

Caroline Haslett Primary School & Faraday Club



LEAVE OF ABSENCE POLICY

Date of Issue: January 2023

Date of next review: January 2024 (or earlier in the event of legislation changes)

Approved by the Headteacher on: _____

Signed: _____ (Headteacher)

Date: _____

Approved by the Governing Board on: _____

Signed: _____ (Chair of Governors)

Date: _____

Schools Leave of Absence Policy



This policy is not intended for use by non-maintained schools. If extracts are used they should be attributed.



Foundation and Voluntary Aided Schools can adapt and adopt this policy or use an alternative.



This policy is for use by Community and Voluntary Controlled schools. Governing Bodies are asked to adopt this policy. Should a Governing Body wish to adopt an alternative policy please ensure that a copy is supplied providing assurance that it is legally compliant.

<https://www.milton-keynes.gov.uk/schools-and-lifelong-learning>

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Prepared by: Human Resources

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Appendix 1 – Leave of Absence Request Form

1.0 Introduction and Purpose

The provisions outlined in this policy serve as a guide to the headteacher and the Governing Board in determining fair and reasonable practices for staff leave of absence. Leave of absence may be defined as leave given in addition to annual leave and may be paid or unpaid.

The policy aims to maintain consistent, positive practices to minimise the negative effects of absence on pupil's learning and the imposition of increased pressure on colleagues. This may not entail identical decisions in all cases, as each individual case will be assessed according to circumstances.

This school believes, as an organisation committed to providing equal opportunities for all, it should support flexible working practices. It seeks to help employees balance the demands of domestic and work responsibilities, particularly at times of urgent and unforeseen need, providing paid or unpaid leave as appropriate.

Where possible, a flexible approach will be adopted to enable staff to meet these different demands. This will only be achieved if staff recognise their responsibilities with regard to making reasonable adjustments to working hours and using annual leave where circumstances allow.

When considering requests for leave of absence which require discretion to be exercised, the headteacher or chair of governors should have regard to fairness and consistency within the context of

- the operational needs of the school;
- the individual needs of the person concerned;
- the length of time requested;
- the amount of notice given.

2. Scope

This policy will be applied to all employees of the school. Where the headteacher has requested leave of absence, the chair of governors will consider the request.

The policy covers the provision of paid or unpaid leave requested under the following categories:

- Statutory Leave (eg paternity leave and parental leave)
- Leave for Public Duties (eg Governing Board duties and jury service)
- Discretionary Leave (eg medical appointments, compassionate leave)

This policy does not cover periods of absence for, sickness, maternity leave or adoption leave. Separate policies outline these provisions.

3. References

This policy accords with the National Agreement on Pay and Conditions of Service for local authority staff (green book) and the Milton Keynes Council Terms and Conditions of Service (November 2003).

Other related policies include Maternity Provision for School Staff and Adoption Leave for School Staff.

4. Right of Appeal

Any appeals arising from the headteacher's decision in relation to leave should be made through the school's Grievance Procedure.

5. Making a Request for Leave

Requests for leave of absence should always be made in advance and in writing. Such requests would not relate to INSET which is a management matter.

Governing bodies may wish to consider an appropriate form on which such an application may be made and an example can be found at Appendix 1. The Governing Board accepts this may not always be possible, for example, when absence relates to a sudden domestic emergency. However the employee would be expected to notify the school as soon as possible of the reasons for his/her absence.

Procedures for reporting sickness absence are set out in the Sickness Monitoring and Capability Policy and Procedure for School Staff.

Please note that any breach of the Leave of Absence Policy will be investigated and may result in disciplinary action.

6. Statutory Leave

6.1 Paternity Leave

To qualify for paternity leave an employee will need to:

- be the biological father of the child or the mother's husband/partner (including same-sex partners), or one of a couple jointly adopting a child, and expect to have responsibility for the upbringing of the child,
- have/expect to have responsibility for the child's upbringing,
- have 26 weeks' continuous service, calculated at 15 weeks before the baby is due to be born, or in respect of an adopted child, calculated as at the week in which the child's adopter was notified of having been matched with the child.

Eligible employees can choose to take either one week or two consecutive weeks' paternity leave (not odd days) and leave can start on any day of the week on or following the birth/adoption. The leave must be completed:

- within 56 days of the actual date of birth or adoption of the child, or
- if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy or adopted.

Employees are already entitled to take maternity support leave (see section 6.2) which grants one full week's leave at full pay. Therefore employees who also qualify for paternity leave will be entitled to two weeks leave *in total* which must be taken consecutively. One week will be paid at the employee's normal rate of pay and one week will be paid at the statutory paternity pay (SPP) rate. Please refer to your HR Adviser for the current rate of SPP.

The employee must, if asked by the school, produce evidence of entitlement to paternity leave by signing a self-certification form declaring that s/he meets the statutory eligibility criteria. Form SC3 entitled Statutory Paternity Pay/Paternity Leave can be downloaded from <http://www.hmrc.gov.uk/> for this purpose.

Employees will need to notify the headteacher of their intention to take paternity leave by the 15th week before the baby is expected. In the case of an adopted child, the employee must give written notice of his or her intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency.

If an employee subsequently wishes to change the timing of the paternity leave, s/he must give 28 days' written notice of the new dates (unless this is not reasonably practicable). To claim statutory paternity pay the employer will need at least 28 days' notice.

6.2 Maternity Support Leave

Where employees are not eligible for paternity leave (e.g. they have less than 26 weeks' service), a maternity support leave of five days may be granted and paid at the employee's normal rate of pay.

To be eligible for maternity support leave, the employee must be either the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother (where the spouse or partner cannot be present) to assist in the care of the child and to provide support to the mother at or around the birth.

The provision of the maternity support leave is not in addition to paternity leave. Employees who qualify for both will be entitled to five days at their normal rate of pay and one week paternity leave paid as statutory paternity pay.

1. Parental Leave

This gives parents of children unpaid time off to attend to the needs of a child in their care.

An employee is entitled to up to 18 weeks unpaid parental leave per child (pro rata for part time staff) if they have completed at least one year's continuous service and if s/he meets one of the following conditions.

- S/he is the parent of a child who is under eighteen years of age.
- S/he has adopted a child under the age of 18 (the right to parental leave lasts for a period of five years from the date of adoption or until the child's 18th birthday, whichever is the sooner).
- S/he has acquired formal parental responsibility for a child who is under eighteen years of age.

An employee who is the parent or adoptive parent of a child who has been awarded Disability Living Allowance is entitled to up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday.

The headteacher may postpone a period of parental leave (except where parental leave has been requested immediately after childbirth or immediately after placement for adoption) if it is considered the operation of the school would be unduly disrupted if the employee were to take leave during the period requested. If leave is postponed the individual will be allowed to take the leave within the following six months and the headteacher will provide written notice of the reasons for the postponement no later than seven days after the employee's notice to take leave.

Parental leave cannot be taken in blocks of less than one week (except in relation to a child who is disabled) and no more than four weeks' leave may be taken in one year.

A minimum of 21 days' notice must be given of the intention to take parental leave.

The member of staff will remain employed whilst on parental leave and will suffer no detriment as a result of taking or seeking to take the leave.

At the end of the parental leave the member of staff is guaranteed the right to return to the same job as before, or if this is not practicable, to a similar job which has the same or better status, terms and conditions as the old job. Where the leave taken is for a period of four weeks or less, the member of staff will be entitled to return to the same job.

2. Domestic Incident Leave/Time off for Dependants

Staff have the right to request a reasonable period of unpaid time off work to deal with an emergency involving a dependant. In most cases one or two day's unpaid leave at most will be granted to deal with the immediate emergency. However this depends on the individual circumstances.

The purpose of the leave is to enable the member of staff to deal with an unexpected or sudden problem and to make longer term arrangements. If a member of staff knows in advance that they are going to need time off, s/he should arrange this in advance with the headteacher by way of annual leave or parental leave if appropriate.

Examples of unexpected or sudden problems include:

- If a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed.
- When a partner is having a baby.
- To make longer term care arrangements for a dependant who is ill or injured.
- To deal with the death of dependant, for example, to make funeral arrangements or to attend a funeral.
- To deal with an unexpected disruption or breakdown in care arrangements for a dependant, e.g. if a carer or child minder fails to turn up.
- To deal with an incident involving the member of staff's child during school hours, e.g. if the child has been involved in a fight or is being suspended from school.

A dependant is classed as a husband, wife or partner, child or parent, or someone living with the member of staff as part of the family. Others who rely solely on the member of staff for help in an emergency may also qualify. It does not include tenants or boarders.

The legal right only covers emergencies. If the member of staff knows beforehand that they are going to require time off they should speak to the headteacher to consider other arrangements, for example, parental leave if it involves a child.

The headteacher should be notified as soon as possible about the need to take time off.

As an example, if a child falls ill the leave should be enough to help the member of staff cope with the crisis – to deal with the immediate care of the child, visiting the doctor if necessary and to make longer term care arrangements. It does not mean that the member of staff may take two weeks to look after a sick child.

7. Leave for Public Duties

Members of staff considering taking up any of the following public duties should discuss the implications with the headteacher and provide evidence. There may be occasions when it will not be possible to approve time off because of the need to maintain school services.

Leave is on a pro rata basis for part time staff.

7.1 Governing Board duties

Up to three days leave or equivalent may be granted in any one academic year to undertake formal governor duties. It is recommended that leave be granted with pay.

7.2 Jury service

Staff whose attendance is confirmed as essential for jury service are entitled to leave of absence with pay, less the amount claimable for loss of earnings.

7.3 Leave for magistrates and members of public bodies

Staff who are appointed as magistrates or who undertake duties connected with the work of local government or other public bodies shall be granted leave of absence with pay for the equivalent of up to 10 school days a year.

7.4 Leave for accredited representatives of recognised associations and unions

Staff who are also accredited representatives of recognised associations and unions shall be afforded union facilities and rights as agreed between such bodies and Milton Keynes Council.

7.5 Service in non-regular forces during term time

Leave with pay for the necessary period of absence when such absence is unavoidable.

7.6 Court proceedings not specifically covered by regulations (ie being called as a witness)

Leave with pay for the necessary period of absence when such absence is unavoidable. Evidence of attendance should be provided

8. Discretionary Leave

Leave is subject to the conditions outlined in section 1. Leave is on a pro rata basis for part time staff.

8.1 Illness of children

One day's paid leave of absence, up to a cumulative total of a maximum of five days in any one academic year. It is expected that staff will make alternative arrangements for any subsequent days of a child's illness. Should this not be possible further leave would be without pay and at the discretion of the headteacher. Once this entitlement has been exhausted, further absences may be treated as domestic incident leave.

1. Hospitalisation of children

Consideration may be given for up to five days' leave with pay, depending upon circumstances.

8.3 Death of member of immediate family (e.g. spouse/partner, child, parent, brother, sister)

Up to five days' paid leave of absence will be granted at the discretion of the headteacher. It is recognised that further support may be needed, such as counselling, Occupational Health referral or further unpaid leave.

8.4 Illness/death of family/friends other than above

Up to two days' paid leave of absence will be granted at the discretion of the Head teacher.

8.5 House removal

One day's paid leave of absence on the day of the house move, if this falls during term time, in any one academic year.

8.6 Absence for job interview

Where agreed in writing with the headteacher, paid leave of absence will be given as appropriate.,.

8.7 Examination Leave

Leave with pay on the day of the examination, plus leave with pay up to the equivalent of one day's leave per day of examination for final revision purposes, at the discretion of the headteacher.

8.8 Attendance at full-time courses of in-service training during term time

Leave with pay for the duration of the course if the course is attended on the recommendation of the headteacher.

8.9 Religious festivals

Leave without pay will normally be granted on request subject to reasonable notice.

8.10 Parliamentary candidates

Leave without pay will be granted from the date when the candidate's nomination is accepted until the date of election.

8.11 Secondment for other paid employment

The Governing Board, upon the recommendation of the headteacher or at the request of the LA will consider requests for secondment.

8.12 Participation in international sporting, cultural and similar events

Leave with or without pay may be granted for the necessary period of absence at the discretion of the Governing Board, upon the recommendation of the headteacher.

8.13 Examiners' meetings

Chief examiners and moderators - up to 10 school days' leave with full pay in any one financial year. Assistant examiners and moderators - up to five school days' leave in any one financial year. Approval would be subject to reimbursement to the school by the Examination Board for salary costs.

Employees should discuss the implications of the above with the headteacher before accepting such positions.

8.14 Attendance at functions of particular importance to other members of the employee's family (e.g. child's degree ceremony)

Up to one day paid leave at the discretion of the headteacher.

8.15 Additional holidays

Requests for leave of absence (either paid or unpaid) for reasons of accompanying a spouse/partner on holidays, foreign business trips and functions will not be granted. The only exception to this that might occur is if the holiday has been booked in advance of the employee taking up employment and the school has been notified in advance in which case the leave would be unpaid.

8.16 Medical appointments

Routine medical/dental appointments should be taken outside school hours.

Recognising there is less flexibility for hospital/specialist appointments, paid leave of absence will be given should the appointment fall at a time when the individual would normally be working. This does not apply to medical appointments for treatment of children or other relatives.

For any other appointment in working time, staff will be required to use lieu time, make up the time or take annual leave by agreement with the headteacher.

Antenatal appointments

Staff are entitled to paid time off to attend ante-natal appointments; however they are expected to arrange such appointments at times convenient to both themselves, colleagues and the school. Reference should be made to the Maternity Leave and Pay Policy.

IVF appointments

Employees should discuss the requirements of their treatment with the headteacher as soon as possible to agree how the appropriate time off may be accommodated within work patterns and workload requirements.

Although there is no statutory obligation to allow time off for IVF treatment, the school will grant paid leave to cover the first specialist appointment. Further time off may be granted through a combination of flexible working, annual leave and unpaid leave.

If the effects of the treatment result in absence from work, this should be dealt with under the Managing Attendance Policy for School Staff.

8.17 Absence for any other reason

There may be other exceptional situations not covered by this policy in which the head teacher may wish to grant further paid leave at his or her discretion.

Subject to relevant Conditions of Service, a member of staff who is absent otherwise than by leave granted shall receive no pay in respect of the period of such absence unless the necessary consent of the governors is obtained. Unauthorised absence may result in disciplinary action.

All requests for leave of absence to be made formally to the headteacher or, in the case of the headteacher, to the chair of governors.

**CONFIDENTIAL
STAFF LEAVE OF ABSENCE REQUEST**

PART A – To be completed by the employee

NAME:

POST:

SCHOOL:

Leave requested:

From: To: (inclusive)

Reason for Request

Signed: **Date:**

PART B – To be completed by the headteacher/chair of governors

Application Approved Yes/No * (*delete as appropriate)

Paid Unpaid Total Number of working days

Where the application is not approved please state the reasons:

Signed: **Date:**
(Headteacher/Chair of Governors)

Payroll informed Date

A copy of this form should be stored on the individual’s personnel file

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<https://www.milton-keynes.gov.uk/schools-and-lifelong-learning>

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