

# Little Stoke Primary School

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## Short term leave of absence Policy

### Review Details

|                   |                                  |
|-------------------|----------------------------------|
| Date reviewed     |                                  |
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|                           |                                    |                |                         |
|---------------------------|------------------------------------|----------------|-------------------------|
| Signed                    | Dan Ross                           | Claire Bruford | Key changes             |
|                           |                                    |                | Model policy from SG LA |
| <b>This version dated</b> | <b>Owned by</b>                    |                | <b>Next review date</b> |
| September 2023            | Integra Schools HR<br>Team Manager |                | September 2026          |

# 1. Introduction

The purpose of this document is to assist Governing Bodies and Headteachers with managing requests for short-term leave of absence. It seeks to clarify those circumstances in which there are statutory or contractual entitlements to be observed and to offer advice on the application of discretionary authorisation of leave.

The Governing Body is recommended to delegate the responsibility for granting short term leave of absence to the Headteacher. A periodic report on leave of absence decisions may be provided to the Governing Body (normally through the staffing committee). Where the Headteacher makes a request for short term leave of absence, then the Chair of Governors will take responsibility for the granting of any leave.

Headteachers must ensure that all employees (teaching and support staff) are treated fairly when considering short term leave of absence requests. If a particular request for an employee is granted and a similar request is not granted for another employee then the Headteacher must be able to justify such a decision objectively, in order to avoid potential staff grievance and to ensure that the Headteacher is not discriminating against a particular individual for any protected characteristic under the Equality Act 2010. It is also important not to discriminate against members of staff employed on part-time, fixed-term or temporary contracts. This also applies to agency workers who have accrued the same rights.

This guidance mainly provides advice on leave of absence for personal/domestic reasons or to undertake various public or official duties. There is further guidance on other entitlements, such as maternity leave, paternity leave and shared parental leave available on the Integra Schools HR website under policies and procedures.

This guidance is aligned to South Gloucestershire Council's policies and guidance for centrally employed staff. However, it is recognised that there may sometimes be different considerations in a school context. Unless employees have a statutory right to take and/or be paid for short-term leave, then the Governing Body are able to use their discretion.

To assist schools with the management of discretionary leave decisions, it may be appropriate for the Governing Body to consider a policy under which the discretionary paid leave for any employee would not normally exceed a maximum of (for example) 5 days (pro-rata for part-time staff) in any academic year.

Such a limit would not apply to paid leave for duties covered by statutory entitlements, such as Jury Service, and trade union representation, for which there will usually be associated budgetary provision available.

## 2. Summary of guidance for short term leave of absence

The table below gives a guide to different types of leave of absence.

| Reason for Leave                  | Type of Leave<br>(Discretionary or<br>Statutory) | Further Details can be<br>found in Section |
|-----------------------------------|--------------------------------------------------|--------------------------------------------|
| Antenatal care                    | Statutory                                        | 5.4                                        |
| Bereavement leave                 | Discretionary                                    | 4.1                                        |
| Court appearance                  | Statutory                                        | 5.6                                        |
| Election duties                   | Discretionary                                    | 4.7                                        |
| Fertility treatment               | Discretionary                                    | 4.4                                        |
| Interview for another appointment | Discretionary                                    | 4.10                                       |
| Jury service                      | Statutory                                        | 5.6                                        |
| Medical/dental appointments       | Discretionary                                    | 4.3                                        |
| Parental bereavement leave        | Discretionary                                    | 4.2                                        |
| Political activities              | Discretionary                                    | 4.8                                        |
| Public duties                     | Statutory                                        | 5.5                                        |
| Religious holidays                | Discretionary                                    | 4.6                                        |

|                                |               |      |
|--------------------------------|---------------|------|
| Right of accompaniment         | Statutory     | 5.3  |
| Severe weather conditions      | Discretionary | 4.11 |
| Special leave                  | Discretionary | 4.12 |
| Study leave and examinations   | Discretionary | 4.5  |
| Territorial and reserve forces | Discretionary | 4.9  |
| Time off for dependants        | Statutory     | 5.1  |
| Trade union activities         | Statutory     | 5.2  |

### 3. Requesting short term leave of absence

Employees should contact the Headteacher as soon as possible, if they have a request for leave of absence. The employee should endeavour to give as much notice as possible, in writing, prior to the start of the leave period.

Any requests will be considered by the Headteacher having regard to the relevance of the request and the operational needs of the school. The Headteacher will mark the request as 'approved' or 'not approved', and sign/date it. Confirmation will be provided to the employee in writing, and whether the time off will be with or without pay.

If, due to unforeseen emergencies, (such as time off for dependants) the employee is unable to seek written permission for leave of absence prior to the start of their absence, the employee should verbally inform the Headteacher the reason for the time off work and the expected duration of their absence as soon as possible. In the event of an absence continuing for longer than expected the employee must keep the Headteacher informed as to when they expect to be able to return to work.

If the leave of absence is to be unpaid, the spreadsheet that schools submit monthly to payroll for casual hours, overtime and unpaid leave etc, must be completed. Failure to inform payroll will result in the employee receiving pay for their absence.

Where appropriate, supporting documentary evidence may be requested (e.g. an appointment card) but the Headteacher should be mindful of intrusion into any personal sensitivities. Any information provided to the Headteacher will be kept strictly confidential.

In the event of an employee disputing the Headteacher's decision, the employee will have recourse to the school's grievance procedure. Any employee who takes time off work for reasons that are not of a genuine nature and have not had previous or subsequent agreement from the Headteacher, may be subject to disciplinary action under the school's disciplinary procedure.

## 4. Personal/domestic short term leave of absence (discretionary)

### 4.1. Bereavement leave

Up to five days paid bereavement leave is available to employees (pro-rata for part time staff) with the agreement of their line manager, and will not be unreasonably withheld, following the death of a dependant/close relative, or in cases where a dependant/close relative has life threatening illness. The five days do not need to be continuous. This leave can be used to make funeral arrangements, attend the funeral, and to deal with the emotional difficulties associated with bereavement and serious illness.

A dependant/close relative is as defined as a spouse/partner, child (including adopted or foster child), parent, someone who lives with the employee as a member of the family (excluding lodgers, friends, flatmates, etc.), brother, sister, parent-in-law (including parents of the employee's partner), grandparent, grandchild. This includes step-relatives where there is a close relationship with the employee.

If an employee is suffering physically/emotionally as a result of their loss, then they should seek a medical certificate from a verified medical practitioner. The certificate must be submitted to the school no later than the eighth calendar day of sickness absence.

### 4.2 Parental bereavement leave

Parents or primary carers are entitled to 2 weeks' leave due to the death of their child under the age of 18, or they suffer a stillbirth from 24 weeks of pregnancy.

Up to two weeks' leave can be taken, either as one block of two weeks, or two blocks of one week. It may be taken at any time within 56 weeks of the child's death.

If employees have more than 26 weeks of continuous service with the school, they are entitled to statutory parental bereavement pay (SPBP) during the leave. Otherwise the leave is unpaid.

Notice of leave and claiming of SPBP is given via the 'parental bereavement leave and pay claim form', as soon as reasonably practicable. Completed forms should be sent to payroll services.

### 4.3. Medical/dental appointments

Employees (both full and part time) should, wherever possible, endeavour to arrange medical, dental, and other similar appointments outside their normal working hours. If it is not possible for an employee to arrange an appointment outside of working hours, they should endeavour to arrange the appointment at a time that will cause the least disruption to their work, for example at the beginning or end of the working day.

Any employee who wishes to take time off to attend these appointments must notify the her Headteacher as soon as possible and obtain approval for the time off work. Where appropriate, supporting documentary evidence may be requested (e.g. an appointment card or medical certificate) but the Headteacher should be mindful of intrusion into any personal health sensitivities. Any information provided to the Headteacher will be kept strictly confidential.

Paid time off will normally be granted for employees attending medical appointments where the Headteacher is satisfied that it would not be practical to arrange the appointment outside of the school day. This could be for hospital and clinic appointments where it is not possible to request a specific appointment time.

The Headteacher may exceptionally request the employee to reschedule a non-urgent appointment if its timing would cause disruption to the running of the school or the completion of vital or urgent work.

### 4.4. Time off for fertility treatment

Reasonable paid leave will be granted to an employee who is undergoing fertility treatment.

Absences will be regarded as medical appointments as shown in section 4.3. The Headteacher should be mindful of intrusion into any personal sensitivity and ensure that any information provided is kept strictly confidential.

### 4.5 Study leave and examinations

Paid leave may be granted to employees in order to sit approved examinations applicable to school based employment. In addition, up to 3 days' study leave per year (pro-rata for part-time staff) may be given, either prior to sitting examinations or for the purpose of completing assessed course work or assignments required by the approved training course. Study leave will normally be restricted to situations where the associated training is being undertaken outside of working hours.

### 4.6 Religious holidays

Unpaid leave may be granted to employees who wish to observe religious holidays that do not coincide with public holidays. Religious holidays may also include pilgrimages. Headteachers

must be mindful that every effort should be made to accommodate such requests. Any refusal must be objectively justified, to ensure that an employee would not be able to challenge the decision based on discrimination due to religious belief.

## 4.7 Election duties

A Headteacher may approve unpaid or paid time off for an employee to undertake election duties for South Gloucestershire Council for positions such as a Returning Officer or a Poll Clerk. If unpaid leave is granted, the employee will receive a fee for election duties. If paid time off is granted, the employee will receive their normal pay for the day, in addition to the full fee.

## 4.8 Political activities

Paid leave will be granted to employees who are candidates or agents in Parliamentary, County and District Elections for the day of the Election and the day on which the result of the poll is declared, if necessary.

Unpaid leave will be given to employees who are candidates in Parliamentary elections for the period commencing with the Notice of Election (i.e. the Notice which announces the date of election and invites nominations) to the conclusion of the poll (this does not affect the right to leave provisions as stated above).

Unpaid leave will be given to employees who are candidates in Parish or Town Council elections on the day of the election and the day on which the result of the poll is declared, if necessary.

Up to 5 days' unpaid leave will be granted for attendance as a delegate, at a party political annual conference.

## 4.9 Territorial and reserve forces

Upon proof of membership, volunteer members of the non-regular (i.e. special reserve) forces may be granted leave to attend summer camp for annual training of military reserve force, training corps, etc. Payment for leave is at the Headteacher's discretion.

## 4.10 Interview for another appointment

The Headteacher will normally grant paid leave as necessary for employees to attend an interview for another appointment. However, where there are repeated absences for this purpose then unpaid leave may be granted. Employees must provide as much notice as possible in the event of an interview in order that school has reasonable ability to cover any absence. Where last minute cover may cause additional costs to school, unpaid leave may be granted to protect the school against additional financial loss.

## 4.11 Severe weather conditions

In the event of severe weather conditions staff who are unable to reach their school should telephone the school and report the reason for their non-attendance, at the earliest opportunity.

All employees are expected to make every effort to attend their normal place of work, even when there are difficulties in using public or private transport. It is for the Headteacher to decide whether the reasons given by staff for their inability to attend at school are justified. In the event that a decision is taken to deduct pay, the payroll spreadsheet confirming unpaid leave of absence will need to be completed, and the employee notified of the relevant action being taken.

## 4.12 Special leave

The Headteacher may grant additional leave, with or without pay, in special, exceptional and one-off circumstances at their discretion.

Where such leave is granted, the Headteacher should be mindful of setting precedent and to consider the impact of future similar requests. Notice for such leave must be provided in writing with at least one term's notice. Repeated requests will not be granted as special leave is an exceptional and one-off circumstance. It is likely that this leave will be unpaid.

# 5. Statutory entitlements for short term leave of absence

This section covers statutory rights for school employees to take time off work. School employees also have the right to seek paid and unpaid time off work to carry out functions connected with certain public and employee duties.

In certain circumstances, notwithstanding the employee's statutory right, it may be necessary to refuse or postpone a particular leave of absence request if it can be shown that there are overriding operational requirements at the school.

An employee whose request for statutory time off has been unreasonably refused can bring an action in an employment tribunal. Such a claim must be brought within 3 months of the date of the employer's decision not to allow the employee to take statutory time off. In exceptional circumstances, the tribunal may extend this period.

Schools should grant paid leave of absence to employees undertaking jury service, serving on public bodies, or undertaking public duties.

## 5.1 Time off for dependants

The definition of a 'dependant' is:

- spouse/partner
- child (including adopted or foster child)
- parent
- someone who lives with the employee as a member of the family (excluding lodgers, friends, flatmates, etc)
- someone who reasonably relies on the employee for assistance (e.g. a neighbour with mobility problems)

Employees needing to take dependant's care leave must notify the Headteacher before they are due to start work or as soon as they can. Employees are able to take up to 5 days paid leave per academic year (1<sup>st</sup> September to 31<sup>st</sup> August in the following year). After this, any additional time off for dependants will be unpaid.

If the dependant's care leave is unpaid, then payroll must be notified accordingly, and the employee must also be notified.

## 5.2. Trade union activities

The local secretaries of trades' unions and professional associations which are recognised by the Local Authority are entitled to time off to participate in authority consultation meetings, to deal with school casework and to undertake other relevant activities, including training. Occasionally the local secretary may arrange for another member to substitute or accompany them at meetings, with the prior agreement of the Headteacher.

Schools must make provision for school based union (or Health and Safety) representatives to conduct any necessary school based consultation and workforce representation, including health and safety inspections. Occasionally, school representatives may be expected to attend authority wide or regional events, particularly when there are major changes in pay and conditions or health and safety related legislation. Schools should allow reasonable paid time off for appropriate training relevant to their union role.

## 5.3. The right of accompaniment to a formal grievance or disciplinary hearing

School employees have a statutory right to be accompanied at grievance and disciplinary hearings by a trades' union or professional association representative, or a workplace colleague. Workplace colleagues have a statutory right to paid time off to accompany employees to such hearings.

## 5.4 Antenatal Care

School employees who are pregnant have the right to paid time off during work to attend appointments for antenatal care and may be asked to produce evidence of their antenatal care appointment. These appointments are treated the same as other medical appointments and include travel time to and from the hospital or health centre. Antenatal care includes relaxation and parent craft classes. Further details are available in the maternity handbooks.

## 5.5 Time off for public duties

The employer is required to permit an employee to have unpaid time off for public duties. The public duties include:

- Justice of the Peace/Magistrate
- Members of a Local Authority
- Members of a Statutory Tribunal
- Members of a Police Authority
- Members of a Board of Prison Visitors or a Prison Visiting Committee
- Members of a relevant Health Authority
- Members of a relevant Education Body
- Members of the Environmental Agency
- Member of a Water Customer Consultation Panel

An employee is allowed reasonable time off to go to meetings or carry out their duties. The absence must be agreed in advance with the Headteacher. Unreasonable request can be refused.

A specific amount of time is not laid down in law. Whether the time off is classed as 'reasonable' will depend on:

- what the duties are
- the time needed to carry them out
- the impact on the school
- how much time off has already been taken for public duties

The actual times at which this leave may be taken are to be a matter of agreement between the employee concerned and the Headteacher/governing body, bearing in mind the requirements of the employee's school post and the nature of their public duties.

## 5.6 Jury service/court appearance

School employees who are required to attend jury service, or are summoned as a witness in court proceedings, must inform their Headteacher as soon as possible. The notification document from the court must also be produced when informing the Headteacher. If employees report to the court but are not called upon to serve on any particular day, they are expected to attend work on that day, if it is reasonably practicable to do so in the time available.

School employees have the right not to be subjected to any detriment for being summoned for jury service or having time off for jury service. Employees also have the right not to be unfairly dismissed for being absent from work on jury service. However, where a Headteacher can show that the circumstances are such that the employee's absence would cause substantial disruption to the running of the school, the Headteacher may request that the employee applies for a deferral and details the particular circumstances and difficulties in writing.

Useful information about jury service can be found on the following website:

[Jury service: How jury service works - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/jury-service/about-jury-service)

### 5.6.1 Claiming Costs

All school staff who attend for jury service must inform the Headteacher as soon as possible and complete a 'certificate of loss of earnings' form which they will receive from the court. Payroll should be notified of any payment made by the court so that the appropriate amount can be deducted from their salary.