in advance of the event.

Other leave

Examination duties

39. Teachers undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained in Appendix 2 of the Conditions of Service for School Teachers in England and Wales (Burgundy Book).

40. Employees attending examinations approved by the school to obtain professional qualifications relevant to their role and approved by the headteacher should be allowed paid leave to attend such examinations. Revision or study leave for such examinations is left to the discretion of the headteacher to determine whether this will be paid or unpaid time off.

Jury service

41. Employers are required by law to allow time off work for jury service. The employer cannot apply for deferral or excusal on their behalf, only the person summoned for jury service may ask for a deferral or excusal based on their own personal circumstances. In the public sector employers are strongly recommended to support staff called on for public duties and services. Employees in schools are therefore given paid leave to undertake their jury service so there is no detriment to them. They are however required to claim the allowance for loss of earnings from HM Courts & Tribunals Service (HMC&TS) and an equivalent amount will be deducted from the employee's salary. This means that the employee is not disadvantaged and receives the equivalent of their normal salary for the period of their Jury Service. Specific guidance on Jury Service arrangements is available as a separate Factsheet on Schools HR Online.

Moving house

42. Paid time off for moving house is normally only allowed on an employee's first appointment with the school or on appointment to another school / academy within Wiltshire requiring relocation. Existing employees are encouraged, if at all possible, to make arrangements to move house during school closures. However, if this proves impossible, employees may be granted one day of paid leave in order to move house. The headteacher is permitted to ask for documentary evidence relating to why the move could not take place during school closures.

Medical Appointments

43. Employees are expected to make appointments outside normal working hours wherever possible. However, if necessary paid time off to attend medical appointments will be granted but will be recorded as a sickness absence as per the school's Ill Health and Sickness Related Absence Management Policy. Employees attending such appointments must seek the permission of their line manager or headteacher before attending. The headteacher and line manager have the right to request to see hospital appointment letters.
44. Paid time off should be permitted for the purpose of cancer screening which will be treated like any other medical appointment
45. Fertility treatment - Employees requesting time off for fertility treatment will in general be supported. The specific needs of the employee for time off will need to be addressed, and the various provisions for leave set out in this policy will be used to enable this to happen where reasonable. This may mean taking time off for medical appointments and making full use of compassionate leave. The compassionate leave may be paid or unpaid depending on the specific circumstances. In any event the situation should be treated with sensitivity. Sickness absence resulting from the treatment should be counted against the employee's sick leave entitlement in the usual way. The nature of the treatment may mean that absences cannot always be planned in advance, but it is reasonable to expect employees to give as much notice of the need for time off as is possible.

Time off to attend ante-natal appointments /adoption appointments

46. The Maternity Regulations provide the right for all women to take paid time off to attend antenatal care. Pregnant employees must produce evidence of appointments if requested to do so by their line manager or headteacher.
47. Employees with a qualifying relationship with a pregnant woman or the expected child are entitled to time off to accompany the pregnant women to antenatal appointments. Further details of this entitlement are set out in the school's paternity leave policy.
48. Where an employee has been notified that a child is to be, or is expected to be placed jointly with them and another person for adoption by an approved adoption agency, one of them (where eligible) will be entitled to paid adoption leave to attend adoption appointments prior to the date that the adoption placement commences (see the school's adoption policy) and the other adopter will be entitled to some unpaid leave to attend such appointments. Further details of this entitlement are set out in the school's paternity leave policy.

Time off for Public Duties

49. Employees who are appointed to an important office in public service, e.g., as a Justice of the Peace, Magistrate, or Local Government Councillor will

be granted up to 17 days paid leave of absence in a school year. Employees who hold such public office should advise the headteacher of the obligations of their office at the time of their appointment.

Time off for Volunteer Members of HM Forces

50. Volunteer members of HM Forces will be granted up to two weeks' paid leave of absence (i.e. 10 working days) in any school year to attend summer camp where this cannot be arranged during a school vacation. If volunteers are mobilised the law protects employment and requires reinstatement on return from mobilised service.

Leave for Religious Festivals and Holy days

51. Regulations do not require employers to provide time or facilities for religious or belief observance in the workplace. However, request for time off will be treated sympathetically where it is reasonable to do so. Time off granted will be unpaid and up to 3 days per academic year would be considered reasonable. It is recommended that schools consider whether employee requests for additional breaks in a working day for religious observance are reasonable and practical but where any such breaks agreed it should be unpaid.

Time off to accompany a fellow employee in a disciplinary or grievance situation

52. Reasonable paid time off will be granted to accompany a fellow worker at a disciplinary or grievance hearing.

Trade union and professional association duties

53. Certain employees undertaking recognised Trade Union, or Professional Association, duties are provided with paid time off as defined in the Local Authority's facility time agreement.

National sporting fixtures

54. Employees are granted reasonable paid time off where they are a national representative in sporting event. This is recommended not to exceed 10 working days in an academic year, but governing bodies have discretion to grant additional days based on individual cases.

Deductions from Pay for unpaid leave

55. All approvals to allow unpaid leave should be notified to the Schools HR and Payroll Administration team (or any alternative payroll provider) to deduct the pay for the dates granted.

56. Where the time off granted is unpaid, the deduction from salary will be at the following rates:

- Leave of absence without pay to be calculated for Teachers on the basis that one day equals $1/365^{\text{th}}$ of annual salary.
- In cases of leave of absence without pay for Teachers extending both sides of a weekend e.g. Thursday to Tuesday inclusive, the weekend shall be included in the calculation.
- In cases of leave of absence without pay for one week for a Teacher, Monday to Friday, the calculation shall be for the whole week of 7 days which will include one weekend.
- Leave of absence without pay to be calculated for support staff on the basis that one day equals $1/5^{\text{th}}$ of their weekly pay.
- For part-time support staff, the amount of unpaid leave to be deducted should be calculated in relation to their normal working week at the time unpaid leave is taken. For example, where an employee works 18 hours per week over 3 days each of 6 hours and they take a day of 6 hours off as unpaid leave, they will have $6/18 = 0.33$ of a week's pay deducted from their pay.
- In cases of leave of absence without pay for one week for support Staff, Monday to Friday, the calculation shall be for the whole working week which will not include the weekend.
- All entitlements are pro-rata for part-time / job share employees.

57. Except in emergency situations, where an oral request may be granted, all requests for leave of absence under these provisions should be made in writing to the headteacher on the leave of absence request form with sufficient notice to allow written approval to be given to the employee.

Equalities Impact Assessment

58. This policy has had an equality impact assessment conducted by a joint equality impact assessment panel and the results of these assessments are published on the Wiltshire Council website. If on reading this procedure you feel there are any equality and diversity issues, please contact a Schools HR Advisor who will, if necessary, ensure the policy/procedure is reviewed by the HR Policy Team.