



**Keskowethyans**  
*Multi Academy Trust*

Date Reviewed by the Committee	
Date Adopted by The Board	07.12.15
To be reviewed next	
Signed by Chair	

# Leave of Absence Policy

Date policy sent to	Date
Secretaries	15.12.15
Lead Teachers	15.12.15
Chairs of LGBs	15.12.15
GS for Website	15.12.15
Relevant other ie Safeguarding Director/Subject Co-ordinator	

## LEAVE OF ABSENCE POLICY

### 1. Purpose of this policy:

- To comply with the statutory entitlements to leave of absence
- To clarify the conditions under which other leave of absence may be taken
- To enable a consistent approach to requests for leave of absence
- To establish a system which is fair to all employees

This policy does not address the policy and procedures for sickness absence which are covered by the Keskowethyans Attendance Policy.

### 2. General Considerations

This policy recognises that any leave of absence taken by any school based employee causes disruption to pupils' learning and/or impacts on the smooth running of our schools. In addition, the Academy may incur additional costs which will have a detrimental effect on school budgets. Employees will be mindful of these considerations and will, as far as is reasonable practicable, make arrangements to minimise the necessity to request leave of absence.

School based employees have a contractual obligation to work during term time and it is emphasised that applications for leave of absence to enable staff to accompany members of their family or partners on holidays, conferences etc will not be granted unless there are very exceptional circumstances and acceptable cover arrangements can be made.

However, Directors recognise that situations will arise from time to time, outside of any statutory entitlement, where the Academy will need to grant employees leave of absence.

It is at the Headteacher's/Directors' discretion whether leave of absence is paid or unpaid unless there is a statutory entitlement to pay (see Section 9)

### 3. Considerations in Granting Leave

The most common requests for leave are to deal with home emergencies, serious illness/death of a partner/near relative and funerals. Each situation may be different and it is essential that assumptions are not made about the surrounding circumstances or nature/status of the relationship of an individual to the employee.

In granting leave The Headteacher/Directors should take account of the following:

- The stated reason/purpose for the leave
- Any anticipated effect upon the welfare of the school(s) if leave is granted
- Any benefit to the person making the request, whether personal or professional
- The effect of refusal upon the applicant

Where frequent requests for leave of absence are made by an individual the Headteacher should discuss the requests with the individual and consider whether the Academy can assist with any underlying difficulties on a temporary or permanent basis.

### 4. Emergency Leave

In cases of the sickness or accident involving a dependant or family member and where the absence of the employee is unavoidable, the Headteacher may grant immediate leave of absence. The Headteacher should then consult the Chair of Directors and agree how much leave is reasonable in the circumstances. In such instances, the employee should be asked to contact the Head by the next day (or as soon as possible) to provide an update on the position and establish what amount of leave has been granted.

### 5. Non –urgent Leave

In cases of non urgent leave of absence a written application should be sent to the Headteacher allowing at least 3 weeks' notice before the absence is to start. The Headteacher may grant requests for up to 3 days as

appropriate. Requests for periods of absence longer than 3 days should be considered by the Personnel Committee on behalf of the Board of Directors.

## 6. Extended Leave of Absence

Requests for an extended period of leave, including leave for sabbaticals, exchanges and voluntary work, should be by written application to the Headteacher giving at least a full term's notice. The Personnel Committee should consider the request and may refer it to the Board of Directors. Such periods of absence are without leave entitlement.

## 7. Deduction of Pay

Where leave is to be granted on an unpaid basis deductions will be based on 1/365 of appropriate salary for each day of absence and for the whole period of absence.

Extended unpaid leave of absence is not reckonable for either incremental or pensionable purposes.

## 8. Statutory entitlement for leave of absence

### 8.1 Maternity Leave

The Employment Act 2002 gives all employees an entitlement to 26 weeks' paid maternity leave and subject to qualification, a further 26 weeks' unpaid additional maternity leave. Different maternity provisions apply to teaching and non-teaching staff. The current maternity leave provisions are available via Mrs Sylvia Richards, the Secretary at St Martin-in-Meneage School.

### 8.2 Paternity Leave

The Employment Act 2002 gives a qualifying employee entitlement of up to 2 weeks' paid paternity leave (at statutory Paternity Pay) for the purpose of caring for a newborn (or newly adopted) child and supporting the mother (or adopter). Different criteria apply depending on whether the leave is connected with a birth or adoption and the current provisions are available via Mrs Sylvia Richards, the Secretary at St Martin-in-Meneage School.

### 8.3 Adoption Leave

The Employment Act 2002 gives qualifying employee entitlement of 26 weeks' paid ordinary adoption leave (at Statutory Adoption Pay) and 26 weeks' unpaid additional adoption leave. Different criteria apply depending on whether the adoption is from within the UK or from overseas. Full details of the Adoption Leave provisions can be found via Mrs Sylvia Richards, the Secretary at St Martin-in-Meneage School.

### 8.4 Parental Leave

The Parental Leave Regulations 1999 give a qualifying employee an entitlement to 13 weeks' unpaid parental leave for the purpose of caring for a child born or adopted on or after December 1999. This entitlement lasts until the child's 5<sup>th</sup> birthday (or a disabled child's 18<sup>th</sup> birthday) and for 5 years following adoption or until the child is 18. For details please refer to Appendix A – Family Friendly Issues.

### 8.5 Time off for Dependents

All employees have the right to take a reasonable period of unpaid time off work to deal with an emergency or sudden problem involving a dependant, such as illness, accident or an unexpected breakdown in care arrangements. A dependant is the partner, child or parent of the employee or someone who lives with the employee as part of their family (e.g. a grandparent). This right is intended to enable employees to make necessary longer term care arrangements for the dependant (see appendix A)

## 9. Other common requests for leave of absence with an indicative approach

### 9.1 Death of a partner or child

- 2 weeks' paid leave

- Additional leave at the discretion of the Headteacher/Board of Directors

#### 9.2 Death of a relative or close friend

- Up to 3 days paid leave
- A further 2 days paid leave for travelling if out of the county
- An additional 5 days unpaid leave if appropriate

#### 9.3 Terminal illness of partner, child, near relative or close friend

Subject to 2 years qualifying service and the employee being the main carer

- 2 weeks' paid leave
- Up to 12 weeks' unpaid leave

#### 9.4 Compassionate Leave

In circumstances not covered by any of the above

- Up to 2 weeks' paid leave
- Up to 6 weeks' unpaid leave

#### 9.5 Funerals

- Half a day or one day's paid leave depending upon the circumstances

#### 9.6 Jury Service

- Time off for the whole period of service
- Employee to claim Court expenses as per Conditions of Service

#### 9.7 Court Action

- Time off as necessary, normally unpaid
- Paid leave may be granted at Headteacher/Director's discretion

#### 9.8 Governor at another school

- Necessary time unpaid

#### 9.9 Interviews for posts related Education

- 1 day's paid leave
- Up to 3 days' paid leave where necessary if out of county travel is involved

#### 9.10 Interviews for posts outside of Education

- As above, unpaid

#### 9.11 Graduation

- Own graduation – 1 day's paid leave
- Child or dependant – 1 day's unpaid leave

#### 9.12 Medical Appointment

Employees are expected to arrange doctors' dental and opticians' appointments outside of school hours where possible. If unavoidable during school time, necessary paid time will be granted.

## FAMILY FRIENDLY ISSUES

The Maternity and Parental Leave etc Regulations, 1999 were laid before Parliament on 4<sup>th</sup> November 1999 and derive from the provisions of the Employment Relations Act, 1999. They bring into law important changes to the arrangements for Maternity Leave that will come into force from 30<sup>th</sup> April 2000, together with new entitlements in respect of Parental Leave that will apply from 15<sup>th</sup> December 1999. Additionally, the provisions in the 1999 Act relating to time off for dependants will also come into effect from 15<sup>th</sup> December 1999.

### TIME OFF FOR DEPENDANTS

From 15<sup>th</sup> December 1999, all employees will have the right to take a reasonable period of time off work to deal with **an emergency involving a dependant**, and not to be dismissed or victimised for doing so.

#### **Circumstances under which employee take time off:**

The new right enables employees to deal with **an unexpected or sudden problem** and make any necessary longer term arrangements:

- if a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically;
- 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 a 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; for example, when the childminder or nurse fails to turn up;
- to deal with an incident involving the employee's child during school hours; for example, if the child has been involved in a fight or is being suspended from school.

#### **Definition of Dependiant**

A dependant is the partner, child or parent of the employee, or someone who lives with the employee as part of their family. For example, this could be an elderly aunt or grandparent who lives in the household. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, for example, a live-in housekeeper.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

### **Amount of Time Off Allowed**

There is not a set limit to the amount of time off which can be taken. In most cases, the amount of leave will be one or two days at the most, but this will depend on individual circumstances. It should be remembered that these provisions relate only to an emergency involving a dependant, although an employee may be able to take a longer period of leave under other arrangements with the employer. For example, if a child falls ill, the leave should be enough to help the employee 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 employee make take two weeks leave to look after a sick child.

### **Time Off Will Be Without Pay**

The statutory right does not include a right to be paid. Whether or not the employee will be paid will depend on the existing terms and conditions of employment. These arrangements remain unchanged.

### **Notice employees are required to give**

Employees need to tell their employers as soon as possible about their absence, the reason for it and how long they expect to be away from work. There may be times when an employee returns to work before it was possible to contact his or her employer, but he or she should still tell his or her employer the reason for the absence on return to work. The standard should be the same as for sickness absence.

### **Refusal of Time Off**

Employees who think that they have been unreasonably refused time off, or victimised for taking time off, may make a complaint to an employment tribunal against their employer. However, in practice, employees should be encouraged to make a reference under the appropriate grievance procedure.

Where it is suspected that an employee is abusing the right to time off for dependants, a reference should be made under the appropriate disciplinary process.

### **Employees needing longer time off, or knowing in advance that the problem is going to arise.**

The new right is intended to cover unforeseen matters. If an employee knows in advance that they are going to need time off, they may be able to take this time as part of their annual leave entitlement. The right to Parental Leave covered in the next section should also be considered.

## **PARENTAL LEAVE**

The implementation of the Parental Leave Arrangements will be the subject of consultation with the recognised trade unions and the County Council may decide to reach a collective agreement. However, in the absence of a collective agreement with the recognised trade unions, the following arrangements should apply.

## Who Can Take Parental Leave?

Employees who have a baby or adopt a child on or after 15<sup>th</sup> December 1999 and who have completed one year's qualifying service with the County Council by the time they want to take the leave. Employees who had a baby or adopted a child between 15<sup>th</sup> December 1994 and 14<sup>th</sup> December 1999 and who have completed one year's continuous service either with the County Council or a previous employer during 15<sup>th</sup> December 1998 and 9<sup>th</sup> January 2002. Both mothers and fathers can take parental leave.

### Key elements of parental leave entitlement:

- 13 weeks parental leave for each child (18 weeks for parents of disabled children);
- the employee's rights to take the leave last until the child's fifth birthday or in the case of adoption, until five years have elapsed following placement or the child reaches the age of 18;
- parents of disabled children will be able to use their leave over a longer period, up until the child's 18<sup>th</sup> birthday;
- the employee will remain employed while on parental leave; some terms, such as contractual notice and redundancy terms will still apply;
- there is no right to be paid during a period of parental leave;
- at the end of parental leave an employee is guaranteed the right to return to the same job as before, or, if that is not practicable, a similar job which has the same or better status, terms and conditions as the job; where the leave taken is for a period of 4 weeks or less, the employee will be entitled to go back to the same job;
- parental leave may be taken in blocks or multiples of one week;
- employees must give 21 days' notice of their intention to take parental leave;
- no more than four weeks leave may be taken in a year;
- parental leave may be postponed by employer for up to 6 months where business cannot cope (such decisions must be approved by a Chief Officer or in the case of school based staff, the Governors);
- leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption;

Parents of disabled children will have the flexibility to take leave a day at a time or longer if they wish. A disabled child is a child for whom disability living allowance is awarded.

Where the conditions of service of an employee provide for them to receive either an entitlement to paternity leave or adoption leave, that leave shall continue to be granted on the basis of the existing conditions of service. However, such leave shall be deemed to be parental leave for the purposes of determining an employee's entitlement under the Regulations.