Kings Road CPS

Leave of Absence Policy

Trafford Model

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LEAVE OF ABSENCE CODE

OF PRACTICE

(FOR ALL STAFF, BUT WITH PARTICULAR USE FOR TEACHING AND TERMTIME ONLY SUPPORT STAFF)

DOCUMENT CONTROL	
Title	Leave of Absence Code of Practice
Date	June 2012 Updated 01/01/13 to include legal right to time off for dependents Updated September 14 with Reservist Information
Supersedes	Leave of Absence for Teaching and Term Time only Support Staff – Code of Practice October 2010
Author	Human Resources Business Partners
Owner	Human Resources, Trafford Council
Related documents	Reservist Policy
Circulation	School Trade Union representatives Head teachers/ Business Managers
Review	3 years
Distribution	Schools Toolkit, Electronic version issued to all schools

A. INTRODUCTION

1) This code of practice is designed for all school staff, however is of particular use for those staff with fixed holidays who are not in a position to take annual leave.

2) Support staff that are paid all year round and not term time only have a leave allowance and they can agree the timing of such leave with their headteacher. They are normally expected to take their annual holiday allowance during periods of school closure, thought, exceptionally, and with prior approval of the headteacher, annual leave may be permitted during term time for personal or domestic reasons.

3) There are certain activities for which employees must be allowed to take reasonable amount of time off work. It is a responsibility of Governing Bodies to ensure that these requirements are complied with.

4) Reasonable paid time off must be granted to officials of recognised trade unions to enable them to carry out certain duties concerned with industrial relations between the employer and its employees or for training on aspects of industrial relations (See paragraph C1, C2 and C3 below).

5) Employees must be allowed to take a reasonable amount of time off to carry out public duties as a justice of the peace, a member of a local authority (Subject to restrictions of the LG and Housing Act 1989); a member of statutory tribunal, a member if a Regional or Area Health Authority, a Governor of a maintained school.

6) In the case of employees who have been given notice of dismissal on grounds of redundancy reasonable time off must be allowed to enable those concerned to seek other employment or to make arrangements for training for future employment.

7) Employees who are pregnant must be allowed reasonable paid time off to receive ante-natal care.

8) Employees are entitled to reasonable unpaid time off for emergencies relating to their dependants or personal/ domestic circumstances.

9) Governing Bodies may receive requests from time to time for special paid or unpaid leave for urgent, personal or domestic reasons, i.e. bereavements or illness of close relatives. Governing Bodies are recommended to adopt the Authority's recommendation on special leave as detailed below when granting special leave to teaching/term time only support staff.

B. PROCEDURE

1) Any employees who requires leave of absence for a reason other than personal illness is required to make written application to the Headteacher.

2) The statement of periods of leave in paragraph B7 and B8 below are not intended to indicate minimum or normal entitlement but to specify the maximum periods within which leave has been approved.

3) Where, with the prior approval of the headteacher a member of staff is away from school premises on “Approved Business”, i.e. as a representative of the school as such, an application for leave of absence is not required.

4) Staff are normally required to give at least ten clear working days’ notice of an intended absence; but approval may be given where, because of the circumstances, late application is unavoidable. Where an employee’s probable total leave requirements for a term or year are known in advance (e.g., where s/he is a J.P. or is a member of an examination board or is undertaking examination moderation) the employee concerned shall at the earliest opportunity submit for consideration a leave request relating to the full term or year.

5) All absences should be shown on the staff absence return and where leave of absence with pay has been approved it should be noted on the form that such approval has been given and no deduction of salary will then be made.

6) Salary for periods of absence to undertake duties for which attendance allowances or other payments may be claimed will be adjusted to take accounts of such payments (e.g. Jury Service)

7) Headteachers can approve leave of absence with or without pay for staff for periods not exceeding one day for any one absence up to a maximum of three days in any academic year for reasons other than those specified below.

8) Headteachers are also authorised to approve leave of absence for any of the following reasons. Leave would normally be with salary for up to the maximum periods specified in each case :-

Reason	*** = where applicable written request is required**	**Max no of Days in any one academic year, all at the discretion of the Headteacher**
a)	Weddings of near relatives (Normally parent, brother, Sister, Son or daughter) *****	1 day
b)	House Removal *	1 day
c)	Undertaking approved duties as a member of a	3 days

	local authority, or statutory tribunal, or health authority, or governing body of a maintained school**. ***	
d)	Maternity and Adoption support (See note E1 below) *****	5 days
e)	Degree and passing out ceremonies (normally self, spouse, son or daughter *	1 days
f)	Candidacy in elections *****	1 day
g)	Obligatory attendance at course for the period of duty as a witness or jury service	For the period of the duty
h)	Illness of near relative, (normally partner, parent, brother, sister, son or daughter) where it is essential that the employee be absent to care for the invalid	3 days
i)	Death and Funeral of near relative (normally partner, parent, brother, sister, son or daughter)	Up to 5 days
j)	Interview in connection with a new post in a school or other employment in the public sector	3 days
k)	Duties as a Justice of the Peace	12 days
l)	Training for Reservists (See G1 Below)	10 days
m)	Religious festivals (see D1 below) *	1 days

9) Any absence in excess of the maximum periods for any reason not stated above should be considering by the appropriate Committee of the Governing Body.

10) All absences by Headteachers should be considered by the Governing Body.

11) The Chair of Governors can decide urgent cases on behalf of the Governing Body.

C. TRADE UNION ACTIVITES

1) Governing bodies are also required to allow reasonable paid time off to officials of recognised trade unions to enable them to carry out duties concerned with industrial relations between the employee and its employees or for training in aspects of industrial relations. Such industrial relations duties may include duties in respect of union members in other establishments.

2) Governing bodies should also allow reasonable time off for certain union activities, such as attending annual conferences. There is no requirement for such time off to be granted with pay.

3) The costs of providing cover for officials of recognised trade unions taking time off in accordance with the Authority's formal agreement will be borne centrally by the Authority in accordance with the Scheme of Delegation.

D. RELIGIOUS FESTIVALS

1) In respect of the observance of religious festivals for which there is no public holiday, up to 3 school days per year will be granted. Leave will be granted only for those days when the requirement of the festival make it impossible for the employee to work. Absence for religious festivals should be planned ahead at the beginning of each academic year.

E. MATERNITY AND ADOPTION SUPPORT

1) In addition to the 5 days Maternity/ Adoption support leave detailed in (d) above; known as paid (full day) Occupational Leave, eligible employees may also apply for Statutory Paternity/Adoption Leave, Employees with at least 26 weeks continuous service with the school/local authority can choose to take two working weeks paternity/adoption leave. Payment for those two working weeks paternity/adoption leave will be at the Statutory Paternity Pay Rate.

2) To quality for leave and pay an employee will need to adhere to certain criteria and they can obtain further details by contacting the Schools HR team at least 15 weeks before the expected week of confinement in the case of Paternity Leave or as soon as possible in the case of Adoption Leave.

F. SPECIAL LEAVE FOR DEPENDANTS

1) Employees are entitled to reasonable unpaid time off to take action in the event of an emergency relating to their dependants or personal/domestic circumstances.

However the scope of this policy extends beyond the unpaid statutory provision and, in the circumstances described above, permits employees

to take up to 3 days paid leave in an academic year, to put in place arrangements to deal with:

- Emergency situations regarding their dependants, or,

- Personal/ domestic emergencies

It should be noted that legislation required the School to permit employees unpaid time off to deal with an emergency relating to a dependant (this would not include taking a dependant to a pre-planned appointment) and therefore, albeit rarely, it will be necessary for employees to request unpaid leave In addition to 3 days paid leave.

2) The School would normally consider 1 day to be a reasonable amount of time to make any necessary arrangements, however the amount of time permitted should align with specific circumstances and be determined by need.

3) It is not expected that a request for special leave in relation to time off for dependants as outlined as above will be refused, unless under the most exceptional of circumstances; however, operational and School requirements must be met and therefore each request for special leave will be given due consideration.

4) Special Leave for dependants can be taken in the following circumstances:-

    - If a dependant fails ill

    - If a dependant suffers an injury or is assaulted

    - To make long term care arrangements for a dependant who is ill or injured.

    - To deal with unexpected disruption or breakdown of care arrangements for a dependant.

    - To deal with an unexpected incident involving a dependant, e.g. a child being suspended from school.

1) A dependant can include anyone who falls into the following categories:

    - Spouse or Partner

    - Child

    - Parent

    - Someone who lives in your household as part of your family.

The above list is not exhaustive and is for guidance purposes only. A dependant can be anyone with whom there is a close relationship whereby the individual is largely reliant on the employee during illnesses, injury or when care arrangements break down.

G. RESERVISTS

1) The school grants up to an additional 10 days leave per annum to employees who are Reservists to accommodate some of their training (pro-rata for part-time employees). Employees should request the leave using the 'Special Leave Request form' and they must provide their manager with documentary evidence (e.g. a letter of confirmation) of their involvement in the training.

   Where more leave is required during the year, the employees can request unpaid leave. When requesting any type of leave to attend training, Reservist employees should give as much notice as possible, to allow appropriate planning for absences. Headteachers will try to accommodate requests, wherever possible.

   For more information please go to the Reservist Policy for Schools.

H. FUNDING OF LEAVE OF ABSENCE

1) With the exception of the costs detailed in C3 above all costs associated with approved applications for leave of absence will be met from a schools delegated budget.

I. EQUALITY

1) The schools HR Team aims to regularly review all the policies and procedures they recommend to ensure there are no negative equality impacts. Consultation with our customers is an important part of how we achieve this. If you feel on reading this policy, that there may be a negative equality impact within your school, please tell us about this. Please also let us know if you need to access this policy in a different format. You can do this by contacting the following officer:-

Mark Creighton	Telephone number 0161 912 1254
HR Business Partner	Email: mark.creighton@trafford.gov.uk

Should you have any further questions in relation to leave of absence, please contact the Schools HR Business Partner Team.