

LONDON BOROUGH OF HAVERING

PROCEDURE RELATING TO

LEAVE OF ABSENCE FOR

SCHOOL BASED STAFF

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1. INTRODUCTION

The Local Authority [LA] as employer is responsible for setting the conditions of service of employees in Community and Voluntary Controlled schools. [Foundation and Voluntary Aided schools may have agreed specific policies via their Governing Body]. In the context of this document Head Teachers have delegated authority to grant leave of absence. This procedure has been developed in order to promote a systematic, consistent and positive approach to the management of time off arrangements.

Although this procedure is intended to cover the majority of cases, occasionally some extensions beyond the Head Teacher's delegated authority may be appropriate. In such cases the matter should be considered by the Chair of the Governing Body.

Head Teachers must obtain approval from their Chair of Governors before taking leave of absence.

Head Teachers should bear in mind the need for consistency and fairness when making decisions about granting any leave, paid or unpaid. Reasonable notice should be given wherever possible when staff are requesting leave of absence.

This document tries to cover most generic, common types of leave but the examples given are not exhaustive. For requests in respect of other types of leave please contact Schools' Human Resources for advice.

In circumstances that fall outside the scope of this document the Head Teacher should seek advice from Schools' Human Resources.

In all cases, where part time staff are concerned, leave will be granted on a pro-rata basis.

2. SCOPE

This document relates to all school based employees for whom the Governing Body has responsibility and has been agreed with the recognised trade unions.

3. GENERAL

Employees absent from school for any reason should be entered on the appropriate electronic recording system [SEARS/SIMS].

Where leave of absence is granted, it will be necessary to give details on the SEARS/SIMS return and indicating whether it is paid or unpaid leave.

4. LEAVE OF ABSENCE UNDER HEAD TEACHER'S DELEGATED AUTHORITY

Employees have a duty to attend school on any day when they are contracted to work and the school is open except where leave has been requested and agreed.

In the following circumstances, set out in paragraphs 4.1 to 4.26 Head Teachers have delegated authority to grant leave of absence. Except where specifically excluded below, leave of absence shall be granted with pay. In respect of maternity leave for teaching staff, pay is also subject to 8.3 b) c) of the Conditions of Service for Teachers 2000 Edition document.

In determining the response to a leave of absence request, consideration must also be given to the needs of the school as well as ensuring a consistent approach is maintained.

If an employee takes leave of absence without the prior consent of the Head Teacher (or Chair of Governors in the case of the Head Teacher), this will be classed as unauthorised absence and may warrant an investigation under the Model Disciplinary Procedure for School Based Staff. Such leave will be unpaid.

A request form to be completed for all leave of absence requests is attached as Appendix 1 of this document.

ADOPTION LEAVE

4.1 Adoption leave is applicable to male and female employees, provided they are the main carer of the child and the child's adopter. A separate policy exists for adoption leave. Further details on the policy are available on the Havering Intranet site or alternatively please contact Schools' Human Resources for more information.

ANTE-NATAL CARE APPOINTMENTS

4.2 Time off shall be granted for the purpose of ante-natal care appointments. An appointment card or some other document showing the date of the appointment may be required.

CARERS LEAVE

4.3 Carers leave is applicable to employees with responsibilities for looking after dependants, close relatives, children or partners. The Employment Rights Act 1996 defines a dependant as: a spouse; a

child; a parent; a person living in the same household [but not a lodger, tenant or employee].

The three main circumstances where carers leave may be granted are for: illness/accident/assault; breakdown of normal care arrangements; making arrangements for long term care, particularly with elderly relatives.

A period of up to 5 working days leave may be granted per year. If a longer period is envisaged, this will be considered by Governors on an individual basis and if granted, will be on an unpaid basis.

COMPASSIONATE LEAVE

4.4 Although a consistent approach should be taken, each case should be considered sympathetically and any individual circumstances taken into account. The following applies:

Up to five working days in respect of the death of a husband, wife, parent, partner or child.

Up to five working days where the employee is the sole executor of a deceased close relative as described in this paragraph.

Up to four working days for a guardian, brother or sister.

One working day for grandparent and any other close relative.

For funerals where there is no relationship and no exceptional circumstances – one working day without pay.

If the funeral necessitates a journey of over half a day, up to two additional days may be granted for travel.

COURT / TRIBUNAL ATTENDANCE

4.5 An employee may be asked to give evidence in legal proceedings, including courts, tribunals or coroners courts as a witness. Although the employee has no contractual right to be released for such a purpose, Head Teachers must release the employee if the employee has been served with a witness summons/subpoena requiring them to attend court/tribunal as a witness.

Time off with pay will be granted, although a deduction of pay equivalent to the allowances paid by the Court will be made. The Certificate of Loss of Earnings and copy of the summons should be forwarded to Payroll Dept, Mercury House, Romford so that appropriate payroll arrangements may be made.

Cases where the appearance is as a defendant, plaintiff or voluntary witness will need to be considered on their individual merits.

DOMESTIC LEAVE

- 4.6 The Employee Rights Act 1996 provides for employees to take a reasonable amount of unpaid time off to deal with domestic incidents which do not fall into the Compassionate and Carers sections of this guidance.

Wherever possible appointments should be made outside working hours.

Each case will be judged on its own merits.

ELECTIONS

- 4.7 Paid leave of absence is not normally considered appropriate for candidates in parliamentary and local government elections.

FERTILITY TREATMENT

- 4.8 It is recommended by the National Joint Council [NJC] that LAs make reasonable time-off arrangements for employees undergoing fertility treatment. The LA recommends that the time absent for treatment be treated in the same way as a hospital appointment. A maximum of five working days leave per year may be granted for the purposes of preparing for or recovering from fertility treatment. Any further absences resulting from the treatment must be covered by making a request for unpaid leave.

GRADUATION CEREMONIES

- 4.9 One working day for attendance at the graduation ceremony of the employee, their spouse, partner, son, daughter or parent.

HOSPITAL DOCTOR AND EMERGENCY DENTIST ATTENDANCE

- 4.10 Essential medical treatment and urgent dental work shall be

recorded as sickness absence for administration purposes.

HOUSE REMOVAL

4.11 One working day only if removal during term time.

JURY SERVICE

4.12 Upon receipt of a summons to attend Court as a juror, the employee should forward the certificate of Loss of Earnings and a copy of the summons to their Head Teacher.

Time off with pay will be granted, although a deduction of pay equivalent to the allowances paid by the Court will be made. The Certificate of Loss of Earnings and copy of the summons should be forwarded to Payroll Dept, Mercury House, Romford so that appropriate payroll arrangements may be made.

In the event of an employee being released for a whole day during the period of jury service, the expectation of the Lord Chancellor's Department is that the employee must return to work if at all practicable. Should an employee be discharged from duty for the day, they will be expected to return to work.

Head Teachers, in completing the relevant sections of the Certificate of Loss of Earnings should consider this expectation in the context of the practicalities of travel from the Court to the school and the cover arrangements which will have been made prior to the employee commencing jury service. Employees should be made aware of the expectations of them in these circumstances.

MATERNITY LEAVE

4.13 All pregnant employees are entitled to maternity leave as long as they fulfil the criteria in respect of continuous service with Havering LA. For further details please refer to the separate maternity policy and procedures which are available on the Havering Intranet site or contact Schools' Human Resources for more information and advice.

MEDICAL SCREENING

4.14 Necessary time off shall be granted for the purposes of employees being screened - for example: breast / cervical / prostate / testicular cancer.

PARENTAL LEAVE

4.15 Leave will be granted in accordance with current legislation (Terms and Conditions of Employment: The Maternity and Parental Leave etc. Regulations 1999). Parental leave is separate from maternity and/or paternity leave. Parental leave is unpaid leave. A minimum of 21 days written notice must be given to the school.

Full details are available on the Havering Intranet or contact Schools' Human Resources for further advice and guidance.

PATERNITY LEAVE

4.16 Statutory Paternity Pay and Paternity Leave is available to eligible employees subject to certain criteria.

For further details please refer to the separate paternity policy and procedures which are available on the Havering Intranet or contact Schools' Human Resources for additional guidance.

PUBLIC DUTIES

4.17 The Employment Rights Act 1996 requires that employees are permitted paid or unpaid time off to undertake specific public duties.

Legislation covers employees who are:

- Justices of the Peace
- Members of a LA, a regional area or health authority or health board
- Members of any statutory tribunal
- Members of the managing or governing body of an educational establishment

- Members of a board of prison visitors or a prison visiting committee
The amount of time off to be permitted should take into account the amount of leave required to perform the public duty and any specific occasions when such leave will be necessary.

It is the LA's practice to grant periods of paid leave as follows:

- Up to 12 days in any year to act as a member of a publicly elected body
- Up to 18 days in any year to act as a Justice of the Peace
- Up to 5 days in any year to undertake duties as a Governor [see also section 4.23 re Staff Governors]

Section 10 of the Local Government and Housing Act (1989) makes it unlawful for a LA to allow an employee paid time off in excess of 208 hours for councillor duties.

PUBLIC EXAMINATION DUTIES

4.18 Appropriate time off shall also be allowed for public examination duties in accordance with Conditions of Service for School Teachers 2000 Edition.

Prior agreement between the teacher and Headteacher is required before a teacher enters into a separate contract with an Examination Board for examination responsibilities entailing time off from school.

RECRUITMENT AND SELECTION PROCESS

4.19 Reasonable leave in connection with the selection process will be allowed.

For interviews for posts outside the education service, up to one working day without pay.

It is recommended that leave of absence for an employee who initiates a visit to an establishment before interview be granted without pay.

RELIGIOUS HOLIDAYS

4.20 Up to three working days for employees who belong to a recognised religious group and who are unable to take annual leave for a recognised holiday falling in term time.

SAFETY REPRESENTATIVES AND SAFETY COURSES

4.21 Reasonable time off will be allowed for recognised Safety Representatives to carry out their function and for attendance at Safety Courses in accordance with the Health and Safety at Work etc. Act 1974 and its associated provisions and the Safety Representatives and Safety Committee Regulations 1977.

SPECIAL PAID LEAVE

4.22 There may be circumstances where it is appropriate to ask a member of staff to remain away from school, at the specific request of the school. This must be by agreement with the employee.

STAFF GOVERNORS

4.23 Where a Governing Body meets during the school day, leave of absence to attend the meeting shall be given. Havering LA allows up to five working days paid leave of absence for staff governors. This decision was taken in recognition of the significant time commitments that can be required of governors.

Head Teachers and Governing Bodies are encouraged to allow reasonable time off for staff governors to carry out their functions. In taking decisions on this matter, it is anticipated that Head Teachers and Governing Bodies will wish to acknowledge that to carry out effectively the duties of a governor can be onerous and that the provision of time off can facilitate the more effective functioning of a Governing Body for the benefit both of the school and pupils within it.

STUDY AND EXAMINATION LEAVE

4.24 When an employee has informed the Head Teacher of his/her intention to undertake a part-time course of study relating to the improvement of his/her own employment which lasts for a year or more, whether or not funded in full or in part by the LA, paid time off up to five days per year for study and examinations may be granted appropriate to the individual circumstances.

Such leave may be taken at any time during the course subject to the requirements of the school. Employees will be required to give reasonable notice of their intention to seek study leave.

Study leave would not normally be appropriate where the Open University's study requirement is less than 80 hours.

Study leave for part time staff will be on a pro-rata basis.

Paid leave of absence for examination days only may be granted in respect of other public examinations at the discretion of the Head Teacher.

TRADE UNION REPRESENTATIVE DUTIES

4.25 Separate agreements and arrangements exist for this type of leave of absence. Arrangements approved by Head Teachers or Governing Bodies should be consistent with these.

Where any requests are received which appear to be outside the scope of the present agreements, advice should be sought from the Schools' Human Resources .

TRAVEL/SEVERE WEATHER DISRUPTION

4.26 It is acknowledged that there may be circumstances (such as travel disruption [caused by, for example: snow, fog, natural disasters] where the absence may not be the fault of either the employee or the employer. In such cases governing bodies have the ultimate decision making responsibility. A variety of paid and unpaid options may be considered where appropriate, for example, agreeing to staff taking annual leave, taking unpaid special leave or working flexibly to make up lost hours within an agreed period of time. However if these are not agreed the default position is deduction of pay, which is lawful with or without employee consent.

4.27 If the Head Teacher or Chair of Governors decides to close the school to staff, e.g. on grounds of health and safety, this will not be classed as unauthorised absence.

WEDDINGS / CIVIL PARTNERSHIP CEREMONIES IN TERM TIME

4.28 Own wedding/civil ceremony - without pay.
Employees in school are expected to arrange for their own wedding/civil ceremony to take place outside term time.

Close relative – one working day.

Friend's wedding – one working day without pay.

LEAVE OF ABSENCE APPLICATION FORM

Name

School

Post held

Reason for application

Type of Leave - Paid / Unpaid (*delete as applicable*) (eg carers, domestic etc - see Leave of Absence Procedure for more details)

.....

Commencement date

End Date..... Total No of Days

TO BE COMPLETED BY APPLICANT

I wish to apply for special leave as indicated above.

**I confirm that if applying for unpaid special leave of over 30 days I understand the implications of pro-rated annual leave and superannuation contributions (if in the scheme)

Signed.....Date.....

TO BE COMPLETED BY LINE MANAGER / HEADTEACHER

Delete as applicable

Application for paid / unpaid leave approved.

I am not approving the above application because (enter reasons)

.....

Name.....

Signed.....Date.....

Please keep details of all paid and unpaid leave on your administrative data systems [eg SEARS/SIMS] so that employee pay records are maintained accurately.