



Brilliance, through Bosland Best

Leave of Absence Policy

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Leave of Absence Policy

Rationale

Bowsland Green Primary School recognises and values the contribution each member of staff makes towards the education and care of pupils in our school.

High levels of absence amongst school staff can pose a serious problem in terms of disruption to teaching and learning, and other areas of school life. It can also bring additional financial costs that have not been planned for. The governing body is committed to managing attendance so that any disruption to the pupil's education or the effective running of the school is minimised. Equally, it recognises that during the course of employment, colleagues will occasionally be absent from work through ill health, maternity, medical and/or other circumstances that require authorised leave.

Absence of any staff employed in school during term time means some impact on the children's education and on other staff who have to cover. *It is nationally accepted practice that all school staff are expected to take their leave during school holidays as stated in individual contracts.* Consequently, requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will not be granted.

The governing body have based this policy on South Gloucestershire's guidance on leave entitlements for school staff. It is provided to ensure that ambiguity is prevented and all staff are clear regarding what can be expected in varying circumstances. Whilst variations may exist between schools it is intended that where possible staff are treated as equitably as possible across the authority.

Aims

- 1. To ensure all staff members are treated equitably when requesting leave we will**
 - Apply the Leave of Absence policy consistently
 - Follow South Gloucestershire guidance regarding statutory leave (Annex A)
 - Follow policy guidance for discretionary leave (Annex B)
 - Relate leave of absence directly to the school's values and ethos
 - Monitor leave of absence decisions through reports to the governing body (Chair of Governors and/or The Resources Committee)

- 2. To develop a framework which defines agreed roles and responsibilities and promotes consistency in carrying out designated tasks we will**
 - Delegate authority to the Headteacher to approve leave of absence requests for up to 5 days (Headteacher may delegate responsibility to Deputy during unplanned absence or emergency)
 - Expect the Headteacher to discuss any request that is longer than 5 days with the Chair or Vice Chair of Governors and act on the recommendation
 - Take into account when considering a request:
 - ∇ The principles of this policy
 - ∇ The best interests of the children and the school
 - ∇ Treating all staff in a fair, reasonable and consistent way
 - ∇ National and local terms and conditions of employment
 - ∇ The previous attendance of and access to leave already in place for the postholder
 - ∇ The contracted percentage of the postholder (full time, part time)

- 3. To provide support, advice and guidance to staff we will**
 - Highlight leave of absence policy through the staff handbook annually
 - Have a clear, published procedure for requesting leave of absence (see below)



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- Seek to understand and be sensitive to personal family issues when communicating with staff about leave of absence issues
- Maintain confidentiality as required by staff member in each individual case

Procedure for Requesting Leave of Absence

Reasons for absence fall into four categories:

1. Authorised absence (with pay)
2. Authorised absence (without pay)
3. Self certificated (5 days) and then certificated sick leave
4. Unauthorised absence or lateness

The following procedure applies to categories one and two.

- All authorised paid and unpaid absence from work for the reasons given in this policy requires prior approval from the Headteacher (or by the Chair of Governors in the case of the Headteacher)
- Requests for paid or unpaid leave must be made in writing to the Headteacher with the full reasons for the request, using the staff request form. (Annex C) The request should be made as soon as it is known that it will be required and in any case not less than one full month in advance of the proposed absence, except in exceptional circumstance or an unplanned emergency
- A decision will normally be made within 1 week of receipt of the request, by return of the completed form to the staff member. In exceptional circumstances or an unplanned emergency, a verbal decision may be made and the form be completed on the employees return to work.

Emergencies involving dependants

All employees have the right to take a reasonable period of unpaid time off during working hours to deal with an emergency involving a dependant. A dependant is defined as a spouse, partner, child or parent, or someone who lives with the employee as part their family. In the case of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency. (See Annex A for further information)

Policy adopted: 8 December 2016

Policy review: December 2019



Annex A

SOUTH GLOUCESTERSHIRE SHORT-TERM LEAVE OF ABSENCE GUIDANCE FOR SCHOOLS

1. STATUTORY ENTITLEMENTS FOR SHORT-TERM LEAVE OF ABSENCE

This section covers statutory rights for school employees to take time off work. School employees also have the right to seek paid and unpaid time off work to carry out functions connected with certain public and employee duties.

In certain circumstances, notwithstanding the employee's statutory right, it may be necessary to refuse or postpone a particular leave of absence request if it can be shown that there are over-riding operational requirements at the school.

An employee whose request for time off has been unreasonably refused can bring an action in an employment tribunal. Such a claim must be brought within 3 months of the date of the employer's decision not to allow the employee to take statutory time off. In exceptional circumstances, the tribunal may extend this period.

Schools should grant paid leave of absence to employees undertaking jury service, serving on public bodies or undertaking public duties.

1.1 Time Off for Dependants

School employees have a statutory right to take a reasonable amount of unpaid time off work to deal with unexpected disruption or termination for the care of a dependent or sudden emergencies involving a dependant. Payment for 'Time Off for Dependants' is at the Headteacher's discretion. There are no specific limitations on the amount of time that can be taken, but it is envisaged that in most cases, 1 or 2 days should be sufficient to deal with the problem. (See Annex B for specific arrangements)

1.2 Trade Union Activities

There is a central budget provision for the local secretaries of the Trade Unions recognised by the Authority. In the case of teachers these are known as RTPAs (Recognised Teachers' Professional Associations). The central funding covers time off requirements for the secretary to participate in Authority consultation meetings, to deal with school casework and to undertake other relevant activities, including training. Occasionally the local secretary may arrange for another member to substitute or accompany him or her at meetings and should provide the school with the union's authorised code for covering any necessary supply cover costs. There is also central funding for the local Health and Safety representatives for each union to attend relevant Corporate and Departmental meetings or activities.

The central funding provision does **not** cover time off requirements for school based union (or H & S) representatives. Schools must, therefore make provision for such representatives to conduct any necessary school based consultation and workforce representation, including health and safety inspections. Occasionally school representatives may be expected to attend authority wide or regional events, particularly when there are major changes in pay and conditions or H & S related legislation. Schools should allow paid time off for appropriate training but this will rarely be more than 1 day in any year for a school based representative.

1.3 The Right of Accompaniment to a Formal Grievance or Disciplinary Interview

School employees have a statutory right to be accompanied at Grievance and Disciplinary hearings by a Trade Union Officer or official or a fellow employee. Individuals have a statutory right to take paid time off to accompany employees to such hearings.



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1.4 Ante-natal Care

School employees who are pregnant have the right to paid time off during work to attend appointments for ante-natal care. The appointment must have been made on the advice of a registered medical practitioner, registered midwife or registered health visitor.

The school may require the employee to produce:

- A certificate showing she is pregnant
- Some evidence of the appointment

The school cannot require a certificate for the employee's first appointment during pregnancy. Ante-natal Care has been defined to include relaxation classes and parent craft classes.

Employees supporting pregnant partners may select two occasions of reasonable length to attend ante-natal care.

1.5 Time off for Public Duties

The employer is required to permit an employee to have unpaid time off for public duties. The public duties are:

- A Justice of the Peace
- Members of a Local Authority
- Members of a Statutory Tribunal
- Members of a Police Authority appointed under Schedule 2 to the police Act 1996
- Members of a Board of Prison Visitors or a Prison Visiting Committee
- Members of a relevant Health Authority
- Members of a relevant Education Body (Governing Body of another school)
- Members of the Environmental Agency or the Scottish Environment Protection Agency

The employer is required to permit reasonable time off for any of the duties of a Justice of the Peace and is required to permit reasonable time off where membership of any one of the bodies listed above requires:

- Attendance at the meetings of the body or any of its committees or subcommittees;
- Performance of duties approved by the body, which are required to discharge its functions or that of any of its committees or sub-committees

There is a central budget provision for paid time off granted to undertake the role of Councillor or Magistrate where there may be significant demands.

In terms of corporate guidance for payment, paid leave of absence of up to 2 full days or 4 half days per month together with unpaid leave of absence of up to 2 full days or 4 half days per month is granted to employees undertaking such public duties (pro-rata for part-time staff). The employee may be required to declare any attendance allowance received and this will be offset against pay.

The actual times at which this leave may be taken are to be a matter of agreement between the employee concerned and the governing body, bearing in mind, the requirements of his or her school post and the nature of his or her public duties.

1.6 Jury Service/Court Appearance

School employees who are required to attend jury service, or as a witness in court proceedings, must inform their Headteacher. The notification document from the court must also be produced when informing the Headteacher.



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If employees report to the court, but are not called upon to serve on any particular day, they are expected to attend work on that day, if it is reasonably practicable to do so in the time available.

School employees have the right not to be subjected to any detriment for being summoned for jury service or having time off for jury service. Employees also have the right not to be unfairly dismissed for being absent from work on jury service. However, where a Headteacher can show that the circumstances are such that the employee's absence would cause substantial disruption to the running of the school, the Headteacher may request that the employee applies for an excusal or deferral. It would be helpful for the employee to have a letter prepared by the school detailing the particular circumstances which make the employee's absence difficult to manage. If it is agreed to defer the jury service it must be completed within the following 12-month period.

Claiming Costs – Support Staff

Support staff must obtain a "Loss of Earnings Claim Form" from the courts. This form should be sent by the courts to the employee prior to the court appearance and must be sent immediately to Payroll Services for them to complete. Payroll Services will return the form to the employee, who must take the form to the court who will pay him or her his or her normal salary, plus any expenses direct to his or her bank account. The employee must then send the form back to Payroll Services for an equivalent amount (excluding expenses) to be deducted from his or her salary.

The resulting savings made by the Headteacher will cover the costs of any replacement/casual staff employed.

Claiming Costs – Teaching Staff

Teaching Staff will be granted paid leave, however, and no claim shall be made to the court in respect of loss of earnings. Their salary will still be paid at the usual rate of pay, but the school can claim the cost of the supply cover from central funds.

Normal Supply Claims

The relevant hours on the supply claim form(s) should be coded ***JS (where *** is the appropriate school cost centre). The claims should show the reason for the supply cover as witness at court or jury service, together with the name of the teacher who is being covered.

Agency Staff Invoices

Schools who cover using agency staff, are unable to charge the invoices directly onto the central budget. Therefore, any such agency invoices should be charged to the school budget (***JS/2681) and a copy sent to the Schools' Finance Team, who will arrange for reimbursement of these costs (the refund will appear as a credit against ***JS/2681).

Please ensure that a signed letter from the person responsible for supply teaching at the school (e.g. Headteacher/SBM) accompanies the agency invoice detailing the name of the teacher who was a witness at court or on jury service, dates of cover and the expected reimbursement amount. The name of the agency teacher who is covering must also be included in the letter.

Definitions

Close relative: husband/wife/civil partner/permanent partner, brother/sister, parent/grandparent and child/grandchild.

Reasonableness of request: impact on pupils, capacity of the school to cover the absence, critical work responsibilities on that day and the needs of the team in which staff member works will be considered.



Annex B

BOWSLAND GREEN SHORT-TERM LEAVE OF ABSENCE GUIDANCE

1. DISCRETIONARY ENTITLEMENTS FOR SHORT-TERM LEAVE OF ABSENCE

1.1 Reasons for Leave With Pay

Reasons for leave with pay	All staff
Death or critical illness of a close relative (if employee has considerable additional responsibilities as a result)	Up to 4 days paid (after this unpaid or seek medical advice if suffering physically/emotionally as a result of the responsibility)
Funeral leave for close relative and parent in law (including parents of the employee's partner)	Up to 1 day at discretion of Head
House removal involving contractual completion	Up to 1 day with as much advance notice as possible
Lecturing in professional capacity on condition that all fees to be paid to school	At the discretion of Head and Governing Body informed
Taking part in assessments relating to professional development	Employees are entitled to be paid leave of absence for the activities that will benefit the school
Members of non-regular forces annual training	Up to two weeks - the second of which to be unpaid
Potential redundancy	Reasonable time to seek alternative employment
Interviews for other posts	Up to 3 occasions within an academic year, subsequent occasions to be unpaid
Attendance at personal hospital appointments	At the discretion of the Head through discussion

Additional leave with pay may be granted in special circumstances under the duty of care by the Headteacher, or by the Governing Body



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1.2 Reasons for Leave Without Pay

Reasons for leave without pay	All staff
Non-critical illness of a dependent	Up to 2 contracted days at discretion of Head and additional time at the discretion of the Governing Body (in the case of a sick child with a non-critical illness, after 2 days maximum it will be assumed that alternative arrangements for child care will be made)
Graduation ceremony - employee's own or immediate family	1 day at discretion of Head
Funerals - other than close relatives	Appropriate time to attend funeral at the discretion of the Head
Hospital appointments for children where both parents wish to attend (including ante natal for partners)	1 day at discretion of Head and additional time at the discretion of the Governing Body

Additional leave without pay may be granted in special circumstances by the Governing Body



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Annex C

Bowsland Green Leave of Absence Request Form

Name	<input style="width: 100%;" type="text"/>
School	<input style="width: 100%;" type="text"/>
Employee Reference Number	<input style="width: 100%;" type="text"/>

1. The following time off work is requested:-

Period	From	Day	Month	Year	To	Day	Month	Year
		<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

If part of a day, beginning at [] am/pm to [] am/pm

Working day return date	Day	Month	Year
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

Reason for absence			
Annual Leave	<input type="checkbox"/> Moving House	<input type="checkbox"/> Study Leave/Examinations	<input type="checkbox"/>
Bereavement Leave	<input type="checkbox"/> Political Activities	<input type="checkbox"/> Time Off For Dependants	<input type="checkbox"/>
Court Appearance	<input type="checkbox"/> Public Duties	<input type="checkbox"/> Trade Union Duties	<input type="checkbox"/>
Election Duties	<input type="checkbox"/> Religious Holidays	<input type="checkbox"/> Wedding	<input type="checkbox"/>
Funeral Leave (please state relationship to deceased below)	<input type="checkbox"/> Right of Accompaniment	<input type="checkbox"/> Paternity Leave* (see below)	<input type="checkbox"/>
Interview	<input type="checkbox"/> Screening	<input type="checkbox"/> Parental Leave	<input type="checkbox"/>
Jury Service	<input type="checkbox"/> Severe Weather Conditions	<input type="checkbox"/> Unpaid Leave	<input type="checkbox"/>
Medical / Dental / Ante-natal / Fertility / Appointment	<input type="checkbox"/> Special Reserve Forces	<input type="checkbox"/> *Please ensure relevant Inland Revenue Form is attached	
Other Circumstances (please specify)	<input style="width: 100%;" type="text"/>		

Please attach relevant forms, letters and/or certificates. Where possible you should provide below a detailed explanation of the above leave request:-

2. To be completed when absence was not approved in advance:-

I was absent on (dates)



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for the following reason

Reason why prior approval was not sought

Employee's signature

Date

Authorisation for time off

With Pay

Without Pay

Headteacher/Chair of Governors signature

Date

Cover Required

Yes/No

Booked

Internal/Agency