



Holy Trinity C of E Primary Academy

Vision Statement

Inspired by and rooted in Christian values and teachings, Holy Trinity CE Primary Academy will provide a caring, sharing environment which affirms the unique importance of each individual.

The school will enable everyone to develop their skills, abilities and talents so that all are equipped to take their place as responsible citizens of the world.

POLICY DOCUMENT	Leave of Absence
Status	Required
Legislation	
Lead Member of Staff	Headteacher
Lead Governor (Monitoring)	Chair of Governors
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1 Purpose of this policy

- To comply with 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

2 General points for consideration

- 2.1.1 Any leave of absence taken by Holy Trinity CE Primary Academy employees causes disruption to pupils' learning, involves the academy in extra organisation and may incur costs for the academies budget. Employees will be mindful of these considerations and as far as is reasonably practicable will make arrangements to minimise the necessity to ask for leave of absence. However the Governors recognise that situations will arise from time to time, outside of any statutory entitlement, where the school will need to grant employees leave of absence.
- 2.1.2 It is at the headteacher's/Governing Body's discretion whether leave of absence is paid or unpaid unless there is a statutory entitlement to pay.
- 2.1.3 The information given below does not supersede the National Agreement on Pay and Conditions of Service (National Joint Council for Local Government Services) or the Conditions of Service for Teachers (The Burgundy Book).

3 The Legal Position

- 3.1.1 Academy-based employees have a contractual obligation to work during academy term periods and it is emphasised that applications for leave of absence, for example, to enable staff to accompany members of their family or partners on holidays, conferences etc, will not be granted by the Governors unless there are very exceptional circumstances and acceptable cover arrangements can be arranged for the Academy.

4 Considerations in Granting Leave

- 4.1.1 The most common requests for leave are home emergencies, serious illness/death of a partner/near relative and funerals. Each situation may be different and it is essential not to make assumptions about the surrounding circumstances or nature/status of the relationship of an individual to the employee.
- 4.1.2 Governors should take account of the following:
- the stated reason/purpose for the leave
 - any anticipated effect upon the welfare of the school if leave is granted
 - any benefit to the person making the application, whether personal or professional
 - the effect of refusal upon the person making the application
- 4.1.3 In instances where frequent requests for leave of absence are made the Headteacher should discuss the requests with the employee and consider whether the academy can assist with any underlying difficulties on a temporary or permanent basis.

5 Emergency Leave

5.1.1 In cases of sickness and accident where the presence of the employee unavoidable, the Headteacher may give immediate leave of absence. The headteacher should then consult the Chair of Governors at the earliest opportunity and agree how much leave is reasonable in the circumstances. In such instances, the employee should be asked to contact the school, the next day at the latest, to inform the Headteacher of the current position and to establish what amount of leave that has been granted.

6 Non-urgent Leave

6.1.1 In the case of non-urgent leave of absence or for leave of absence for a period longer than two weeks a written application should be sent to the Headteacher allowing at least three weeks' notice before the absence is to be taken. Such requests should be considered by the Governors' Sub-Committee (Policy & Finance) dealing with Personnel matters.

7 Extended leave of absence

7.1.1 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 Governors' Sub-Committee (Policy & Finance) dealing with Personnel matters should consider the request and may refer the request to the full Governing Body. Such periods of absence are without leave entitlement.

8 Pay considerations

8.1.1 Where pay is deducted, the deduction is based upon 1/365 of appropriate salary for each day of absence and is for the whole period of absence.

8.1.2 Extended leave of absence without pay is not reckonable for either incremental or pensionable purposes.

9 Statutory entitlements and requests for absence

9.1.1 Statutory entitlements are given below, followed by a list of the most common requests for leave of absence. A suggested appropriate amount of leave is given and whether it should be paid or unpaid. Governors may vary this, but should be careful to treat all employees equally under the policy. Where paid leave of absence is granted, further unpaid leave may be granted at the Chair of Governor's discretion.

9.2 Maternity leave

- The Employment Act 2002 gives all employees an entitlement to 26 weeks' paid ordinary maternity leave, and subject to qualification, a further 26 weeks' unpaid additional maternity leave. Different maternity provisions apply to teaching and non-teaching staff. Please see information bulletin 'Changes to Maternity Provisions for Non-Teaching Staff' or contact Education Human Resources.

9.3 Paternity Leave

- The Employment Act 2002 gives a qualifying employee an entitlement of up to 2 weeks' paid paternity leave (at Statutory Paternity Pay) for the purpose of caring for a new-born (or newly adopted) child and supporting the mother (or adopter). Different criteria apply depending on whether the leave is connected with a birth or an adoption. Please see information bulletins on 'Paternity Leave (New-born Child), (UK Adoptions) and (Overseas Adoptions)' or contact Education Personnel

9.4 Adoption Leave

- The Employment Act 2002 gives a qualifying employee entitlement of 26 week's paid ordinary adoption leave (at Statutory Adoption Pay) and 26 week's unpaid additional

adoption leave. Different criteria apply depending on whether the adoption is from within the UK or from overseas. Please see information bulletins 'Adoption Leave (UK Adoptions) and (Overseas Adoptions)' or contact Education Personnel

9.5 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 15 December 1999. This entitlement lasts until a child's fifth birthday, or a disabled child's 18th birthday, and for five years following adoption or until the child is 18. For details, please refer to the attached document 'Family Friendly Issues – Parental Leave' or the Academy Personnel Advice Team.

9.6 Time Off for Dependents

- Since December 1999, 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 dependent, such as illness, accident or an unexpected breakdown in care arrangements. A dependent is the partner, child or parent of the employee, or someone who lives with the employee as part of their family eg a grandparent. This right is intended to enable employees make necessary longer term care arrangements for the dependent. For details, please refer to the attached document 'Family Friendly Issues – Time Off for Dependents' or contact the Academy Personnel Advice Team

10 Non Statutory Requirements

10.1 Death of a partner or child

- 2 weeks paid leave
- Additional Leave At The Discretion Of The Headteacher/Governing Body

10.2 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

10.3 Terminal Illness of partner, child, near relative or close friend

- at least 2 years qualifying service
- the main carer
- 2 weeks paid leave
- up to 12 weeks unpaid leave

10.4 Compassionate leave in circumstances not covered by any of the above

- up to 2 weeks paid leave
- up to 6 weeks unpaid leave

- 10.5 Funerals
- half a day or one days paid leave depending on the circumstances
- 10.6 Family Support Leave (in place of Time Off for Dependents for qualifying employees)
- 10.7 To support a partner, child, parent, sibling or guardian, or a close friend or other relative where there is known to be a significant relationship
- at least 2 years qualifying service
 - up to one weeks paid leave
 - The individual's needs and the academies operational requirements should be considered, such as:
 - levels of anxiety and the amount of work pressure
 - drop in job performance
 - alternative arrangements eg flexible working to allow individual to make hospital visits, reduce working hours to part-time for a limited period
- 10.8 Maternity Support Leave (in conjunction with Paternity Leave)
- days leave for partner at full pay
- 10.9 Jury service
- time off for the whole period of service
 - employee to claim Court expenses as per Conditions of Service
- 10.10 Court action
- as necessary, normally unpaid
- 10.11 Paid leave at Headteacher/Governing Body's discretion
- 10.12 Agreed training
- Paid or unpaid leave, at headteachers discretion
- 10.13 Approved union activities for Accredited Representative
- necessary time within the Conditions of Service
- 10.14 Staff Governor
- necessary time with pay to attend meetings
- 10.15 Governors of a school other than own school
- necessary time, unpaid
- 10.16 Interviews for posts related to the education service
- 1 day's paid leave

- up to 3 days paid leave where necessary if out of county travel is involved

10.17 Interviews for posts not related to education

- as above, unpaid

10.18 Graduation ceremony (own)

- 1 day's paid leave

10.19 Graduation ceremonies (of children/guardians)

- as above, unpaid

10.20 Hospital appointments

- if unavoidably in school hours
- necessary time with pay

10.20.1 Optician and dental appointments

- outside school hours except in an emergency

11 FAMILY FRIENDLY ISSUES

11.1.1 The Maternity and Parental Leave etc Regulations, 1999 were laid before Parliament on 4th 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 30th April 2000, together with new entitlements in respect of Parental Leave that will apply from 15th December 1999. Additionally, the provisions in the 1999 Act relating to time off for dependants will also come into effect from 15th December 1999.

12 TIME OFF FOR DEPENDANTS

12.1.1 From 15th 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.

13 Circumstances under which employee take time off:

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

13.1.2 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;

13.1.3 when a partner is having a baby;

13.1.4 to make longer term care arrangements for a dependant who is ill or injured;

13.1.5 to deal with the death of a dependant; for example, to make funeral arrangements or to attend a funeral;

13.1.6 to deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when the child-minder or nurse fails to turn up;

13.1.7 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.

14 Definition of Dependant

14.1.1 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.

14.1.2 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.

14.1.3 This may be where the employee is the primary carer or is the only person who can help in an emergency.

15 Amount of Time Off Allowed

15.1.1 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 may take two weeks leave to look after a sick child.

15.1.2 Time Off Will Be Without Pay

15.1.3 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.

16 Notice employees are required to give

16.1.1 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.

16.1.2 Refusal of Time Off

16.1.3 Employees who think that they have been unreasonably refused time off, or victimised for taking it, 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.

16.1.4 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.

16.1.5 The new right is intended to cover unforeseen matters. If employees know 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.

17 PARENTAL LEAVE

17.1.1 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.

17.2 Who Can Take Parental Leave?

- Employees who have a baby or adopt a child on or after 15th December 1999.
- Employees who had a baby or adopted a child between 15th December 1994 and 14th December 1999. Both mothers and fathers can take parental leave.

18 Key elements of parental leave entitlement:

18.1.1 13 weeks parental leave for each child (18 weeks for parents of disabled children);

18.1.2 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;

18.1.3 parents of disabled children will be able to use their leave over a longer period, up until the child's 18th birthday;

18.1.4 the employee will remain employed while on parental leave; some terms, such as contractual notice and redundancy terms will still apply;

18.1.5 there is no right to be paid during a period of parental leave;

18.1.6 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 last 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;

- 18.1.7 parental leave may be taken in blocks or multiples of one week;
- 18.1.8 employees must give 7 days' notice of their intention to take parental leave;
- 18.1.9 no more than four weeks leave may be taken in a year;
- 18.1.10 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);
- 18.1.11 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;
- 18.1.12 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.
- 18.1.13 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.

19 Document History

Date	Description
17.06.2014	Minor changes in light of legislative changes.