

Ysgol Aberconwy



Leave of Absence **Policy**

POLICY DOCUMENT NO: 51

ISSUE NO: 3

THIS POLICY HAS BEEN APPROVED BY THE FULL GOVERNING BODY

Signed:

Date: 30/11/21

Review due date : 1/11/24

LT Link : LJS

LEAVE OF ABSENCE - SCHEME OF GUIDANCE

The following notes of guidance have been prepared to confirm the present position with regard to the basis on which leave of absence will be granted to staff in schools, this being the recommended Code of Practice. It is hoped that in this way, all staff employed in Conwy schools will have their requests dealt with in an equitable and even-handed manner.

The information contained in this document gives details of the minimum requirements and show the **locally agreed policies** with regard to such leave. These guidance notes take account of the operation of the **Employment Relations Act 1999** and the **Maternity and Parental Leave Regulations** and the **Work and Families Act 2006**.

Applications for leave of absence should be made by completing the appropriate EXEAT form. In the case of emergencies, a request may be made verbally to the Head teacher. In the case of Head teachers, applications should be submitted to and approved by the Chair of Governors. Employees cannot assume that all requests will be granted by the Governing Body, therefore, personal arrangements should not be made until the decision of the Governors has been received.

Whilst recognising that leave of absence may be necessary in exceptional circumstances, this scheme of guidance recognises the importance of staff presence on a continuous basis in the interests of pupil learning. Whilst every circumstance cannot be covered by this policy, each request should be considered in a reasonable and/or compassionate manner.

LEGAL POSITION :-

Employees are entitled to take reasonable time off work, **WITH PAY** for:

- Trade Union Duties,
- Maternity, Paternity, Adoption and Ante Natal Care.

Employees are entitled to take reasonable time off work **WITHOUT PAY** for:

- Trade Union Activities
- Parental Leave for emergencies such as accidents in school etc
- Dependent Care Leave for appointments
- Public Duties.

Conditions of Service (Burgundy Book for teachers) provide paid leave for:

- Examiners and Assistant Examiners
- Moderators and Assistant Moderators
- Maternity Leave
- Trade Union Activities (accredited representatives).

The discretion to grant leave is seen as the prerogative of a Governing Body. The LA will provide advice to schools relating to certain legal obligations such as time off for public duties and trade union duties.

AGREED – The Trade Unions and the LA recommend the following provisions insofar as leave of absence requests are concerned.

1. BEREAVEMENT - (Supply Costs to School Budget)

Recommended: (includes day of funeral)

Close Relative:

- | | |
|--|--|
| ○ mother/father/husband/wife/partner/child | - 5 days with pay |
| ○ brother/sister/parent-in-law | - 3 days with pay |
| ○ other – giving due regard to the relationship of the employee to the deceased and to any responsibilities to be discharged | - 1 day with pay
(within one academic year) |

2. DEPENDANT CARE LEAVE - (Supply Costs to School Budget)

(Time off for urgent family reasons in the event of sickness or accident)

Recommended: maximum of 3 days paid leave within **one academic year - in an emergency situation** where it is not possible to plan in advance alternative care arrangements, thereafter leave without pay. Part time employees will have a pro rata entitlement. (Please note that this entitlement is not on a per child basis).

2.1 Purpose for which dependant care can be taken

An employee will be entitled to a reasonable amount of time off “to take action which is necessary”;

- (i) to assist when a dependant is ill, gives birth (emergency only), or is injured or assaulted;
- (ii) to make care arrangements for an ill or injured dependant;
- (iii) in consequence of dependant’s death (see bereavement);
- (iv) because dependant care arrangements are unexpectedly interrupted or terminated, or
- (v) to deal with an unexpected incident involving the employee’s child while that child is under the responsibility of an educational establishment, eg if a child has been in a fight, been injured or is being suspended from school.

2.2 Meaning of Dependant

A ‘dependant’ includes spouse, child, parent or someone living in the same house other than by reason of being an employee, tenant, lodger or boarder of the employee. For (i) and (ii) above a dependant also includes any person who reasonably relies on the employee for assistance when ill, injured or assaulted.

2.3 Notification

The right to dependant care leave is conditional upon the employee informing the Headteacher of the reason for their absence as soon as reasonably practicable and the expected duration of the absence.

3. HOSPITAL / DOCTOR’S / DENTAL APPOINTMENTS -

(Supply Costs to School Budget)

Dentist, doctors and whenever possible, hospital appointments **must** be made outside of school hours. Appointments in school time should only be made in **emergency situations** in order to minimise disruption to the school day.

Recommended:

- **in the event of an emergency** or where hospital appointments not available out of school hours - leave with pay.
- maximum of 1 day's paid leave within **one academic year**, where it is **essential** to accompany close relative to a hospital appointment (supply costs to school budget).

4. **INTERVIEWS** - (Supply Costs to School Budget)

Recommended: Leave with pay for attending interviews for posts within local authorities up to a maximum of 3 days per academic year. Any additional leave with pay will be at the discretion of the Headteacher/Governors. Any other interviews – leave without pay.

5. **GRADUATION CEREMONIES** - (Supply Costs to School Budget)

Recommended: Own ceremony or immediate family - 1 day with pay.

6. **UNIVERSITY / COLLEGE INTERVIEW** - (Supply Costs to School Budget)

Recommended: Accompanying son/daughter - leave without pay to max of 2 occasions.

7. **EXAMINATIONS** - (Supply Costs to School Budget)

Recommended: Leave with pay for sitting examinations intended to improve the employees professional qualifications and relevant to their current post or career.

8. **SPORTS / CHOIRS / TEAMS**

Recommended: (for the employee only and not to accompany a family member)

- General
- membership following personal interest, with choir - leave of absence without pay subject to a maximum of 5 days in a three year period (Supply to School Budget).
 - selection as County or National Team member – each case on its merits - leave with pay (Supply to Central LA Budget subject to prior agreement of LA).
 - participation/supervision of County or National team – each case on its merits - leave with pay (Supply to Central LA Budget subject to prior agreement of LA).

9. **PUBLIC DUTIES** - leave with pay (ie Justice of the Peace)

Recommended:

Maximum of 12 days paid leave, within **one academic year**, subject to deduction from salary of loss of earnings allowance (where claimable)
(Supply to be shared between school budget and Central LA budget).

10. **RELIGIOUS FESTIVAL/CEREMONY** - (Supply Costs to School Budget)

Recommended:

Attendance as an official representative of a religious body at religious ceremonies or conferences, or time off work for the observance of any religious festival/ceremony, will be granted without pay up to a maximum of 2 days per academic year.

11. **JURY SERVICE** - leave with pay (Supply charged against central budget)
An employee receiving a summons to serve on a jury must report the fact to the Headteacher who shall grant leave of absence unless exemption is secured. In accordance with the Her Majesty's Court Service regulations, an employee who is contracted at the school and is serving as a juror shall be paid their normal salary during this period. The employee should claim expenses for their travelling and subsistence from the Court Service. A supply employee who's serving as a juror can claim loss of earnings from the court if they had been booked to work for the period of the jury service.
12. **ATTENDANCE IN COURT AS A WITNESS** - leave with pay
(Supply charged against central budget)
Attendance at a court of law as a witness will be granted with pay. In all cases, a claim for loss of earnings must be made from the court. It is the responsibility of the employee to inform the Authority of the amount of money claimed in respect of loss of earnings and that amount will be automatically deducted from the next salary due.
13. **GENERAL TEACHING COUNCIL for WALES** - leave with pay
(Supply charged against central budget)
Witness at a hearing – as required for the hearing
Panel Member – up to 12 days with pay
14. **MOVING HOUSE** - (Supply Costs to School Budget)
Recommended: 1 day with pay where weekend arrangements are not possible.
15. **WEDDING** - (Supply Costs to School Budget)
Recommended:

own wedding	-	1 day with pay for day of wedding
son or daughter	-	1 day without pay for day of wedding only
relative/close friend	-	1 day without pay for day of wedding only
16. **OTHER SERIOUS DOMESTIC / PERSONAL CRISIS** - (Supply costs to School Budget)
Recommended:
Up to 3 days paid compassionate leave within **one academic year**. Examples falling under this category may include damage to employee's property due to flood, fire or burglary.
17. **SEVERE WEATHER / MOTOR FUEL DIFFICULTIES, etc**
Employees are contracted to attend their normal place of work and are expected to make every effort to be present. Where staff are unable to be present at work due to weather/motor fuel problems, etc there will be no entitlement to paid leave unless such an arrangement is agreed by the Governing Body having regard to the special circumstances involved.
18. **CANVASSING AT ELECTION TIME**
The Governing Body in consultation with the Chief Education Officer may give permission with or without pay in the case of such absence. Prior written notice should be given to the Governing Body

outlining in full, the reasons for the application. The Chief Education Officer will try to ensure consistency throughout the County in his advice to Governing Bodies.

19. **MATERNITY LEAVE** - Employees will be entitled to maternity leave in accordance with the provisions of the appropriate Occupational Maternity Scheme. Please contact the Education Personnel Section to obtain a copy of the maternity policy.
20. **ADOPTION LEAVE** - will be granted in accordance with the Authority's agreed policy. Please contact the Education Personnel Section to obtain a copy of the adoption policy.
21. **MATERNITY SUPPORT LEAVE** - for non-teaching staff, the NJC National Agreement on pay and conditions of service (The Green Book) allows for 5 days paid leave to a child's father or the partner or the nominated carer of an expectant mother to assist in the care of the child and to provide support to the mother on or around the time of the birth. The regulations governing Parental leave allow an employer to use this corresponding right to count towards parental leave. Employees who qualify for Paternity Leave will not be entitled to take Maternity Support Leave. Further information can be obtained from the Education Personnel Section.
22. **PATERNITY LEAVE** - The employee must have 26 weeks continuous employment at the 15th week before the baby is due and continue to be employed by the Council up to the date of birth. The **NJC** conditions of service (**support staff**) allow 2 weeks paid leave which must be taken as a block of two weeks or as two separate blocks of one week to be taken within 56 days of the birth. **Teachers'** conditions of service also allow 2 weeks paternity leave but do not allow occupational pay during this period but Statutory Paternity Pay may be payable. Further information can be obtained from the Education Personnel Section. Application must be made in writing along with completion of Form SCP 3. Employees who qualify for Paternity Leave will not be entitled to take Maternity Support Leave.
23. **PARENTAL LEAVE** - (Supply Costs to School Budget) Leave without pay
 - An employee who has one year's continuous service by the week the baby is due, (and has parental responsibilities) is entitled to 13 weeks' leave for the purpose of caring for **each** child (natural or adopted). The right to parental leave (with exceptions) lasts until the child is 8 years old or in cases of adoption 5 years from the date of placement (or the child's 18th birthday if that is sooner). Parents of disabled children are entitled to 18 weeks parental leave (previously 13 weeks) up until the child's 18th birthday. **Employees may only take 4 weeks' parental leave for each child during a particular year.**
 - In all cases, the request for leave should be made to the Headteacher. The request should be with due notice and contain appropriate documentation. **Please contact the Education Personnel Section for further information.**
 - The Governing Body can postpone the period of leave if the 'operation of the school would be widely disrupted'. However, if the leave is to be taken immediately after a child is born or placed for adoption, the employer may not postpone the leave.

Employees requesting parental leave must complete the attached form, "Request for Absence during Term Time". In addition, it must be recorded on the monthly absence report form (CT45A). A record should also be kept on the personal file at school to ensure that the correct entitlement is taken should the employee move school or leave the Authority.

24. **IVF TREATMENT** - reasonable time-off without pay will be granted for employees undergoing fertility treatment.
25. **CANCER SCREENING** - paid leave for duration of screening. (Cancer treatments such as chemotherapy and radiotherapy are to be classed as sick leave).
26. **ELECTIVE SURGERY** - (ie surgery which is not a medical necessity) is without pay.
27. **TRADE UNIONS AND TIME OFF PROVISION**

The Council has encouraged employees to join Unions especially recognised trade unions, i.e. a trade union recognised by the County Borough Council for collective bargaining purposes. Every employee has the right not to have action taken against him/her as an individual by the employer for the purpose of:

- (a) preventing or deterring him/her from being or seeking to become a member of an independent trade union or penalising him/her for doing so; or
- (b) preventing or deterring him/her from taking part in the activities of an independent trade union at any time or penalising him/her for doing so; or
- (c) compelling him/her to be or become a member of a trade union.

An employee can complain to an employment tribunal if the above rights are contravened and it will be for the employer to show what action if any, was taken and that the purpose of that action was not to contravene the employee's union membership rights. If contravention is shown to have occurred an employment tribunal may award compensation of an amount that the tribunal considers just and equitable in the circumstances, taking account of any losses that the employee has suffered.

Such claims can arise where an employee is a union member or official and is not selected for promotion and it is claimed that the non-selection for promotion was attributable to his/her trade union activities. Possible action reinforces the need to have a checklist on all appointments and promotions.

The above applies to any employee who is a member or wishing to be a member of an independent trade union. However, an independent trade union is not necessarily a recognised trade union. A recognised trade union is a union recognised for collective bargaining purposes and with whom the employer agrees to negotiate. The following trade unions are recognised by the County Borough Council for teaching and non-teaching school staff:

Association of Teachers and Lecturers (ATL)
National Association of Headteachers (NAHT)
National Association of Schoolmasters/Union of Women Teachers (NASUWT)

National Union of Teachers (NUT)
Association of School and College Leaders (ASCL)
Undeb Cenedlaethol Athrawon Cymru (UCAC)
UNISON
GMB
UNITE

Recognition can incur additional costs to the employer. Under the provision of the Employment Protection Consolidation Act, employees, who are officers or elected/appointed representatives of a recognised trade union, are entitled to reasonable time off with pay in working hours to:

- (a) carry out official union duties or industrial relations involving an employer and his employees;
- (b) to undergo industrial relations training relevant to his duties approved by the TUC or a union.

The ACAS Code of Practice on this subject states that:

- (a) Industrial relations duties include:
 - (i) collective bargaining;
 - (ii) meetings with members to inform them of the outcome of negotiations;
 - (iii) meetings with full-time and lay officials
 - (iv) grievance and disciplinary procedures;
 - (v) appearing on behalf of members before outside bodies;
 - (vi) explain the role of the union to employees.
- (b) Industrial relations training includes:
 - (i) basic training;
 - (ii) further training for special responsibilities or to meet changes in structures or topics of negotiation.

Recognised trade unions have also the right to appoint health and safety representatives who, where appropriate, may seek reasonable time off to undertake safety inspections and undertake health and safety training.

While the Governors have the right to recognise any Trade Union, they should note that if such recognition is afforded to Trade Unions which the LA does not recognise then they will have to “finance” any cost arising from such recognition.

Other time off Provision

Employees who are members of independent recognised trade unions have also the right to time off (without pay) to take part in industrial relations duties relating to their employments.

FUNDING OF TIME OFF FOR LEA RECOGNISED TRADE UNION OFFICIALS TO CARRY OUT TRADE UNION DUTIES AND ACTIVITIES (WHERE SUCH UNIONS ARE RECOGNISED BY THE LEA) WILL BE PROVIDED BY THE AUTHORITY (TO AN AGREED LIMIT) AND THUS WILL NOT BE MET FROM THE SCHOOL'S BUDGET.

LEAVE OF ABSENCE WILL NOT NORMALLY BE GRANTED FOR THE FOLLOWING:

- (i) to transport children to/from college at beginning/end of terms
- (ii) to facilitate any holiday arrangements encroaching on to a school term
- (iii) undefined leave of absence

ADDITIONAL NOTES

- (i) It would not be possible to list all the various types of requests that are received but all applications should be responded to within the above framework.
- (ii) School are open for 195 days (39 weeks) per annum and it is therefore expected that employees will be able to make necessary arrangements to take time off in periods of school closure. However, it is recognised that some absences from school may be unavoidable and may fall within these guidelines.
- (iii) It should be noted that a willingness to forego salary does not of itself ensure that leave of absence will be granted.
- (iv) Apart from absences due to sickness, the employee should request any other absence by completing the appropriate EXEAT. This ensures that appropriate salary arrangements can be made. **All such absences should be entered on the school's monthly absence reporting form (CT45A).**
- (v) Please note that deduction of salary for Leave of Absence without pay will be made at the rate of 1/365ths of annual salary. Governing Bodies and staff will note that, in the case of teachers, the daily rate for a supply teacher engaged to cover an absence will be at the rate of 1/195ths of an assessed annual salary.