



Horbury School
A Specialist Language College

LEAVE OF ABSENCE POLICY

Policy Statement

Leave of absence is for unforeseen, emergency circumstances or situations outside of the employee's control. Any staff taking **unauthorised leave** of absence may have disciplinary action taken against them.

The Governing Body believes that in the interests of effective staffing, there must be no more than one member of staff out of school for a planned reason, that is for example, CPD, network meeting etc.

The Governing Body of Horbury School is committed to supporting where practical, and monitoring leave of absence requests from staff, as the Governing Body recognises there may be some emergency situations when staff need time off from work.

1. **Scope**

This policy will be applied consistently to all staff.

2. **Role and Responsibilities**

2.1 **The Personnel & Training Manager**

The Personnel & Training Manager will ensure that all leave of absence are approved in line with policy. Where a request is refused, advice will be sought from the Headteacher, whose decision will be final. In exceptional circumstances, a request may be deferred to the Governing Body. The Personnel & Training Manager will ensure the appropriate pay is deducted when leave is without pay.

The Personnel & Training Manager will, as required, have responsibility for monitoring all leave of absence requests, providing annual reports to the Personnel Committee of the Governing Body.

Headteacher

Headteacher must consider the needs of both students and staff.

2.2 **Trade Union**

This policy will be revised every 3 years in conjunction with our recognised Trade Union Representatives.

2.3 **Staff**

Staff must not take time off during the school year. However, should emergency or unforeseeable situations arise, staff should immediately consult the Personnel and Training Manager in order to discuss time absent from school and whether it will be paid time or not. Applications for leave of absence will be considered in line with the criteria for payment, attached at Appendix One. Staff must apply for leave of absence, and discuss with the Personnel Manager retrospectively when returning to school after an emergency. Leave of absence can be with or without pay, and as such failure to do so may result in a deduction from pay.

3. **Procedure**

Compassionate Leave

Each case should be considered on its merits, taking into account such factors as existence of other relatives to assist with funeral arrangements, closeness of family and relationship and circumstances of the bereavement. The family relationship given in the table are therefore only for guidance. The period of leave indicated in the table may, by discretion, be extended up to a

maximum of five days, for any one bereavement if it is felt that the factors surrounding the case warrant this.

The usual maximum number of paid days leave of absence granted under this category will be five in one academic year.

3.2 Dependent's illness

When considering requests for this leave, Headteachers should take into account the availability of other appropriate carers within the family unit.

In these circumstances, the Personnel & Training Manager may wish to offer or consider requests for reduced working hours for a specified period.

3.3 Medical/Dental appointments

This is to allow staff time to attend **emergency** dental appointments or medical examinations or treatment. This includes time off to attend screening for breast and cervical cancer at appropriate intervals.

3.4 Moving house

This facility is designed for situations where the removal cannot be on any other day than a working day. It is to cover that day only and is not an allowance that can be taken in lieu.

3.5 Religious observances

Employees who have particular cultural or religious needs which conflict with existing work requirements, there is a need to consider whether it is reasonably practicable to vary or adapt these requirements to enable such needs to be met. This would cover time off for religious observance (prayer times or religious holidays).

The Race Relations Act does not specifically cover religious discrimination but work requirements would generally be unlawful if they have a disproportionately adverse effect on particular racial groups and cannot be shown to be justifiable. School holiday and Bank Holidays therefore, are usually based around the major western Christian festivals. Western Christians would not be granted more than these. A maximum of three days special leave for staff of other religious faiths may be allowed to enable them to observe their main religious festivals e.g. Eid, Diwali, Indian or Chinese New Year and Passover.

Requests for regular leave of absence like for example a Jewish member of staff wishing to leave school in daylight on Fridays, should be approved if it is possible to manage the member of staff's absence and an alternative work pattern can be agreed. Refusing such a request would be justifiable if it could be demonstrated that the absence would have an adverse effect on student entitlement or place an unacceptable burden on other members of staff. Teachers who take regular time off for religious observances should be asked to make up the time.

To ensure that effective working relationships are maintained within schools, Headteachers are advised to brief all employees about the reasons for flexibility being given to colleagues who require time off for religious reasons.

3.6 Flexible Leave for all Staff

Schools are encouraged to be flexible in managing how time off is accommodated. Where none of the above arrangements are possible then other approaches may be considered such as agreeing to time off in lieu arrangements, other temporary variations in working hours or unpaid leave of absence.

3.7 Extended Leave for all Staff

Requests for extended leave may be approved without salary for a specified period of time and with the agreement of Horbury School's Governing Body. A minimum of 3 months notification of actual dates of leave must be given by employees planning to take extended leave.

3.8 Adverse weather conditions

If a decision is made to close the school due to adverse weather conditions the Headteacher and Governing Body need to decide if staff are required to attend. When using discretion all staff should be treated in the same way.

Where staff have been informed that they are not required to attend they should be paid normal salary. This decision should only be made in exceptional circumstances.

If the school is open the Headteacher should determine if that member of staff has made reasonable attempts to get into school.

If a reasonable attempt to attend has been made then the absence should be **with pay**. The extent to which most means of transportation cease or are seriously disrupted will need to be taken into consideration.

If staff do not arrive at school the Headteacher may ask those staff to make up the time, or alternatively the period will be without pay.

Staff who arrive late and who remain in school until the end of the day should not suffer any loss of payment.

If the school releases staff early they will not suffer any loss of pay. If the member of staff will be absent or late they must make every effort to telephone the school to report the circumstances.

If a member of staff is ill on the day or days when there are adverse weather conditions, the school's normal sickness reporting and recording procedures apply. Staff who are on training courses who are unable to attend the training venue should report to school.

When considering reasonable adjustments for staff with disabilities who may have particular difficulties in attending work under severe weather conditions, the Headteacher has the discretion to grant paid time off in cases where it is considered appropriate.

Absences caused by the urgent need to care for children, elderly, other close relatives whose schools, Day Centres or other establishments may have been closed because of severe weather conditions will be considered under emergency leave. If the Headteacher is satisfied that the member of staff had no alternative but to stay at home with the child/person then pay should be

granted. However there is an expectation that all reasonable attempts to make alternative arrangements and/or share the responsibility of care with their partner if appropriate.

In applying the above procedures, Headteachers should look flexibly at the alternatives to unpaid leave which are available to them. These include working from home, flexi time, time in lieu, temporary adjustment to hours and annual leave.

3.9 Job Interviews

Horbury staff are entitled by law to have paid time off for interviews and the school appreciates some interviews span more than one day.

If a member of staff's absence is excessive and becomes unreasonable and/or unmanageable, then it would be appropriate to bring this to his/her attention and ask him/her to be more selective in their applications. (S)he should also be encouraged to seek feedback after unsuccessful interviews and be given the opportunity to talk this through.

Where the redundancy policy is involved, staff are automatically allowed time off to seek redeployment.

3.10 Study leave for major examination

Leave for study, related to continuing professional development, one half day per examination is granted with pay, up to a maximum of 3 days. Requests for study leave over the maximum of 3 days may be granted without pay at the discretion of the Governing Body.

3.11 Leave to sit an examination

Leave to sit an examination that is connected with their work or would enhance their professional development, will be granted with pay.

3.12 External Examiner/Verifier/Moderator

Many teachers work as part-time external examiners, verifiers or moderators as a useful form of personal professional development and because the knowledge and skills they gain are useful to their school and students. To a large extent, absences can be planned well in advance to cause minimum disruption and this should be encouraged. However, authorising special leave, with or without pay, for these activities is at the discretion of the Headteacher.

Fees are normally paid for this work. It is recommended that where absence is approved with pay, any fees other than for work done outside of directed time, should be paid back to the school.

3.13 Governor Duties

Reasonable time off without pay for governor duties is a legal right for governors of schools and colleges.

Leave of absence arrangements for employees who are school governors are:

- Governors to be allowed up to 6 half-days per year (or equivalent in hours) to carry out their normal responsibilities as a governor such as visiting the school whilst it is in session or attending committee meetings, all such time off to be agreed with the Headteacher;

- Governors to be allowed, at the discretion of the Headteacher, up to a further two days (or equivalent in half-days or hours) to assist in the appointment of staff or in the performance review of the Headteacher or similar additional responsibilities as a governor; factors to be considered are: how much time is needed to carry out a governor's duties, whether the employee is also being given time off from work for other activities, the particular circumstances of the employer's business and the likely effect which the employee's absence may have on it all such time off to be with pay.

3.14 Attendance at weddings

Leave of absence will not be granted for an employee's own wedding during term time, unless an all year round support member of staff.

Time off to attend the wedding of the employee's or employees' partners immediate family, i.e. father, mother, brother, sister, husband, wife, partner, grandmother, grandfather, grandchild, one day with pay will be granted. Unavoidable travelling time in excess of this will be considered without pay.

Time off to attend the wedding of someone other than the employee's or employees' partners immediate family, i.e. cousin, aunt, uncle, nephew, niece, close friend, one day without pay will be granted.

Support staff working throughout the year; annual leave should be used to attend a wedding, subject to approval.

3.15 Attendance at Graduation or similar ceremony

Time off to attend the Graduation Ceremony or similar ceremony, e.g. Services, Police, of the member of staff or any member of immediate family receiving degree or being honoured, i.e. mother, father, son, daughter, one day with pay will be granted.

Unavoidable travelling time in excess of this will be considered without pay.

For support staff working throughout the year, annual leave or flexi should be booked and approved for any request to attend a graduation or similar ceremony.

3.16 Jury Service

Granting time off for jury service is not discretionary. Where a teacher is on jury service they must claim the allowances to which they are entitled and inform Horbury School of the allowances they receive. The onus for recovering allowances lies with the member of staff. The member of staff retains the allowance and his/her salary is reduced by the same amount. Failure to claim allowances will result in the amount that could have been claimed being charged to the member of staff.

3.17 Notes on Statutory Public Duties

Time off without pay for these activities is a legal right. Where a member of staff undertakes a statutory public duty, there is a statutory obligation to allow 'reasonable' time off, taking account of: How much time off is required to perform duties as a whole and how much for the particular duty in question, how much time off the member of staff has already had for public duties; and

the effect of the member of staff's absence on the running of the school.

School managers therefore have the ability to exercise discretion within the maximum limits set.

For statutory bodies, the law only refers to attendance at committee meetings, not to any other related attendance. Situations may occur where a member of staff asks for time off for meetings of an official subset of the committee, the request should be considered favourably within the confines of 'reasonableness'.

3.18 Attendance at Court

Compulsory attendance as a witness

Granting time off for a teacher to attend Court as a summoned or subpoenaed witness is not discretionary. Any witness expenses must be claimed and declared to the school to enable salary adjustments to be made.

Voluntary Attendance at Court

Leave and pay for voluntary attendance at Court as a witness should be negotiated considering the circumstances of the case. Where attendance would be of obvious benefit to the member of staff (divorce, child custody etc) leave should normally be granted.

If the proceedings are against the member of staff, leave is given but without pay.

3.19 Attendance at Annual Camp as a volunteer member of the Armed Forces

Granting time off for attendance at a summer camp is not discretionary.

For service in the Non-Regular Forces – attendance at annual camp, staff should negotiate to attend camp outside term time, wherever possible. Evidence that this has not been possible may be requested when applications for leave in term time are considered. Five days leave can be granted with pay for teaching staff and those staff on term time only contract and two weeks for all year round staff.

3.20 Trade Union Duties and Activities

Trade Union Activities

The law does not define these activities but excludes industrial action. The School's need many of the obligations.

Horbury School will support attendance at Trade Union conference and training as required. Where the annual conference of a recognised teachers' union falls within term time, leave will be with pay and will be granted to an agreed number of official delegates.

Requests should be considered on the basis of 'reasonableness'.

3.21 Attendance at important function at child's school, college or university (other than Graduation)

For teachers and support staff working term time only: Time off to attend an important function at a child's school, college or university (other than Graduation), up to 1 day without salary may be granted.

For support staff working throughout the year, annual leave or flexi should be booked and approved for any request to attend an important function (other than Graduation).

3.22 Holidays in term time

Holidays in term time **will not be granted**, except by special arrangement by the Governing Body. Each request will be considered on its merit and treated fairly, and may be granted without pay.

Support staff working throughout the year, who have an annual leave entitlement but should take the majority of their leave in school holiday periods.

3.23 Sports representation

Governors should consider paid or unpaid leave of absence for a teacher representing her/his country, county, region or town in a sporting activity.

If the member of staff is making a representation at National or Local level then agreement should be made with pay.

LEAVE OF ABSENCE FOR BIRTH OF CHILD, ADOPTION AND FOSTERING

1. Maternity leave

All women employees, regardless of their length of service, are entitled to a range of support during and after their pregnancy. These include:

- ✚ Paid time off for ante-natal classes
- ✚ Paid time off for doctor/clinic appointments
- ✚ Reasonable adjustments to workload and working arrangements
- ✚ Information on maternity entitlements and responsibilities
- ✚ Maternity leave – see maternity leave table in leave of absence policy
- ✚ Right to return to the same or similar job

The Personnel & Training Manager will keep in regular contact with the employee during the maternity leave keeping them up to date with developments at work. The Personnel & Training Manager should agree with their employee how contact should be made before maternity leave starts. The employee may choose not to be contacted. However it is worth investing this time as a way of encouraging the employee to return to work after the leave.

2. Adoptive Leave

Employees who are in the process of adopting a child are entitled to a mix of paid and unpaid leave to accommodate the settling period for the new family. This applies to all full or part time staff with at least one year's continuous service before the date of adoption.

Adoption leave does not apply if a member of staff is adopting a partner's child or children.

There is an entitlement to only one period of adoption leave regardless of the number of children placed.

The Personnel & Training Manager should also consider how to keep in touch with their employee during the leave period.

3. Nominated Carer Leave

Nominated Carer Leave is:

- **Paternity Leave** – To provide support to the mother who has given birth;
- **Paternity (Adoptive) Leave** – To provide support to the adopter;
- **Maternity Support Leave** – To provide support to the mother by someone other than the father, husband or partner.

Nominated Carer Leave is granted for the purposes of caring for a child or supporting the child's mother. To qualify for the leave the employee must:

- Have 26 weeks continuous service by the end of the 15th week before the expected week of confinement (in the case of the birth of a child), or by the week in which the adopter is notified of being matched with a child.

- Be the father, or married to or the partner of the child's mother (partner is defined as different or same sex), or nominated by the mother as their primary provider of support around the time of the birth.
- Expect to have responsibility for the upbringing of the child (in the case of Paternity Leave only).

In the case of the birth of a child and the child does not live, full Paternity Leave will remain an entitlement.

No employee will be treated less favourably or dismissed for taking, or seeking to take, nominated carer leave. The provisions of the scheme will apply equally to full-time and part-time workers (part-time employees leave being granted on a pro-rate basis).

Eligible employees will be entitled to take the leave in single blocks of one or two weeks (maximum of one week for Maternity Support Leave) between the period following the child's birth or placement (whether this is earlier or later than expected), up to 56 days after the actual date of birth or placement or if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth. Only one period of leave will be available to employees irrespective of whether more than one child is born (as the result of the same pregnancy) or placed together under adoption. There will be no extension of carer leave beyond two weeks. Further time off is to be covered by annual leave (where appropriate) or in very exceptional circumstances, by existing special leave arrangements delegated to the Governing Body.

4. Parental leave

Staff with at least one year's service with children under the age of five are entitled to Parental leave which gives employees the right to take unpaid time off to spend time with their children.

An employee is entitled to 13 weeks' unpaid leave for the purpose of caring for a child and in the case of a *disabled child to 18 weeks. The entitlement is pro-rate for part-time and job-share employees.

Leave shall be granted for the purposes of caring for a child up to the age of 8, or for eight years following placement for adoption up to the age of 18, whichever is the soonest. Where more than one parent is employed by Horbury School, both parents will be allowed the leave entitlement but only one employee will be granted leave at any one time unless there are exceptional circumstances, e.g. terminal illness.

*A disabled child is a child for whom Disability Living Allowance is awarded.

5. Time off for Dependents

This gives all employees the right to take a reasonable amount of unpaid time off to deal with certain unexpected or sudden emergencies and to make any necessary longer-term arrangements.

6. Paternity Leave for all staff

All male staff are entitled to paternity leave of up to two weeks, and this can be taken up to 56 days after the birth of the child, and must be taken as a consecutive period of leave. The first week is paid at 90% of normal pay and the second week is paid at a flat statutory rate of £100 approx.

**APPENDIX
ONE**

**CRITERIA FOR PAID
LEAVE OF ABSENCE**

Reason for Absence	Period of Absence (working days)	With or without salary
<p>1. Compassionate Leave</p> <p>(a) Bereavement and funeral of member of employee's immediate family – son, daughter, father, mother, brother, sister, husband, wife, partner, grandmother, grandfather, grandchild or close relative acting as guardian/parent but with no legal standing</p> <p>(b) Where more than 2 days absence is required due to travelling or due to additional absence</p> <p>(c) Bereavement of someone other than the employee's immediate family i.e. cousin, aunt, uncle, nephew, niece, close friend</p> <p>(d) Where more than 1 day's absence is required e.g. due to travelling</p>	<p>2 days – date of death and day of internment</p> <p>As may be approved</p> <p>1 or more days</p> <p>As may be approved</p>	<p>With salary</p> <p>Without salary</p> <p>Without salary</p>
<p>2. Family illness of son, daughter, husband, wife, partner, parents, in-laws, or family member where the employee is the named carer</p>	<p>As may be approved by the Headteacher but normally not more than 5 days</p>	<p>With salary</p>
<p>3. Urgent private or family business e.g. house burglary, explosion, gas leak, fire</p>	<p>Up to 1 day per incident</p>	<p>With salary</p>
<p>4. Attending hospital appointments for emergency dental treatment or medical examinations or treatment. This will include time off to attend screening for breast and cervical cancer at appropriate intervals</p>	<p>As may be necessary</p>	<p>With salary</p>
<p>5. Moving House</p>	<p>As may be considered, maximum 1 day</p>	<p>Without salary</p>
<p>6. Attendance at a religious ceremony or observance at of a religious festival which the employee is under a moral obligation to attend or observe by reason of his or her membership, or office in a Church or religious order</p> <p>If more than 3 days are requested</p>	<p>Not exceeding 3 days in a year, maximum of 2 days per festival</p> <p>As may be considered necessary</p>	<p>With salary</p> <p>Without salary</p>

7. Adverse weather conditions.		
(a) If not required to attend	As may be necessary	With salary
(b) If open reasonable attempts have been made but still unable to attend	Up to 1 day	With salary
(c) If no attempt is made	As may be necessary	Without salary
8. Interviews:		
(a) for a post within the Public Sector	As may be necessary	With salary
(b) for a post outside the Public Sector	As may be necessary	With salary of up to a maximum of 2 days. Without salary thereafter
9. Study leave for a major examination	½ day per exam up to a maximum of 3 days	With salary
10. Sitting for an examination in connection with the employee's work	As may be necessary	With salary
11. Teachers attendance at a meeting of Examination bodies or acting as an examiner or moderator for them but only where the teacher's own school is involved with the examination body	As may be necessary	With salary as may be reimbursed
12. School Governor duties	Up to 6 half days	With salary
13. Weddings will not be approved, and requests to attend must be made by application		Without salary
14. Attendance at University Graduation or similar ceremony e.g. Services, Police of the member of staff or any member of immediate family receiving degree or being honoured i.e. mother, father, son, daughter	1 day	With salary
15. Jury Service	As may be required	With salary – claim for loss of earnings to be made to Court and the appropriate deductions are made from salary
16. Justice of the Peace/Magistrate duties or a member of a public body or undertaking public duties i.e. <ul style="list-style-type: none"> • A local authority • A statutory tribunal • A police authority • A board of prison visitors or a prison visiting committee • A relevant health body 	22 attendances a year	With pay. Where an allowance is claimable for loss of earnings the employee must claim and pay the allowance to the Authority

17. Attendance at Court:		
(a) If summoned or subpoenaed as a witness either in a criminal or civil case	As may be required	With salary. (Any loss of earnings are payable by the Court will be deducted from salary)
(b) Voluntary attendance as a witness	As may be required	With/without salary – at the discretion of the school
(c) If the proceedings are against the member of staff	As may be required	Without salary
18. Attendance at Annual Camp as a volunteer member of Armed Forces	As may be necessary	5 days term time, 2 weeks non-term time
19. Time off for Trade Union Duties and Activities		Refer to the LA's Facilities Agreement
20. Attendance at county, national or international event as a competitor	As may be necessary	With/without salary

LEAVE OF ABSENCE FOR BIRTH OF CHILD, ADOPTION AND FOSTERING

**MATERNITY LEAVE
TEACHING STAFF**

Service	Statutory Maternity Pay		Occupational Maternity Pay		Maternity Leave	
	Average Weekly Earnings less than Lower Earnings Limit	Average Weekly Earnings at least equal to Lower Earnings Limit	Intending to return to duty	Not intending to return to duty	Ordinary Maternity Leave	Additional Maternity Leave
<u>Less than 26 weeks with WMDC at end of 15th week before EWC</u>	Nil	Nil	Nil	Nil	39 weeks Statutory Maternity Leave	Nil
<u>More than 26 weeks but less than 1 year with Wakefield MDC</u>	Nil	6 weeks at 9/10ths plus 20 weeks at flat rate	Nil	Nil	39 weeks Statutory Maternity Leave	Additional 13 weeks leave
<u>More than 1 year continuous service as teacher as beginning of 11th week (may change)</u>	Nil	6 weeks at 9/10ths plus 20 weeks at flat rate	4 weeks at full pay plus 2 weeks at 9/10ths (all less SMP) plus 12 weeks at half pay *	4 weeks at full pay plus 2 weeks at 9/10ths (all less SMP)	39 weeks Statutory Maternity Leave	Additional 13 weeks leave

* Half pay and SMP or other allowances may not exceed full pay

**MATERNITY LEAVE
APT&C and SUPPORT STAFF**

Service	Statutory Maternity Pay (1)		Occupational Maternity Pay (2)		Maternity Leave	
	Average Weekly Earnings less than Lower Earnings Limit	Average Weekly Earnings at least equal to Lower Earnings Limit	Intending to return to duty	Not intending to return to duty	Ordinary Maternity Leave	Additional Maternity Leave
<u>Less than 26 weeks with WMDC at end of 15th week before EWC</u>	Nil	Nil	Nil	Nil	26 weeks Statutory Maternity Leave	Nil
<u>More than 26 weeks but less than 1 year with Wakefield MDC</u>	Nil	6 weeks at 9/10ths plus 20 weeks at flat rate	Nil	Nil	26 weeks Statutory Maternity Leave	Additional 26 weeks leave
<u>More than 1 year continuous service with relevant employers at beginning of 11th week before EDC</u>	Nil	6 weeks at 9/10ths plus 20 weeks at flat rate	6 weeks at 9/10ths (less SMP) plus 12 weeks at half pay	6 weeks at 9/10ths (less SMP)	26 weeks Statutory Maternity Leave	Additional 26 weeks leave

**ADOPTIVE LEAVE
FOR ALL STAFF**

Service	Statutory Adoption Pay		Occupational Adoption Pay		Adoption Leave	
	Average Weekly Earnings less than Lower Earnings Limit	Average Weekly Earnings at least equal to Lower Earnings Limit	Intending to return to duty	Not intending to return to duty	Ordinary Adoption Leave	Additional Adoption Leave
<u>Less than 26 weeks</u> with WMDC at the notification week	Nil	Nil	Nil	Nil	Nil	Nil
<u>More than 26 weeks but less than 1 year</u> with Wakefield MDC	Nil	26 weeks at flat rate	Nil	Nil	26 weeks Statutory Adoption Leave	Additional 26 weeks leave
<u>More than 1 year</u> continuous service at the notification week	Nil	26 weeks at flat rate	6 weeks at 9/10ths plus 12 weeks at half pay	6 weeks at 9/10ths	26 weeks Statutory Adoption Leave	Additional 26 weeks leave