



LEAVE OF ABSENCE GUIDANCE NOTE

(This guidance note does not cover annual leave or leave for sickness, maternity, paternity or adoption)

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DOCUMENT STATUS

Version	Date	Action
Version 1	2004	
Version 2	2013	Policy updated, reformatted and re-circulated
Revision 1	1/1/2016	Updated to include time off for Anti Natal Appointments
Revision 2	12/12/2017	Time off for Non-Regular Forces updated to be in line with LCC policy
	5/2/2017	Parental Leave arrangements updated to reflect changes to statutory entitlement

1. INTRODUCTION

- 1.1 From time to time employees may require time away from work to deal with personal issues. Employment law entitles certain employees leave of absence to deal with these issues provided they meet certain criteria. There will also be circumstances when employees request leave of absence which is not covered by employment law and the governing body has the discretion to consider any such requests. In normal circumstances this will be delegated to the Head teacher.
- 1.2 This guidance will assist the governing body in deciding whether to grant leave of absence, if so, how much time to grant and whether this is paid or unpaid leave. The examples included are not an exhaustive list.
- 1.3 For the purposes of applying a maximum approval for leave of absence requested, the academic year will be used commencing on 1 September and finishing on 31 August.
- 1.4 In making decisions on requests for leave of absence, the Head Teacher / Chair of Governors can take into account the difficulty and cost of obtaining supply cover and the organisational needs of the school.
- 1.5 Schools should have internal processes in place to record, monitor and inform their payroll provider (where necessary) of requests and decisions.
- 1.6 Where employees have an annual leave entitlement, consideration should be given to allow that member of staff to use their annual leave in the first instance.

2. MEDICAL

2.1 *Doctor, Dental and Hospital Appointments.*

- 2.1.1 Employees should attempt to make doctor, dental and hospital appointments in non-working time wherever possible. Where appointments have to be made in work time they should be made to ensure minimal disruption to attendance at work. This time should be given with pay.
- 2.1.2 Official documentation should accompany any requests for time off for doctor, dental and hospital appointments, however, this can be redacted to protect patient confidentiality. If employees are unable to produce a valid appointment card/letter, Governors can request written verification from their doctor, dentist or hospital consultant confirming the attendance.
- 2.1.3 Where the employee has to attend a series of appointments for on going treatment, they should inform the school as soon as possible.
- 2.1.4 Where an employee attends a medical appointment that lasts the whole day, this should be recorded as a medical appointment.
- 2.1.5 If an employee attends an appointment that subsequently renders them unfit to return to work, this should be recorded as sickness absence.

2.1.5 Abuse of medical leave absence (eg using time granted for a medical appointment for another purpose) may lead to disciplinary action being taken.

2.2 Cancer Screening

Employees should be granted paid time off in order to attend cancer screening appointments where an appointment cannot be made outside of normal working hours, but will be required to give reasonable notice of the appointment and must produce an appointment card or letter.

2.3 IVF Treatment / Fertility Treatment

Employees may be granted paid time off to attend one round of IVF or fertility treatment, and will be required to give the school as much notice as possible and produce their appointment card or letter. Further time off will be at the discretion of the school / governing body.

2.4 Surgery

Employees who choose to undergo surgeries performed for non medical reasons, would not normally be granted leave of absence.

3. DOMESTIC LEAVE OF ABSENCE

3.1 Dependants Leave

3.1.1 Employment law also allows all employees the right to a reasonable amount of unpaid time off, during working hours, to deal with unforeseen matters and emergencies involving their dependants.

3.1.2 A dependant could be a spouse, partner, child, parent or someone who depends on an employee for care, for example an elderly neighbour.

3.1.3 Unforeseen emergencies can include:-

- The dependant person being ill and unable to care for themselves
- Childcare arrangements that have broken down
- The need to put longer term care arrangements in place for children or elderly relatives
- Attend or make arrangements for a funeral
- The dependant person being involved in an accident.

3.1.4 Although it is not stated how much time off is reasonable in cases of Dependants leave, in most situations, 1 or 2 days would be sufficient to deal with the emergency.

3.1.5 Whilst employees have the right to unpaid leave, in such circumstances governing bodies have the discretion to allow paid time off. Guidance is given in the chart below.

Serious illness of a dependant or relative.	Up to 5 days with pay (pro rata for part time staff)
Bereavement of a dependant family member, (eg partner, parent, child) including making funeral arrangements and attending the funeral.	Up to 5 days with pay (pro rata for part time staff)
Attending the funeral of a close relative.	Up to one day with pay

3.2 Other Domestic Leave – also at the discretion of the Governing Body

Examples include: -

Wedding of a near relative in exceptional circumstances.	One day with or without pay at management discretion
To move house subject to the choice of date being unavoidable.	One day with or without pay at management discretion
To attend one's own degree ceremony or to attend their own child's degree ceremony, where the child is an actual participant.	One day with or without pay at management discretion
School Prize distribution for the applicant's child.	Half day with or without pay at management discretion

4. NON DOMESTIC LEAVE OF ABSENCE

The chart below gives guidance on what leave of absence, if any, can be given in the following circumstances.

Elected Members of another local Authority	Reasonable leave with pay up to a maximum of 208 hours in a financial year. Staff may retain in full any attendance allowance paid to them in performing these duties.
Magistrate	Maximum of 25 half days normal pay less the allowance payable by the Magistrates Court Committee.
Justice of the Peace	Leave with pay up to full time equivalent of 12 days. Advance notification of dates must be given.
Jury Service (loss of earnings must be claimed)	The difference between any loss of earnings allowance and normal full pay.
Court Witness when called by the	The difference between any loss of earnings allowance and

Police (loss of earnings must be claimed)	normal full pay.
Court witness when called by a private individual or pursuing a private claim	Time as required without pay
Trade Union Representatives	Leave with pay as agreed by the Governors in accordance with the City Council's facilities time agreement
School Governor	Reasonable time off with pay to attend Governing Body meetings subject to satisfactory staffing arrangements, to those who are members of a Managing or Governing Body of this, or any other Local Authority
Parliamentary candidates	Up to 3 weeks without pay
To take part in pre election activities	Reasonable time. Leave without pay
Job interviews	One days leave with pay, (up to 3 days if the interview procedure goes beyond one day)
Pre-interview school visits	Reasonable time without pay
Examinations – for training, sponsored and paid for, by school.	Leave with pay for the period of the exam
Study Leave (before an exam) - for training, sponsored and paid for, by school	Leave with pay - twice the length of the exam.
Exam and study leave – undertaking training, not sponsored and paid for, by school	No entitlement to leave, however Head teachers have discretion to grant leave (paid or unpaid) where the training is relevant to professional development.
To act as moderator or examiner	Reasonable time off with pay
Major religious festivals	Other than statutory holidays, one days leave with pay.
To attend investitures and Duke of Edinburgh award ceremonies	Where the employee or close relative is the recipient, one days leave with pay.
Lecturing in another Authority	Leave with pay subject to 50% of fee returned to school
Appearance on television or radio broadcast in connection with school business	Leave with pay. All fees to be paid to school
Appearance on television or radio broadcast in connection with private business	No entitlement to leave, however Head teachers have discretion to grant unpaid leave

Non-regular Forces	<p>10 Days with pay to attend summer camp each year. A Commanding Officers certificate of attendance is required before time off is allowed.</p> <p>Employees will be granted unpaid leave for any period of active service mobilisation. Employees who are mobilised for active service must inform their Line Manager as soon as they are notified of their mobilisation.</p> <p>10 days leave with pay in any 12 month period for Cadet Leaders.</p>
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5. PROCEDURE FOR APPLYING FOR LEAVE OF ABSENCE

- 5.1 Requests for leave of absence should be made giving as much notice as possible, however it is recognised that some situations cannot be foreseen. In this case the request should be submitted retrospectively as soon after the event as practical.
- 5.2 Requests for leave of absence should be considered on a case by case basis and a decision made on what is reasonable in all the circumstances. Leave of absence will not be granted for staff booking holidays during term time. To do this would be deemed as breaking conditions of service and may lead to the disciplinary procedure being invoked.
- 5.3 In the circumstances of a bereavement, consideration should be given to the closeness of the relationship between the employee and the bereaved.
- 5.4 Where staff have an annual leave entitlement, consideration should be given to allow that member of staff to use their annual leave in the first instance.
- 5.5 A record of all requests and decisions will be kept on the employees file. Where unpaid leave of absence has been granted the payroll provider must be informed.

6. PARENTAL LEAVE

- 6.1 Employment law allows **unpaid** Parental Leave to look after a child or make arrangements for the child's welfare.
- 6.2 Circumstances where this can be applied include
 - Be with a child during a hospital stay
 - Settle a child into a new school or childcare arrangements
 - Spend more time with a child during their early years.
 - Spend time with a child following adoption
- 6.3 To be eligible the following criteria apply;
 - Employees have one year continuous service.

- Employees have parental responsibilities for a child under the age of eighteen.
- Employees have a disabled child under the age of 18 who qualifies for disability living allowance

6.4 Eligible employees are **entitled** to

- For each child - 18 weeks leave up to their 18th birthday
- For each adopted child - 18 weeks leave up to their 18th birthday
- For each child receiving disability living allowance - 18 weeks leave up to their 18th birthday.

6.5 Leave that can be taken

- Four normal working weeks in any one year and should normally be taken in block of one complete week or more.
- For disabled children leave can be taken in single days

6.6 Process to request parental leave

- Employees should give as much written notice as possible with a minimum of 21 days notice.
- The request should state the proposed start date and end date. This should also include a copy of the child's birth certificate, papers confirming a child's adoption or the date the adoption will start, and where the child is receiving disability living allowance, a record of these payments.

6.7 The Employer may **postpone** the request

- Where the needs of the business make it necessary and reasonable to do so, but it cannot be postponed for more than six months. In this case a written response will be sent to the employee within five working days of the original request suggesting a new start date within 6 months of the original request.
- Parental leave cannot be postponed if the employee has given at least 21 days notice and plans to take the leave immediately after the child is born or placed for adoption, or immediately after maternity leave.

7 TIME OFF TO ACCOMPANY A WOMAN TO ANTE-NATAL APPOINTMENTS

7.1 An expectant father or the partner (including same sex) of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments.

7.2 The time off is capped at six and a half hours for each appointment.

7.3 An employer is entitled to ask the employee for a declaration, stating the date and time of the appointment, that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

7.4 There is no qualifying period for employees.