

TASKER MILWARD VC SCHOOL

POLICY FOR LEAVE OF ABSENCE FOR REASONS OTHER THAN PERSONAL ILLNESS

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Tasker Milward VC School



MANAGING STAFF IN SCHOOLS

5. Policy on Leave of Absence for reasons other than personal illness

March 2009

POLICY ON LEAVE OF ABSENCE FOR REASONS OTHER THAN PERSONAL ILLNESS

Note: The following regulations shall govern leave of absence for reasons other than illness, injury, disability or other statutory regulations for those employees of the County Council appointed by the Governing Body.

1. Schools are open for 195 days per annum and it is therefore expected that employees will be able to make necessary arrangements to take time off in periods of school closure. However, it is recognised that some absences from school may be unavoidable and may fall within these guidelines.
2. Staff appointed by the Governing Body are employees of Pembrokeshire County Council and as such are subject to Equal Opportunities legislation which enables employees to compare themselves with staff in other parts of the Authority. It is therefore important that Governing Bodies adopt and adhere to the guidelines contained in this policy which has been the subject of consultation with the Teaching Unions and Unison so as to ensure fairness and equality of treatment for all school based employees. In the event of Governing bodies adopting an alternative policy then any employment, equality, financial or resource implication arising therefore is the responsibility of the Governing Body
3. In term-time, leave of absence should only be agreed in accordance with the terms of this policy and requests for any recreational pursuits and holidays during term-time **should not** be permitted. Requests for other reasons in exceptional circumstances should only be agreed after discussions with the Authority to ensure equality of treatment.
4. Employees cannot assume that all requests will be granted by the Governing Body. Requests should therefore be made in writing to the Head Teacher in sufficient time to allow consultation with the Governors and personal arrangements should not be made until the decision of the Governors has been received.

Whilst recognising that leave under this policy may be necessary in exceptional circumstances, this policy recognises the importance of staff presence on a continuous basis in the interests of pupil learning.

CLASS A – LEAVE OF ABSENCE WITH SALARY

- 1.1 Compassionate Leave – the law requires employers to all employees a reasonable amount of time off work without pay to deal with family emergencies such as family bereavement (*in the case of death of mother, father, wife, husband, partner, brother, sister, son, daughter (including adopted or fostered), father-in-law, mother-in-law, grandparent, stepfather/stepmother*). However the Authority has a discretionary policy of leave with pay up to a maximum of 5 working days. The amount of leave to be awarded is to be determined in each case depending on the individual circumstances. There is an expectation that the Line Manager/Head Teacher/Governing Body would not allow the 5 days in every circumstance .

- 2.1 In the case of a serious illness of a close relative or dependant (*as defined in 1.1 above*) where it is necessary for an employee to remain at home or accompany such relatives to hospital, subject to a maximum of FIVE working days This is intended to cover those rare occasions when family members have been sent for because the person is terminally ill and not expected to survive for much longer or in cases where the family member has had a sudden critical illness such as a heart attack or brain haemorrhage which could be terminal. The extent of the compassionate leave will depend on the circumstances of each case and the degree of personal responsibility and involvement. It is not intended to cover periods when young children are unwell or in hospital which is covered in Class B – Leave of Absence without salary.
- 2.2 Attendance as the school representative at the funeral of a student, member of establishment staff, member of Governors or close relative of member of staff as defined in (1.1) above as agreed with the headteacher.
- 2.3 Necessary attendance at medical boards and hospitals for treatment or consultation with specialists and any associated visits arising from such consultations – leave allowed up to one working day although it is expected that every effort will be made to arrange appointments in school holiday times or after school if at all possible to minimise disruption to the school day.
- 2.4 Necessary time off for the purpose of being screened for cancer eg cervical, mammogram, prostate if arrangements cannot be made after school or during periods of school closure. (Cancer treatments such as chemotherapy and radiotherapy are to be classed as sick leave)
- 2.5 Necessary time off for emergency dental treatment where arrangements cannot be made in the lunch hour or after school (not normally exceeding a half-day)
- 2.6 Five days Maternity Support Leave (MSL) to be taken at the time of the birth/return from hospital to assist in the care of the child and to provide support to the mother. MSL is granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of the birth. There is no service requirements linked to this right.
- 2.7 Employees eligible for Statutory Paternity Leave are entitled to:
- A statutory right to 2 weeks paid Paternity Leave entitlement at the standard rate of £117.18 or 9/10s salary whichever is the lesser.
 - Paternity Leave has to be taken in one block of either one week or two weeks.
 - Leave cannot start before the child has been born
 - Leave cannot continue later than the 56th day after the date of childbirth or the 56th day after the expected date of childbirth whichever is the later
 - The right not to suffer unfair treatment (detriment) and not to be dismissed or selected for redundancy on grounds related to your employees Paternity Leave
 - The right to return to the same job

Any employee with the service entitlement therefore has the dual right to take 1 week's paid MSL and one week's statutory Paternity Leave entitlement.

Further guidance on the notification and qualification requirements can be obtained from the Personnel Unit.

- 2.8 Employees who are officials of Teaching Unions/Professional Associations or trade unions are permitted reasonable time off during working hours to carry out certain union duties (as detailed in the Facilities Agreement).
- 3.1 Attending interviews for educational posts, not normally exceeding two days for any one interview in another Authority.
- 3.2 Attendance at courses approved by the Governing Body (eg Department for Education and Skills courses) when such courses do not fall wholly within school/college holidays, subject to prior approval.
- 3.3 Sitting examinations in order to improve status or qualification providing that the subject of the examinations relate to his/her employment.
- 3.4 Attendance as an elected staff governor representative on a Governing Body.
- 3.5 Attendance at schools or other educational institutions for training purposes with the prior agreement of the Line Manager/Head Teacher and/or Governing Body.
- 4.1 Attendance at Police or other Courts as a juror or witness in cases arising out of establishment duties or if subpoenaed as a witness in cases not arising out of establishment duties, subject to the deduction of any financial loss allowance. It is the responsibility of the employee to inform the Authority of the amount of money claimed in respect of loss of earning and that amount will be automatically deducted from the next salary due.
- 4.2 Service as Justice of the Peace provided that the leave of absence for this purpose shall not exceed in any period of twelve months a total of 18 days, or 36 half-days with sufficient additional leave for newly appointed Justices to enable them to complete their statutory courses of training in their first year of office as magistrates. Travel and subsistence costs are recompensed by the Lord Chancellor's Department. Loss of earnings allowances will be automatically deducted from salary for every absence. It is expected that employees will endeavour to arrange to sit for 50% of their time during periods of school closure in order to minimise disruption
- 5.1 Necessary attendance at inter-establishment competitions with the prior approval of the Governing Body either:-
- i. As an official at the function, or
 - ii. As person-in-charge of an establishment party.
- 5.2 Attendance, if deemed necessary after consultation with the Head/Governing Body, to accompany a student representing Pembrokeshire in an inter-county, international or national sporting or cultural event.
- 6.1 Attendance as a delegate or representative of their Association or Union to serve on Committees or Sub-Committees of the Pembrokeshire County Council for such time as agreed under the Facilities Agreement for Accredited Representatives.
- 6.2 With the exception of statutory courses for training Justices of the Peace, no person will be granted in any one calendar year more than a combined total of 8 days leave of absence with pay, other than in exceptional circumstances agreed by the Governing Body.

CLASS B – LEAVE OF ABSENCE WITHOUT PAY

Where leave of absence without salary is granted with the prior approval of the Governing Body, the following arrangements may apply:

- a. Indefinite leave of absence shall not be granted. Where specific periods of absence cannot be defined, leave shall be limited in respect of the application to the end of the term in which application is made. In the event of further unpaid leave required, the employee will need to make another application for leave.
- b. There shall be no entitlement to sick pay allowances during any period of absence without salary.
- c. Deductions will be made in respect of working days actually taken and not holidays:

Absence for a whole or part school session shall mean the loss of salary based on the actual hours absent

- 1.1 Attendance at funerals of friends and relatives other than those mentioned in Class A, Clause 1.1, with the prior agreement of the Line Manager/Head Teacher.
- 2.1 Visiting friends and relatives seriously ill or accompanying such friends and relatives to hospital other than those mentioned in Class A, Clause 1.1. This includes the absence of a parent who wishes to accompany a child under the age of sixteen for the duration of a stay in hospital when the child is undergoing surgery as well as accompanying relatives to hospital or the doctor for routine appointments. Employees are expected to arrange for such absences to be kept to a minimum and every effort should be made for such appointments to be made in the school holidays or after school.
- 2.2 Absence owing to long-term illness in the family, subject to medical notification and with prior agreement from the Head Teacher and/or Governing Body.
- 2.3 Routine medical appointments to doctor, dentist, optician where arrangements cannot be made out of normal working time. Where possible, it is expected that employees should be allowed to work back time rather than have to lose salary.
- 2.4 Elective surgery (ie surgery which is individually undertaken – not out of medical necessity) is without salary
- 2.5 Parental Leave - up to 13 weeks to age of 8 or 18 in total for those employees who are responsible for the upbringing of a child under the age of 8 or 18 in the case of a disabled child, subject to the notice set out in the Parental Leave Guidance document – a copy of which can be obtained from Personnel Unit
- 3.1 Attending interviews for non-educational posts.
- 3.2 Private study for recognised qualifying examinations up to a maximum of three days per annum
- 3.3 Attendance at a Governing Body as an elected parent governor.

4.1 Attendance at weddings :-

- i. personal to the member of staff;
- ii. of their children;
- iii. of relatives and friends.

(leave of absence without salary granted for the purpose of attending the ceremony and any travelling directly involved therewith subject to a maximum of three school days.

4.2 For the purpose of transacting private business, eg legal transactions, assessment and income tax appeals, and personal divorce proceedings – leave only agreed in term-time when absolutely necessary

4.3.1 For transfer of furniture and household effects, where a change of home address has been brought about by a new appointment from outside the county, subject to a maximum of two days.

4.3.2 In exceptional circumstances with the prior agreement of the Governing Body, one day for local move (ie within the County)

5.1 Attendance as a representative of a religious body at religious ceremonies or conferences.

6.1 Mayor/Chairmen of Community Councils to be allowed up to 5 days or 10 half days without pay to enable them to undertake those duties arising directly from their membership or office under their Council

7.1 As a candidate for election to a Local Authority.

8.1 Attendance at his or her own, or spouse's or son's or daughter's degree ceremony, conferment of public honours and award distribution meetings, subject to a maximum of one day.

9.1 Participating as representatives of their country in a major sporting or cultural event provided that specific approval was received from the Governing Body for the number of days absence requested.

10.1 As a candidate for election to Parliament subject to a maximum of 20 working days per annum prior to the election.

11.1 Employees attending court as a private individual.

12.1.1 Leave in order to deal with certain unexpected or sudden emergencies that are immediate, severe and/or tragic and to make necessary long-term arrangements. The right is to take a "reasonable" amount of time off, in order to take action that is "necessary", the following factors should be taken into account:

- (i) the nature of the incident that has occurred ;
- (ii) the closeness of the relationship between the employee and the particular dependent; and
- (iii) the extent to which anyone else was available to help out.

Some examples of where leave may be approved under these circumstances are:-

- to arrange care of dependents;
- critical illness of family;

- fire; theft; floods;
- child-care arrangements.

Unpaid leave for each circumstance, each being dealt with on it's own merits.

CLASS C – LEAVE OF ABSENCE FOR REMUNERATIVE ACTIVITIES

- 1.1 Leave of absence may be granted to a member of staff only with the expressed permission of the Governing Body after consultation with the Director of Education, and only in respect of applications concerning such activities as approved lecturing, broadcasting to schools, etc. Should the request be refused, the employee may appeal to the Staffing Appeals Committee of the Governing Body whose decision will be final.

Teachers may apply for leave of absence with or without salary for such activities. If leave of absence with salary is approved, all fees must be paid to the Authority to be credited back to the School budget excepting 1.2 below.

- 1.2 Servicing approved examination panels, moderating of examinations and examining for external examinations will be in accordance with appendix 11 of the Conditions of Service for School Teachers in England & Wales (the "Burgundy Book"), providing that the prior agreement of the Head/Governing Body has been given:
- Chairman of Examiners and Chief Moderator a maximum of fifteen working days in one year from 1st April, each year.
 - For Assistant Examiners and Assistant Moderators a maximum of three working days in one year from 1st April each year.

CLASS D – LEAVE OF ABSENCE FOR MILITARY TRAINING

Employees who are members of an HM Auxiliary Forces and who are required to undergo annual training in consequence, may be granted leave of absence for up to one week with salary and a further week without salary, subject to: -

- the member of staff being able to satisfy the Governors that the period of training cannot be undertaken during any school holidays; and
- the member of staff paying into the Authority (for crediting back to the school budget) all training allowances for the period of the paid leave of absence.

CLASS E – NON-ATTENDANCE DUE TO INCLEMENT WEATHER

It is the responsibility of all employees to attend their place of work and only when this is not possible should they report to the nearest educational establishment. All employees are, as a matter of course and regardless of conditions, required to demonstrate their availability for duty. Payment of salary is normally dependent on attendance and availability at a specified location. It is within the discretion of the Governing Body, after consultation with the Authority to withhold payment for non-attendance in such circumstances.

The following notes are given as guidance: -

- i) After making every effort to reach the normal place of work and failing to do so, the employee will report to the nearest educational establishment within the Pembrokeshire area.
- ii) The employee should report his/her location to his/her Head Teacher by telephone/email/fax who will record the information for pay purposes.
- iii) Should the conditions be such as to make this attendance not possible, the Governing Body reserves the right to use its discretion to withhold payment, except in those cases where specific circumstances are proven to be not possible for travelling. Such representations must be made personally or through the respective Teachers Associations.

CLASS F – LEAVE OF ABSENCE NOT ALLOWED UNLESS SPECIFICALLY GRANTED BY THE DIRECTOR OF EDUCATION.

- 1.1 Visits abroad
- 1.2 To act as an Election Agent, or for canvassing on behalf of candidates for election to a Local Authority or Parliament;
- 1.3 Attendance at political meetings or conferences
