

Human Resources

Children and Young People's Services

Policy

Model Leave of Absence & Compassionate Leave Policy for All School & College Based Employees

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Contents

1.	Policy Statement	3
2.	Introduction	3
3.	GUIDANCE ON GRANTING LEAVE REQUESTS	4
3.1	Procedures	4
3.2	Decision Making	5
3.3	Administration, Monitoring and Recording	5
4.	Emergency and Compassionate Leave	6
4.1	The Legal Position	6
4.2	Approving the Request for Emergency and/or Compassionate Leave	7
4.3	Definition of Personal Emergency	7
4.3.1	Duration of Emergency	7
4.4	Compassionate Leave	8
4.4.1	Bereavement	8
4.4.2	Children and Dependant Adults' Hospitalisation	8
4.5	Sickness Absence Resulting from the Emergency	8
4.6	Welfare Counselling	9
4.7	Temporary Variations to Normal Working Arrangements (To accommodate a brief, time-limited change in an employee's personal circumstances)	9
4.8	Domestic Reasons	9
4.8.1	Moving house	9
4.8.2	Wedding or civil partnership ceremony	9
4.8.3	Examination Leave and Revision Leave	9
4.8.4	Health and Welfare Appointments	10
4.9	Other Leave	11
4.9.1	Interviews	11
4.9.2	Lectures etc	11
4.9.3	Professional Bodies – Attendance at Meetings	11
4.9.4	Special events	11
4.9.5	Participation in Sporting Activities	11
5.	Statutory Leave	12
5.1.1	Redundancy – support for job seeking	12
5.1.2	Reserve Forces	12
5.1.3	Jury Service/Formal attendance at a court hearing (i.e. as witness)	12
5.1.4	Public Duties	12
5.1.5	Magisterial duties (Justices of the Peace)	12
5.1.6	Elections	13
5.1.7	Trade Union Duties	13
5.2	Leave for Governors and other duties	13
6.	Guidance on Religious Observance and Beliefs	13

1. Policy Statement

The Governing Body believes that its employees are its most valuable resource and is committed to recruiting and retaining the best people for the delivery of academic excellence within their School/College.

They recognise that their workforce is increasingly diverse and includes a high percentage of people with caring responsibilities, as well as those with other responsibilities and interests.

The Governing Body accepts that it is difficult to implement all of the aspects of this policy because of the structured nature of the School/College timetable but will endeavour to facilitate requests for leave, either paid or unpaid within the constraints of the timetable. The Governing Body will wherever possible seek to achieve for its employees a balance between home, work and leisure as part of its commitment to being an employer of choice. It is recognised that effective and sensitive management of leave of absence requests can increase employee motivation, build better relationships between the Governing Body and its employees, help with retention, reduce sickness absence, help attract new talent and contribute to reducing employee stress. The Governing Body recognises that there are statutory rights relating to some elements of leave of absence.

2. Introduction

The granting of leave of absence is a matter for the Governing Body of the School/College to determine, subject to adherence to specific legislation (such as the Armed Forces Act 1996 and the Employment Rights Act 1996) and to the relevant conditions of service for employees. For teachers these can be found in the Conditions of Service for School Teachers in England and Wales (Burgundy Book) and for support staff in the National Joint Council (NJC) for Local Government Services (Green Book) or the Leicestershire County Council's Conditions of Service. However, this guidance aims to give teachers and school support staff the same level of provision wherever possible. Nonetheless, the amounts of leave granted and reasons for doing so can differ between teaching and support staff. It is also important to bear in mind that such entitlements must be considered against the overall working arrangements of the different categories of staff and, in particular, the need for arrangements to be made to cover such absences. Employees should be aware that in the interests of fairness and consistency Head Teachers/Principals need to work within the framework and any additional leave requested should be met, if practicable from their annual leave, flexi-leave, making up the hours or working during school closure periods. Where this is not possible then the time may be taken without pay.

Leave of Absence is normally granted on the basis of an academic year.

These leave arrangements have been discussed with the recognised Trade Unions and Professional Associations and are, therefore, recommended to Schools and Colleges. However, whilst Governing Bodies are advised in the interest of consistency to adhere to this

scheme wherever possible, it is recognised that it is not always appropriate to prescribe rigid rules in respect of leave of absence and Governors will sometimes need to exercise their discretion in individual cases. In such circumstances advice should be sought from your HR Adviser.

The funding for most types of leave of absence is already accounted for in the formulation of school/college budgets, consequently the costs of any necessary cover etc will normally fall on the school/college. However, in respect of cover for identified staff in schools to undertake trade union activities, the Local Authority has retained some limited funding which is allocated to the County Secretaries of individual recognised Trade Unions to cover the agreed level of absence. The granting of such time off is within the ACAS guidelines and is the subject of a separate policy.

3. GUIDANCE ON GRANTING LEAVE REQUESTS

It is recognised that the nature of the working day and school terms limits the flexibility of staff in schools to take leave for personal reasons. The Head Teacher/Principal (or in the case of Head Teacher/Principal, the Chair of Governors) may grant paid leave of absence for up to 5 working days. Such approval should be reported to the Governors at a full Governors' meeting.

In exceptional cases the Governors may extend leave by a further 5 working days. Reasonable requests for leave for reasons not specifically covered, or as an extension of the entitlements detailed in this document, should therefore, be considered on an individual basis by Governing Bodies. It is recommended that any requests for leave of absence should be considered by the relevant committee of the Governing Body so that any disputes can then be resolved through the Appeals Committee.

Advice on the appropriateness of such leave can be obtained from your HR Adviser.

3.1 Procedures

Each School/College should publish to all staff its procedures for addressing requests for leave of absence. It is recommended that:

- Governors should confirm the level of delegation given to the Head Teacher/Principal to make decisions. (This is particularly relevant where the request is urgent.)
- Employees requesting leave of absence should, normally, apply in writing to the Head Teacher/Principal or to whoever has delegated responsibility giving as much notice as possible.
- Staff should state the reason for the request (with sufficient information to enable the Head Teacher/Principal/Chair to make their decision) and the date(s)

required. Where urgent leave has been granted, this should be completed and approved retrospectively, following a delegated management decision.

- The Head Teacher/Principal (or Governors Panel where the request is outside the Head Teachers delegation) will inform them of the decision in writing.
- Appeals against a decision about leave of absence would be heard by an appeal panel in line with the usual appeal procedures. However, timescales may need to be sensitive to the timing of the leave requested.

3.2 Decision Making

The Head Teacher/Principal/Governors are advised to consider each individual request in the context of the whole school, for example:

- Statutory Provisions
- Provisions within conditions of service
- Setting a precedent and the implications of further requests of a particular nature
- Whether it is reasonable to expect the employee to undertake the activity out of school time or during the school holidays
- The degree of choice the employee has about the activity and/or its timing
- The impact on provision of education or other services at the school/college
- The implications of the different contractual situations of support staff employed on an all-year-round basis compared with term-time only employees
- Equal opportunities issues
- Financial implications
- Cover arrangements. This may include consideration of any internal arrangements/agreements made with staff to facilitate urgent short term leave to address family care needs, or to attend planned special events in their child's life
- It would be reasonable, wherever possible, within conditions of service, to allow the employee to contribute to the time off by using annual leave, flexi-leave or working additional hours during the school day or school closure periods rather than taking unpaid leave

3.3 Administration, Monitoring and Recording

Head Teachers/Principals must ensure that details of the time off granted, together with the reasons for it, are recorded on the monthly staff absence return.

Regular monitoring by the Governing Body should take place to ensure fairness and consistency of application of these provisions and highlight any areas requiring attention.

Part time employees are entitled to a proportion of the full time leave entitlements stated below on a pro rata basis.

4. Emergency and Compassionate Leave

At some time in their working lives, most employees are likely to experience an emergency, or some kind of urgent situation, affecting themselves, a close relative or dependant, or perhaps a close personal friend.

It is difficult to define precisely who constitutes a close relative as family units and circumstances vary. In the main however the following people are normally deemed to be close relatives:

- Parent/guardian
- Child
- Spouse/partner
- Brother/sister
- Grandparent
- Mother/father in law
- Close friends or other family members living long term in your household as part of the family unit, i.e. not as temporary visitors, or lodgers.
- Other individual circumstances where the individual is dependent on the employee for their care.

These emergency and compassionate leave provisions are designed to enable Governing Bodies to respond promptly and fairly in these circumstances. Such situations do not occur frequently and it is important to remember that each case may vary according to individual circumstances. It is also equally important to ensure that requests are dealt with consistently and with compassion.

It is recognised that it is inappropriate to prescribe rigid rules in respect of compassionate leave. The following are general guidelines.

4.1 The Legal Position

Under the Employment Relations Act 1999 employees are entitled by law to take reasonable unpaid time off work to deal with unexpected or sudden emergencies involving dependants and to make any longer term arrangements. The right to time off arises in circumstances such as the death, sudden illness, injury or assault of a dependant or the unexpected disruption of a dependant's care arrangements. However these provisions go further than the statutory requirements by allowing paid time off in certain circumstances to attend to such emergencies or urgent situations.

4.2 Approving the Request for Emergency and/or Compassionate Leave

It is appreciated that in emergency situations the request may initially have to be made by telephone and it may not be possible to do so straight away.

The employee should advise the Head Teacher/Principal of their circumstances as soon as reasonably practicable and give an indication how long they expect to be absent if possible. The verbal request should be followed up in writing by the employee to their Head Teacher/Principal as soon as practicable.

Precise details about how much leave falls under the emergency and/or compassionate leave provisions may need to be discussed upon the employee's return according to the individual circumstances of the case.

Head Teachers/Principals should consider only the particular circumstances facing the employee and must avoid any element of favouritism. They should be sensitive to cultural and religious differences which may affect the obligations placed upon the employee within the family unit.

4.3 Definition of Personal Emergency

An emergency is defined for this purpose as something that occurs without warning and which requires the employee's immediate and personal attention or action. It would therefore not include supporting or accompanying a spouse, partner, relative or friend etc on a planned hospital or other type of appointment or other domestic situations.

However, where possible and where circumstances allow, Head Teachers/Principals should allow unpaid, annual or flexi leave for this purpose.

4.3.1 Duration of Emergency

The emergency itself will normally be of no more than 24 hours duration, possibly 48 hours in crisis situations. In the majority of cases, however, an emergency will have been dealt with on the day it occurred.

Paid leave to deal with the immediate demands of the emergency should therefore usually be granted. This will normally be 1, and no more than 2 days', paid leave in most instances.

Time off required after the immediate emergency has passed will normally be met, if appropriate, by using annual leave, flexi-leave or working additional hours during the school day or school closure periods entitlement. If further time off is required, it will normally be granted as unpaid leave, however there may be some situations that Governing Bodies feel qualifies for a limited amount of additional paid leave (please see Compassionate Leave below).

4.4 Compassionate Leave

Any paid time off granted after the immediate demands of the emergency have been met (i.e. after the first 24 – 48 hours – please see above) will be deemed to be compassionate leave.

Such additional leave will be granted solely for dealing with ongoing practicalities that require the employee's personal attention and will normally be confined to cases of bereavement or extreme dependant care situations.

4.4.1 Bereavement

In the case of bereavement of a close relative or dependant, it is recognised that the employee may require a longer period of absence for which paid leave may be appropriate.

4.4.2 Children and Dependant Adults' Hospitalisation

Compassionate leave may be appropriate where a young child or a dependant adult is admitted to hospital as an emergency and as the child's parent or main carer, or the carer of the dependant adult, the employee is required:

- to remain at the hospital; or
- as the spouse/partner, to care for or make arrangements for other children/dependants to be cared for.

The first 24 – 48 hours should be granted as paid emergency leave.

Any subsequent time off required should, if practicable, be taken as annual leave, flexi or unpaid leave or working additional hours during the school day or school closure periods unless there are extenuating circumstances. The Head Teacher/Principal may grant up to a further 3 days as compassionate leave (making maximum of 5 days paid leave in total).

If the circumstances are exceptional, i.e. life threatening, the Governing Body may grant further compassionate leave making a combined maximum of 10 days' paid leave in total.

4.5 Sickness Absence Resulting from the Emergency

Where the employee is not well enough to return to work, s/he will be considered to be on sick leave and normal sickness reporting and certification procedures will apply.

4.6 Welfare Counselling

Employees who are experiencing extreme personal difficulties might find it beneficial to speak to someone independent about their situation. The County Council has its own confidential Employee Welfare Service, paid for by the LA (further details can be obtained via your HR Adviser). Alternatively, employees may be referred for private counselling by their GP.

Appointments should normally be arranged within the employee's own time. However, it is recognised that this may not always be possible. Where necessary, therefore, reasonable paid time off to attend an appointment with one of the County Council's Welfare Advisers or an external counselling service may be taken with the agreement of the Head Teacher/Principal taking account of service needs and available staffing cover.

Appointments with external counselling services organised through GP medical referral that necessarily occur within work time will fall within the provisions for attending health/welfare appointments (see section below).

4.7 Temporary Variations to Normal Working Arrangements (To accommodate a brief, time-limited change in an employee's personal circumstances)

On occasions, there may be circumstances when allowing a slight variation to normal working arrangements for a brief period is more appropriate to the employee's needs than leave of absence. Such requests will need to be considered with regard to the operational needs of the school/college.

4.8 Domestic Reasons

Up to 5 days' leave of absence may be granted for domestic reasons (urgent or otherwise). Leave with or without pay may be granted under this provision could include:

4.8.1 Moving house

Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, up to 2 days paid leave may be granted by the Governing Body.

4.8.2 Wedding or civil partnership ceremony

There is an expectation that employees will normally make their own wedding/civil partnership arrangements outside normal working days and therefore paid leave of absence should not be agreed. However, leave of absence may be granted by the Governing Body to enable them to attend a relative's or close friend's wedding or civil partnership ceremony;

4.8.3 Examination Leave and Revision Leave

Where an employee undertakes study which directly relates to their role in the School/College and furthers their professional development and is approved by the governing body or funded by their School/College, leave of absence with pay will have been granted by the Governing Body as follows:

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- day release
 - final revision for examination purposes on the basis of a period equal to the duration of the examination (to be confirmed with the Head Teacher at least 1 month before the examination)
 - attendance at an examination
 - 3 days' study leave throughout an academic year for those undertaking correspondence courses. This is in addition to revision/examination leave.

4.8.4 Health and Welfare Appointments

Governing Bodies may grant paid time off for reasons of the personal health and welfare of an employee or that of a dependent needing to be accompanied, where it is not possible to obtain appointments outside of working hours. For example, visits to a doctor, dentist, optician, clinic and hospital. In such cases it would be expected that these are organised to minimise disruption where possible i.e. beginning/end of the working day, lunch time etc.

This may include matters of a sensitive nature where the employee may not wish to disclose to persons other than those who strictly need to know e.g. to attend confidential medical appointments. Proof of the appointment is usually sufficient to grant the request. In these circumstances the number of people having access to the reasons will be kept to an absolute minimum.

Governors may also approve paid leave of absence for other health related matters such as blood donation where this cannot be arranged out of School/College hours.

Governing Bodies are also reminded that employees should be encouraged to go for routine screening such as smear test (cervical cytology) or a breast examination and time off with pay for this purpose may be granted.

Governors are encouraged to allow up to 4 hours paid leave (once) to enable staff wishing to stop smoking when attending an approved course or clinic. This should be by prior agreement and subject to the need to maintain delivery of education to pupils/students in the School/College.

4.9 Other Leave

4.9.1 Interviews

Leave of absence with pay, up to 5 days in total may be granted to attend interviews. Any further requests (up to a total of 5 additional days) may be granted by the governing body.

It is expected that interviews within the Local Authority would normally be agreed with pay.

Please note that for certain posts (e.g. Head Teacher) the appointment process may take place over more than one day.

4.9.2 Lectures etc

Employees who are invited to give lectures, presentations, etc as part of their normal duties may do so within their contractual hours subject to Governors/Head Teachers/Principals approval. Employees must ensure that any fees received from the organising body are paid directly to the School/College.

Employees who participate in such activities outside of their normal duties will not be compensated by the School/College for the time spent or any travel or subsistence attached to the event.

4.9.3 Professional Bodies – Attendance at Meetings

Employees who serve on a committee or council of a professional body may be granted paid leave to attend such meetings in working hours where operational needs permit.

4.9.4 Special events

Governors may grant requests for leave of absence with pay to attend special events in an employee's family life that cannot be arranged outside normal working days e.g. graduation ceremonies, (normally restricted to one day).

4.9.5 Participation in Sporting Activities

Governing bodies are encouraged to grant reasonable requests for leave (with or without pay) to enable employees who have been selected to participate in activities of a sporting, cultural or charitable nature or other activity of benefit to the wider community or of significant nature to their family. In making such an application employees should provide the appropriate supporting information. For employees selected to participate in sporting events organised by recognised amateur sports associations, at the inter-county or wider level including international events, up to 5 days' leave of absence per year with or without pay in order to attend events and any officially organised training directly related to events. Each request should be considered by the governing body on its merits.

Requests for leave under the following categories are covered by statutory requirements and are therefore separate to the discretionary limits above. For further guidance please contact your HR Adviser.

5. Statutory Leave

This Section identifies circumstances where there is a requirement to grant leave to an employee, unless otherwise stated whether the leave is paid or unpaid is at the discretion of the Governing Body. Statutory Leave should be considered as additional leave.

5.1.1 Redundancy – support for job seeking

The granting of paid leave to enable identified redundant employees to seek alternative employment is a requirement of the Employment Act 1996. The amount of time off is at the discretion of governing bodies. There are no legal limitations on this and each case should be considered on its merits.

5.1.2 Reserve Forces

It is recognised that some employees will wish to volunteer to serve in Britain's Reserve Forces. The County Council has a separate policy for Leave of Absence for the reserve forces. (Insert web links). Further guidance is available from your HR Adviser.

5.1.3 Jury Service/Formal attendance at a court hearing (i.e. as witness)

Paid leave will be granted to employees undertaking jury service or required to attend Court, or a Tribunal, as a witness on behalf of the Crown, Police or Defence, or for either side in a civil case. Employees must claim the attendance allowance for loss of earnings paid by the Court. The amount received will be deducted from the employee's full pay.

Following completion of the jury service, the Employee Service Centre, should be notified of the actual amounts received by the employee from the court so that the appropriate deduction can be made from their pay and the School/College budget refunded. Schools that have a different payroll provider should make similar arrangements.

5.1.4 Public Duties

NB Employees undertaking a combination of public service duties will be allowed an aggregate total of 15 days (18 in the case of JP's or 20 in the case of LA Councillors)

5.1.5 Magisterial duties (Justices of the Peace)

Employees who undertake magisterial duties are granted a maximum of 18 days' leave with pay per annum.

5.1.6 Elections

5.1.6.1 Candidates for Parliamentary and Local Election

Employees who stand as candidates for parliamentary or local election will be granted paid leave on the day of the poll. Consideration will be given to allowing time off to employees who are unable to carry out their normal duties for a period of time through acceptance of public office.

5.1.6.2 Election Duties

One day's paid leave may be granted to employees who are appointed to work at a Parliamentary, County Council or District Council election or to assist with counting votes. Employees wishing to participate in both activities will be required to take annual, flexi or unpaid leave on the second day.

5.1.7 Trade Union Duties

Leave in connection with recognised union duties is covered by ACAS guidance. A separate County Council facilities agreement exists for TU Officers.

5.2 Leave for Governors and other duties

Up to 5 days paid leave in any academic year should be granted to enable employees to request leave to undertake duties that cannot be arranged outside normal working days e.g. attending as a delegate at Church Synods (or equivalent bodies for other religious denominations), meetings of Governors of which the employee is a member of a Governing Body..

Guidance on Leave for Retained Firefighters, Special Constables, Reservists, and Cadet Corps is available from your HR Advisor.

6. Guidance on Religious Observance and Beliefs

Any requests for annual leave, flexi leave or working additional hours during the school day or school closure periods or unpaid leave for the purpose of religious observance should be granted unless there are exceptional circumstances which make it impossible for the employee to be released. Care must be taken to ensure fairness and consistency with employees of other faiths and beliefs.

Some religions require prayers at specific times of the day. Whilst employers are not required to provide a designated prayer room Governors should endeavour to make a quiet room or area available if at all practical. Head Teachers/Principals may discuss with the employee a suitable quiet area that might be used for this purpose and any conditions of use that may need to apply, e.g. time of use, changes of use if needed for other activities at other times of the day, and use by employees for non religious purposes.