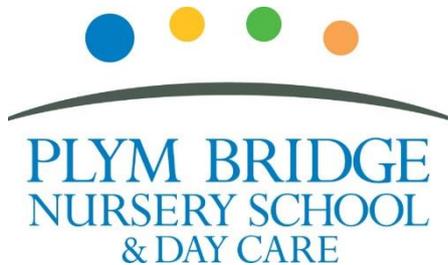




# LEAVE OF ABSENCE POLICY

## Plymouth Nursery Schools Federation



## Ham Drive Nursery School and Day Care

**May 2018**

### **CHANGES**

August 2010: Policy Implemented

March 2012: Updated with changes to the Plymouth Book

October 2014: Updated to include changes relating to leave for antenatal appointments

May 2015: Updated to include IVF/Fertility treatment.

No further revisions.

If you have any questions regarding this policy please contact your HR Adviser.

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This model policy has been written with maintained status in mind. If this model is to be adopted by schools with Trust, Foundation or Voluntary Aided status reference to the “Local Authority” need to be replaced with “the Governing Body” Controlled.

## 1 INTRODUCTION

This policy provides information regarding the entitlements of staff to annual leave and to leave of absence, both paid and unpaid.

- This procedure applies to all school employees.
- All specific time off provisions (in days) detailed in this document will be provided on a pro-rata basis for part-time/job-share employees.
- 'Close relatives' or 'immediate family' are normally defined as husband/wife, permanent partner, children, parents, grandparents, sister/brother, parents-in-law or nominated next of kin. This also includes step children, foster and adopted children/parents.
- The Governors have discretion to include grandparents or other relatives/carers who have taken on the main caring role or people who are not related but occupying a similar position in the family. Where this has been agreed the definition of 'close relatives' will need to be amended accordingly.
- Definition of dependant: a dependant is the partner, child or parent of the employee, or someone who lives as part of their family. For example this could be a grandparent. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee.
- This policy does not cover maternity/adoption leave or time off for IVF and fertility treatment.
- All staff will be required to follow the school/college's procedures for requesting leave of absence and for reporting absence.
- Authorised paid and unpaid leave of absence from work for the reasons in this policy requires prior approval.
- The Governing Body has given delegated authority to the Headteacher to approve leave absence requests up to 5 days. For longer periods of leave of absence the Headteacher must discuss each case with the Chair of Governors, or his/her representative, and act on the recommendation made.
- Governing Bodies have discretion to change the number of days leave to be approved by the Headteacher.
- Requests for paid or unpaid leave must be made in writing to the Headteacher with full reasons for the request. Requests by the Headteacher should be sent to the Chair of Governors. The request should be made as soon as it is known that it will be required and in any case not less than 4 full weeks in advance of the proposed absence, except in exceptional circumstances such as the illness or death of a family member.
- Leave of absence for other reasons not outlined in this policy should be made in writing to the Headteacher and they will be considered on their merits.

- Appeals regarding refusal of requests for leave of absence will be heard by the Governors Appeals Panel.

### **Requests for leave of absence will be considered taking into account**

- The principles of this policy
- The best interests of the children and the school
- Treating staff in a fair, reasonable and consistent way

## **2 ANNUAL LEAVE**

### **Teaching staff**

- Teaching staff are not entitled to annual leave. Teaching staff are contracted to work 195 days per annum (pro rata for part-time staff).
- Requests for leave of absence on the defined working days will not normally be approved, except in accordance with the provisions of this document and under exceptional circumstances.
- Teachers will not be granted leave of absence for holidays in term time.

### **Support staff employed on a term time only basis**

- Support staff employed on a term time only basis are not entitled to annual leave.
- School support staff employed on a term time only basis will normally work for the 190 or 195 days of the agreed school calendar for the academic year.
- Requests for leave of absence on the defined working days will not normally be approved, except in accordance with the provisions of this document and under exceptional circumstances.
- Support staff employed term time only will not be granted leave of absence for holidays in term time.

### **Support Staff employed to work throughout the year**

Support staff employed to work throughout the year are entitled to annual leave.

The annual leave year for each employee will start on the anniversary date of the commencement of contractual employment.

- On commencement: 25 days (pro-rata) including 3 'extra statutory'/'local' holidays
- After 5 years' service: an additional 5 days is added to the initial leave entitlement

From 1 April 1998 additional annual leave for 5 years' service was granted pro rata to service in the leave year in which the fifth anniversary of appointment falls. The additional annual leave will be expressed in whole days, rounded up where necessary.

All annual leave entitlement including public holidays are pro-rata for part-time employees.

Employees will not normally be able to carry over unused annual leave from one year to the next. In exceptional work related circumstances, Headteachers have the discretion to allow employees to carry over up to five days leave.

In addition to the annual leave entitlement Support Staff employed to work throughout the year are entitled to the following:

- General, public and extra statutory holidays:
- Good Friday, Easter Monday, May Day Bank Holiday, Late Spring Bank Holiday,
- Late Summer Bank holiday, Christmas Day, Boxing Day and New Year's Day.

### **3 PARENTAL LEAVE**

Please see our Parental Leave Policy

### **4 MATERNITY/PATERNITY SUPPORT LEAVE**

Please see our Maternity/Paternity Policy

### **5 FAMILY SUPPORT LEAVE**

#### **Teaching staff**

Upon the death or critical illness of a member of the employee's immediate family up to 5 days leave **with pay**.

- For the purposes of this policy critical illness means: non routine hospitalisation, terminal illness or sudden illness which makes it necessary for the employee to make urgent and special arrangements for the care of the relative. This provision is to apply per occasion except when calculated over the school year, no more than 10 days leave with pay will be granted for critical illness absence in one school year.
- Time off to deal with emergencies: in the case of emergencies where there is no other person to look after the employee's sick child (or dependant) time off with pay will be granted for emergencies and sickness of a child/dependent. Employees will be granted 5 days paid leave of absence in any one school year to deal with emergencies, regardless of the number of children or dependants the employee has.

An additional 5 days leave **without pay** may be taken in either of the instances above.

#### **Support Staff**

Upon the death or critical illness of a member of the employee's immediate family up to 5 days leave with pay.

- For the purposes of this policy critical illness means: non routine hospitalisation, terminal illness or sudden illness which makes it necessary for the employee to make urgent and special arrangements for the care of the relative. This provision is to apply per occasion except when calculated over the school year, no more than 10 days leave with pay will be granted for critical illness absence in one school year.
- Sickness of a dependent: Following an initial five days unpaid leave (or a combination of annual leave/time back) an additional five days paid leave may be granted to care

for dependents, provided this is authorised by the Headteacher/Governors Staffing Panel.

NB: Governors have discretion to extend this provision for support staff and the above provisions for support staff applies provided the Governing Body is satisfied no other arrangements can reasonably be made.

## **6 WEDDINGS**

Teaching staff will be granted one day **with pay** to attend the wedding of close relatives. Governors have discretion to increase this provision where a wedding is not being arranged locally. Governors also have discretion to extend this entitlement to support staff.

## **7 RELIGIOUS OBSERVANCE DAYS**

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 **without pay**. Leave will be granted only for those days when the requirements 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.

Governors have discretion over the number of days awarded without pay for religious observance.

## **8 GRADUATION CEREMONY**

Teaching staff will be granted time off to attend the graduation ceremony of the employee or member of the employee's immediate family- one day **without pay**.

Governors have discretion to extend this entitlement to support staff

## **9 OPTICIAN, DOCTOR AND DENTAL APPOINTMENTS**

These should be arranged outside of school hours except in an emergency.

Urgent dental treatment should be treated as sickness and there will be no need for leave of absence to be requested. If, however, the treatment could reasonably have been dealt with outside working hours, formal application for leave of absence should be made.

If such an emergency requires the employee to continue to be absent from work for a period longer than that necessary to gain treatment, the absence will be treated as being due to ill health and the normal sickness procedures will be followed.

## **10 HOSPITAL APPOINTMENTS**

Medical appointments are unpaid and should wherever possible, be taken in the employees own time. The opportunity to 'make up' hours lost through medical appointments may be offered to all staff, including those on pre-defined shifts and rotas, subject to prior notification to and approval of the Headteacher. Time off for medical appointments will not be unreasonably withheld.

Medical appointments at the request of the employer or related to industrial injury will be paid.

Payment in respect of medical appointments related to a disability as defined by the Equalities Act 2010 will be considered in line with the duty to make reasonable adjustments.

Paid time off will be given to attend ante-natal appointments, on the employee producing proof of the appointment.

'Qualifying partners' of pregnant women have an entitlement to unpaid leave to attend antenatal appointments. The entitlement is limited to two antenatal appointments. Schools may choose to offer more generous terms in relation to both pay and the number of appointments for which leave may be granted.

## **11 IVF FERTILITY TREATMENT**

Up to 26 days unpaid leave in an academic year for IVF and fertility treatment will be granted on application.

This entitlement is for married couples, civil partners, unmarried couples (including same sex partners) and individuals.

## **12 ELECTION DUTIES**

Leave of absence, **with pay**, will be granted to employees to assist at European, National, Regional or Local elections, or official referendums. A formal letter of appointment from the returning officer must be provided.

## **13 EXAMINATION STUDY LEAVE**

**Paid leave of absence** for one day will be granted for teaching staff for final revision prior to sitting a recognised relevant examination.

Teachers are entitled to **paid leave of absence** for sitting approved examinations.

Governors have discretion to extend these entitlements to support staff.

## **14 MOVING HOUSE**

Teachers will be granted one day **with pay** will be granted in one school year if the day of the move is unavoidably on a weekday in term time.

Governors have discretion to extend this entitlement to support staff.

## **15 JURY SERVICE**

Time off **with pay** will be granted for jury service. Where loss of earnings can be claimed this must be reclaimed and paid to Plymouth City Council.

## **16 ATTENDANCE AT COURT**

Employees who are required to attend court as a witness either in a criminal case or a civil case where a witness summons or subpoena is issued will be granted time off **with pay**. Where loss of earnings are paid the employee must claim and pay the allowance to the Council.

For court proceedings other than those above, for example custody of children, maintenance payments and other Court appearance where the employee is defendant or involved in non-criminal proceedings, one day will be granted **without pay**, except where the employee is entitled to annual leave.

Governors have discretion where the attendance lasts more than one day to award additional days without pay.

## **17 PAID ABSENCE FOR OTHER PUBLIC DUTIES**

Governors have discretion to recognise public duties other than those listed below. Requests for paid absence to fulfil other public duties should be referred to the Governing Body. Paid absence for public duties/bodies should be taken only where necessary to undertake the role(s)

Where an allowance is paid, the school will reclaim costs incurred by their absence from work, from the employee, up to the full allowance received e.g. jury service and armed forces, This will not apply to election duties.

### ▪ TA and Auxiliary Forces

Absence of up to 10 days a year.

An employee absent from work due to service with the Reserve Forces should claim payment for the period away from work from the Reserve Forces in the usual manner.

The employee should repay to the School a sum of money equivalent to their normal earnings for the period of their absence.

Any Reserve Forces earnings over and above the employee's normal earnings, are unaffected and are kept by the employee.

- Attendance as elected members at local authority meetings and properly established committees up to 20 days per year.
- Governor's duties: for members of another school's governing body up to a maximum of 20 hours per annum depending on the reasonableness of the request.

- Magisterial duties: leave of absence will be granted to employees appointed as magistrates to make the minimum attendance required by the appointment, including training.
- Candidates for parliamentary elections: maximum of 5 working days
- Election duties: leave of absence will be granted to employees to assist at European, National, Regional or local elections, or official referendums.
- Voluntary Lifeboat Persons and Retained Fire Fighters: leave of absence for emergency call out and up to three days training.

## **18 INTERVIEWS**

**Paid absence** will be granted to employees who are invited for a recruitment interview within local government or with a body that has a formal partnership arrangement with Plymouth City Council.

Teachers will be allowed time off to attend interviews **with pay** (including posts in the independent sector) for a maximum of 6 days in any one school year.

Governors have discretion to consider additional requests for time off for interviews.

**Paid absence** will also be granted to any employee who has been identified as being at risk of redundancy, for interviews with any organisation. (See also School Redundancy Procedures.)

## **19 APPROVED UNION/PROFESSIONAL ASSOCIATION ACTIVITIES FOR ACCREDITED REPRESENTATIVE**

Please see separate guidance contained in the facilities agreement for schools and the Plymouth book.

## **20 SEVERE WEATHER CONDITIONS**

These arrangements will be applied when there are severe weather conditions. If there is any doubt as to whether they will apply advice should be sought from the HR Adviser. The criterion which will be used is the extent to which most means of transportation cease or are seriously disrupted.

If a decision has been made that the school is closed to pupils due to severe weather conditions the Headteacher and Governing Body need to decide if staff are required to attend. Where staff have been informed that they are not required to attend they should be paid normal salary. This decision should only be taken in exceptional circumstances.

If the school is open the Headteacher should determine whether a member of staff has made reasonable attempts to get to 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 account.

If weather conditions are not severe and staff do not turn up the Headteacher may ask those staff to make up the time, or alternatively the period will be **without pay**.

In the case of support staff employed throughout the year they will be expected to take annual leave.

If staff do not turn up the Headteacher may ask those staff to make up the time or alternatively salary will be deducted. Staff who arrive late and who remain at school until the end of the day should not suffer loss of pay.

If the school releases staff early they should not suffer 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.

Note: in applying the above procedures, Headteachers should look flexibly at the alternatives to unpaid leave which are available to them. For example:

- Working from home
- Flexi time
- Time in lieu
- Temporary adjustment to hours
- Annual leave

This list is obviously not exhaustive and further guidance is available from the School's HR Adviser.

If the member of staff is ill on the day or days when there are severe weather conditions, the school's normal sickness reporting and recording procedures will apply. Employees who are on training courses and are unable to attend the training venue should if possible report to school. If they are unable to attend school then the above will apply.

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.

## **21 UNEXPLAINED/UNCERTIFIED ABSENCE**

As soon as it becomes apparent that an employee is absent without an acceptable explanation or medical certificate, the Headteacher should write to the employee. The letter should note the date from which the employee was absent and that no medical certificate or satisfactory explanation has been received. It should remind the employee of his/her obligations and say he/she will not be paid beyond the last date at which he/she was either present at work or

absent with an explanation. The letter should also invite the employee to a meeting and give the date and time. (HR advice is available to the school in these circumstances.)

If, within a calendar week, there is no response or no acceptable mitigating circumstances, a further letter should be sent by recorded delivery (and also by ordinary post in case the person does not accept delivery of the recorded item). It should refer to the earlier letter, state the lack of response and explain that unless the employee returns by a specified date (a week later) or unless a medical certificate or acceptable explanation covering the whole period of absence is received by that date, a hearing will be convened to consider the employee's dismissal. The letter should state that if the employee fails to attend the hearing on the date and time provided, a decision will be considered in his/her absence which is likely to result in dismissal for breach of contract of employment.

If there has been no acceptable response by the specified date, the head should convene a Governors panel where the employee's dismissal is considered. The employee should be notified in writing of the hearing and include in the letter the fact that if the employee does not attend the hearing a decision may be taken in his/her absence.

If the employee is dismissed at the hearing (irrespective of whether s/he attended the hearing), s/he has the right of appeal to the Governors Appeals Panel. The employee will be informed of this in writing.

Employees returning to work within the above time periods, who are unable to provide satisfactory reasons for their absence, will be subject to disciplinary action in accordance with the disciplinary procedure and will not be paid for the period of unauthorised absence. Employees who return to work and provide medical confirmation of their absence may also be subject to disciplinary procedure for failing to follow the school's procedure for the reporting of sickness.

Adopted by the Governing Body: 24<sup>th</sup> May 2018

Signed:

Chair of Governors.

Date:

Policy Review cycle: Three Yearly. Next review May 2021.

