

## LEAVE OF ABSENCE

## CODE OF PRACTICE

(FOR ALL STAFF, BUT WITH PARTICULAR USE FOR TEACHING AND  
TERM TIME ONLY SUPPORT STAFF)

<b>Document Control</b>	
<b>Title</b>	Leave of Absence Code of Practice
<b>Date</b>	August 2021
<b>Supersedes</b>	Updated August 2020 with statutory right to Parental Bereavement Leave  Leave of Absence Code of Practice 2017  Updated 01/01/13 to include legal right to Time off for Dependents  Updated Sept 2014 with Reservist Information  Leave of Absence Code of Practice 2012  Leave of Absence for Teaching and Term Time Only Support Staff - Code of Practice October 2010
<b>Author</b>	Human Resource Business Partners
<b>Owner</b>	Human Resources, Trafford Council
<b>Related Documents</b>	Reservist Policy, Maternity and Adoption Leave Policy, Parental Leave Policy, Shared Parental Leave Policy, Parental Bereavement Leave and Pay Policy
<b>Circulation</b>	School Trade Union representatives

	Headteachers/Business Managers
<b>Review</b>	3 years
<b>Distribution</b>	Schools HR Toolkit on TSE website

## A. INTRODUCTION

- 1) This code of practice is designed for all school staff, however is of particular use for those staff with fixed holidays who are not in a position to take “annual leave”, outside of their fixed holiday period.
- 2) Support staff that are paid all year round and not term time only have a leave allowance and they can agree the timing of such leave with their Headteacher. They are normally expected to take their annual holiday allowance during periods of school closure, though, exceptionally, and with prior approval of the Headteacher, annual leave may be permitted during term time.
- 3) There are certain activities for which employees must be allowed to take a reasonable amount of time off work (detailed in paragraph 4 and 5 below). It is a responsibility of the Governing Bodies to ensure that these requirements are complied with.
- 4) Reasonable paid time off must be granted to officials of recognised trade unions to enable them to carry out certain duties concerned with industrial relations between the employer and its employees or for training on aspects of industrial relations (see paragraphs C1, C2 and C3 below).
- 5) Employees must also be allowed to take a reasonable amount of time off to carry out public duties as a justice of the peace, a member of a local authority (subject to the restrictions of the LG and Housing Act 1989); a member of a statutory tribunal, a member of a Regional or Area Health Authority, a governor of a maintained school.
- 6) In the case of employees who have been given notice of dismissal on grounds of redundancy, reasonable time off must be allowed to enable those concerned to seek other employment or to make arrangements for training for future employment.
- 7) Employees who are pregnant must be allowed reasonable paid time off to receive ante-natal care. Fathers and partners have the right to take unpaid time off to accompany expectant mothers to up to 2 antenatal appointments. In the case of adoption the primary adopter can take paid time off for up to five adoption appointments. The other adopter can take unpaid time off for up to two appointments.
- 8) Employees are entitled to reasonable unpaid time off for emergencies relating to their dependants or personal / domestic circumstances.
- 9) Governing Bodies may receive requests from time to time for special paid or unpaid leave for urgent, personal or domestic reasons, i.e., bereavements or illness of close relatives. Governing Bodies are recommended to adopt the Authority's recommendations on special

leave as detailed below when granting special leave to teaching/term time only support staff.

## **B. PROCEDURE**

- 1) Any employee who requires leave of absence for a reason other than personal illness is required to make a written application to the Headteacher.
- 2) The statement of periods of leave in paragraphs B7 and B8 below are not intended to indicate minimum or normal entitlement but to specify the maximum periods within which leave has been approved.
- 3) Where, with the prior approval of the Headteacher, a member of staff is away from school premises on "approved business", i.e. as a representative of the school as such, an application for leave of absence is not required.
- 4) Staff are normally required to give at least ten clear working days' notice of an intended absence; but approval may be given where, because of the circumstances, late application is unavoidable. Where an employee's probable total leave requirements for a term or year are known in advance (e.g. where s/he is a J.P. or is a member of an examination board or is undertaking examination moderation) the employee concerned shall at the earliest opportunity submit for consideration a leave request relating to the full term or year.
- 5) All absences should be shown on the staff absence return and where leave of absence with pay has been approved it should be noted on the form that such approval has been given and no deduction of salary will then be made.
- 6) Salary for periods of absence to undertake duties for which attendance allowances or other payments may be claimed will be adjusted to take account of such payments (e.g. Jury Service).
- 7) Headteachers can approve leave of absence with or without pay for staff for periods not exceeding one day, up to a maximum of three days in any academic year for reasons other than those specified below.
- 8) Headteachers are also authorised to approve leave of absence for any of the following reasons. Leave would normally be with salary for up to the maximum periods specified in each case: -

Reason	Max no of days in any one academic year
(a) Weddings of near relatives (normally parent, brother, sister, son or daughter);	1 day
(b) House removal;	1 day
(c) Undertaking approved duties as a member of a local authority, or statutory tribunal, or health authority, or governing body of a maintained school;	3 days
(d) Maternity and Adoption support (see note E1 below);	5 days
(e) Degree and passing out ceremonies (normally self, spouse, son or daughter);	1 day
(f) Candidacy in elections.	1 day
(g) Obligatory attendance at Court for the period of duty as a witness or for jury service;	(For the period of duty)
(h) Illness of near relative (normally partner, parent, brother, sister, son or daughter) where it is essential that the employee be absent to care for the relative;	3 days
(i) Death and funeral of near relative (normally partner, parent, brother, sister, son or daughter) Please also refer to parental bereavement leave and pay provisions below (F) where applicable.	3 days
(j) Interview in connection with a new post in a school or other employment in the public sector.	3 days
(k) Attendance at meetings of an educational nature (e.g. approved educational conferences, examination moderation and meetings of examining bodies);	5 days
(l) To take approved examinations;	5 days
(m) For study purposes for approved examinations;	5 days
(n) Duties as a Justice of the Peace;	12 days
(o) Training for Reservists (see H1 below);	10 days
(p) Religious festivals (see D1 below).	3 days 5

- 9) Any absence in excess of the maximum periods or for any reason not stated above should be considered by the appropriate Committee of the Governing Body.
- 10) All absences by Headteachers should be considered by the Governing Body.
- 11) The Chair of Governors can decide urgent cases on behalf of the Governing Body.

### **C. TRADE UNION ACTIVITIES**

- 1) Governing bodies are also required to allow reasonable paid time off to officials of recognised trade unions to enable them to carry out duties concerned with industrial relations between the employer and its employees or for training in aspects of industrial relations. Such industrial relations duties may include duties in respect of union members in other establishments.
- 2) Governing bodies should also allow reasonable time off for certain union activities, such as attending annual conferences. There is no requirement for such time off to be granted with pay.
- 3) The costs of providing cover for officials of recognised trade unions taking time off in accordance with the Authority's formal agreement will be borne centrally by the Authority in accordance with the Scheme of Delegation.

### **D. RELIGIOUS FESTIVALS**

- 1) In respect of the observance of religious festivals for which there is no public holiday, up to 3 school days per year will be granted. Leave will be granted only for those days when the requirements of the festival make it impossible for the employee to work. Absence for religious festivals should be planned ahead and notified to the Headteacher as soon as possible.

### **E. MATERNITY AND ADOPTION SUPPORT**

- 1) In addition to the 5 days Maternity/Adoption support leave detailed in (d) above; known as paid (full pay) Occupational Leave, eligible employees may also apply for Statutory Paternity/Adoption Leave/Shared Parental Leave. Employees with at least 26 weeks continuous service with the school/local Authority can choose to take two working weeks paternity/adoption leave (where the

employee is not the main adopter but the “other adopter”). Payment for those two weeks will be at the Statutory Paternity Pay rate.

- 2) To qualify for leave and pay an employee will need to adhere to certain criteria and they can obtain further details by contacting HR at least 15 weeks before the expected week of confinement in the case of Paternity Leave or as soon as possible in the case of Adoption Leave.

#### **F. PARENTAL BEREAVEMENT LEAVE**

The Parental Bereavement Leave Regulations 2020 provide a statutory right for all bereaved parents to take up to 2 weeks leave from work (with or without pay depending on eligibility) to support them through their grief by ensuring that they can take time away from the workplace, where they have lost a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy. For full details please refer to the Schools Parental Bereavement Leave and Pay Policy.

#### **G. SPECIAL LEAVE FOR DEPENDANTS AND PERSONAL/DOMESTIC/EMERGENCIES**

- 1) Employees are entitled to reasonable unpaid time off to take action in the event of an emergency relating to their dependants or personal / domestic circumstances.

However the scope of this policy extends beyond the unpaid statutory provision and, in the circumstances described above, permits employees to take up to 3 days paid leave in an academic year, to put in place arrangements to deal with both:

- emergency situations regarding their dependants, or,
- personal / domestic emergencies.

It should be noted that legislation requires the School to permit employees unpaid time off to deal with an emergency relating to a dependant (this would not include taking a dependant to a pre-planned appointment) and therefore, albeit rarely, it will be necessary for employees to request unpaid leave in addition to 3 days paid leave.

Please note that 3 days paid leave is the maximum paid leave available to deal with both situations (emergencies involving dependents and personal/domestic emergencies) per academic year.

- 2) The School would normally consider 1 day to be a reasonable amount of time to make any necessary arrangements to deal with a personal/domestic emergency, however the amount of time permitted should align with specific circumstances and be determined by need.
- 3) It is not expected that a request for special leave in relation to time off for dependants as outlined above will be refused, unless under the most exceptional of circumstances; however, operational and School requirements must be met and therefore each request for special leave will be given due consideration.
- 4) Special Leave for Dependants can be taken in the following circumstances:-
  - If a dependant falls ill
  - If a dependant suffers an injury or is assaulted
  - To make long term care arrangements for a dependant who is ill or injured
  - To deal with unexpected disruption or breakdown of care arrangements for a dependant
  - To deal with an unexpected incident involving a dependant, e.g. a child being suspended from school

A dependant can include anyone who falls into the following categories:-

- Spouse or Partner
- Child
- Parent
- Someone who lives in your household as part of your family

The above list is not exhaustive and is for guidance purposes only. A dependant can be anyone with whom there is a close relationship whereby the individual is largely reliant on the employee during illnesses, injury or when care arrangements break down.

#### **5) Special leave for personal/domestic emergencies**

In addition to leave for emergencies relating to dependants, employees are able to request Special Leave to deal with personal or domestic incidents that occur where these are of a serious nature, and entirely unforeseeable.



Examples of such emergencies would be:-

- House is flooded
- House is burgled
- House requires urgent repairs which for safety reasons cannot be delayed e.g. serious electrical fault, roof seriously damaged etc.
- Vehicle breaks down and alternative or public transport not available
- A breakdown in domestic situation, e.g. being made homeless

The above is not an exhaustive list and managers should give consideration to granting requests for special leave when a genuine emergency occurs and it would be unreasonable to expect an employee to attend work under the circumstances. A distinction should be made between genuine emergencies and situations where it would be useful but not essential for the employee to have time off at short notice.

## **H. TIME OFF FOR APPOINTMENTS**

### **1. Doctors/Dentists**

Employees will be expected to arrange routine appointments with Doctors or Dentists outside working hours. Where these appointments unavoidably encroach on the working day and the Head teacher/manager agrees the arrangement in advance, extra hours should be worked to regain the lost time.

### **2. Alternative Therapies**

Employees will also be expected to arrange appointments for alternative therapies outside working hours. Where these unavoidably encroach on the working day and:

- are advised on medical grounds,
- an appointment letter or other evidence of the appointment time is provided and:
- the head teacher/manager agrees the arrangement in advance,

the time off can be given but extra hours should be worked to regain the lost time.

In exceptional circumstances, where the alternative therapies:

- relate to a disability
- are advised on medical grounds
- are agreed by Occupational Health

and the appointments unavoidably encroach on the working day, an appointment letter or other evidence of the appointment time is provided this could be considered a reasonable adjustment. In these circumstances, reasonable paid time off may be given.

### 3. Hospital

Reasonable paid time off should be given for hospital appointments where these fall unavoidably within working time. Time off should include reasonable travelling time, but employees would be expected to attend work wherever possible before or after the appointment.

### 4. Consultant/Doctor/Practice Nurse (Disability-Related)

Where other essential appointments with a Doctor, practice nurse or consultant (whether at a surgery, health centre or hospital) relate to a disability, reasonable paid time off to attend would normally be regarded as a reasonable adjustment.

For the above two types of appointment, an appointment card or letter must be provided to the head teacher/line manager in advance as evidence of an appointment time. The head teacher/manager should be satisfied of the reason for the absence and a copy of an appointment letter or card may be kept on the employee's file.

### 5. Physiotherapy

The school will also give reasonable paid time off for physiotherapy appointments where recommended and agreed by Occupational Health and funded by the school.

This will normally be in cases where there is evidence that the employee has a musculo-skeletal condition which:

- has the potential to deteriorate and result in sickness absence;
- has resulted in sickness absence;
- was the result of an injury at work;
- is affecting their ability to carry out their full range of normal duties  
or
- appears to be aggravated by their work duties or posture

### 6. Counselling

Reasonable paid time off will also be given for an employee to attend an

appointment where a manager or Occupational Health has referred them to the Employee Assistance counselling service.

#### 7. Cancer screening

Staff will receive 2 hours of paid time off work for appointments to have cancer screening.

#### 8. General principles

Employees should try to ensure as far as practicable that appointments take place at the beginning or end of the working day. In any event, an employee will attend work before or after the examination or treatment but this will obviously depend on the actual time and nature of the appointment.

Employees are required to keep their Line Manager aware of the position. Head teachers will be expected to make a judgement about the minimum necessary and reasonable amount of time off based on the merits of each case. Where there is the option to move the appointment, every effort should be made to re-arrange it so it is in non-working time.

The factors they will take into account include:

- the frequency and number of appointments involved
- the distance travelled to attend the appointment
- the nature of the treatment

### **H. RESERVISTS**

- 1) The School grants up to an additional 10 days of paid leave per annum to employees who are Reservists to accommodate some of their training (pro-rata for part-time employees). Employees should request the leave using the 'Special Leave Request form' and they must provide their manager with documentary evidence (e.g. a letter of confirmation) of their involvement in the training.

Where more leave is required during the year, employees can request unpaid leave. When requesting any type of leave to attend training, Reservist employees should give as much notice as possible, to allow appropriate planning for absences. Head teachers will try to accommodate requests, wherever possible.

For more information please go to the Reservist Policy for Schools.

## **I. FUNDING OF LEAVE OF ABSENCE**

- 1) With the exception of the costs detailed in C3 above all costs associated with approved applications for leave of absence will be met from the schools delegated budget.

## **J. EQUALITY**

- 1) The Schools HR Team aims to regularly review all the policies and procedures they recommend to ensure there are no negative equality impacts. Consultation with our customers is an important part of how we achieve this. If you feel on reading this policy, that there may be a negative equality impact within your school, please tell us about this. Please also let us know if you need to access this policy in a different format. You can do this by contacting the following officer:-

HR Business Partner email: - [schoolshrteam@trafford.gov.uk](mailto:schoolshrteam@trafford.gov.uk)

**Should you have any further questions in relation to leave of absence please contact the Schools HR Business Partner Team.**