



St. Patrick's R.C. Primary School



| Special Leave Policy | | |
|----------------------|----------------|-------------|
| Date | Review Date | Coordinator |
| September 2017 | September 2018 | M Ryan |

* or delegated member of staff

Contents

| | Page |
|---|-------------|
| Special Leave Procedures for Teachers and Support Staff in Schools (A – Z) | 3 – 11 |
| Notes | 12 – 14 |
| APPENDICES | |
| Appendix 1 Leave of Absence form | 15 |

4.1

SPECIAL LEAVE PROCEDURES FOR TEACHERS AND SUPPORT STAFF IN SCHOOLS
(A – Z)

| <u>REASON</u> | <u>DAYS ENTITLEMENT</u> | <u>PAID/UNPAID</u> |
|---|--|---------------------------|
| ACCOMPANY SON / DAUGHTER / DEPENDANT TO COLLEGE / UNIVERSITY | | |
| For interview purposes. | 1 day | PAID |
| ADOPTION LEAVE For further information and details on eligibility please refer to the schools Adoption Policy. 4.4 in the HR Policies & Procedures Handbook. | | |
| Employees adopting a child are entitled to 26 weeks ordinary adoption leave and 26 weeks additional adoption leave. | 6 weeks at 90% of an employee's average earnings plus 33 weeks Statutory Adoption Pay (SAP) of which may include 12 weeks half pay | PAID |
| Please note if both parents are employed by Stockton Borough Council or the School only one can take adoption leave. | followed by 13 weeks | UNPAID |
| Time granted to attend training (Annual leave or unpaid leave should be utilised for the matching process). | Up to 2 ½ days (pro rata) | PAID |
| ADOPTION SUPPORT LEAVE For further information and details on eligibility please refer to the schools guide on Paternity and Maternity Support Leave. 4.6 in the HR Policies & Procedures Handbook. | | |
| Granted to any employee nominated by the child's adopter to provide support at or around the time of placement. | 1 or 2 weeks (must be consecutive) | PAID |
| ANNUAL LEAVE – WHOLE TIME SUPPORT STAFF Please see the attached notes at 2.1 for further information | | |
| Employees with less than 5 years Local Government Service. | 26 days (pro rata) | PAID |
| Employees with more than 5 years Local Government Service. | 31 days (pro rata) | PAID |
| ANTENATAL CARE | | |

| | | |
|--|----------------------------|--------|
| BEREAVEMENT & SERIOUS ILLNESS | | |
| Leave of absence should be granted in the case of any close relative. The relationship of the employee to the deceased or seriously ill person is not strictly defined since requests should be dealt with sympathetically and on their individual circumstances. It is recognised that leave to care for dependants in special circumstances is legitimate and requests should be granted wherever possible. Leave to care for dependants who are seriously ill will only be approved where the individual is clearly dependant upon the employee to care for them. | Up to 5 days | PAID |
| | More than 5 days | UNPAID |
| BLOOD DONORS | | |
| Employees will be granted time off on up to 3 occasions per year subject to each appointment not exceeding 3 hours and having been agreed in advance with the *Head Teacher. If employees have a rare blood type and are called more frequently, the *Headteacher will agree the extent and timing of paid leave on an individual basis. | Up to 3 occasions per year | PAID |
| DEPENDANT LEAVE For further information and details on eligibility please refer to the schools guide on Dependant Leave. 4.8 in the HR Policies & Procedures Handbook. | | |
| Statutory entitlement to time off to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. | Reasonable amount | UNPAID |
| DISABILITY LEAVE (Please see attached notes at 2.2) | | |

* or delegated member of staff

| | | |
|---|---|---------------------------------------|
| <p>Disability leave should only be granted where an employee is well, if an employee is unwell or unfit for work as a result of their disability or any associated treatment or therapy and is absent from the workplace this will be recorded as sickness absence.</p> <p>Time off for:-</p> <ul style="list-style-type: none"> • appointments and treatment • rehabilitation following treatment <p>Where these are pre-scheduled and for a fixed duration.</p> | <p>Duration time of the actual appointment only Reasonable amount</p> | <p>PAID</p> <p>PAID</p> <p>UNPAID</p> |
| <p>Emergency or ad hoc appointments.</p> <p>Employees with responsibilities for disabled dependants are not entitled to paid time off however unpaid absence will not be unreasonably refused.</p> | | |
| <p>ELECTIONS</p> | | |
| <p>Leave shall be granted to an employee who serves on elections administered by Stockton Borough Council during their normal working time. An employee must seek the approval of their *Headteacher prior to registering with the Electoral Officer.</p> | <p>As required</p> | <p>PAID</p> |
| <p>ELECTIVE SURGERY OR DENTISTRY</p> | | |
| <p>This is treatment that is <i>not considered to be medically necessary</i> unlike planned surgery for legitimate medical purposes. Time off will not unreasonably be refused but it will be unpaid.</p> <p>It may include cosmetic surgery, which is concerned with the enhancement of appearance through surgical and medical techniques, for example face lifts or breast implants. It also includes other procedures such as laser eye treatment and teeth whitening.</p> | | <p>UNPAID</p> |
| <p>EXAMINATIONS</p> | | |
| <p>Sitting an approved examination, per exam.</p> | <p>Duration of each written paper</p> | <p>PAID</p> |
| <p>Study leave – taken within 4 weeks preceding the exam.</p> | <p>Duration of each written paper</p> | <p>PAID</p> |

* or delegated member of staff

| | | |
|---|---|--------|
| EXAMINERS | | |
| All absences related to examining and moderating away from the place of employment. | 10 days | PAID |
| FERTILITY TREATMENT (In Vitro Fertilisation) | | |
| The school is supportive of employees who wish to undergo fertility treatment. | 2 days for treatment up to a maximum of | PAID |
| Any additional leave will not unreasonably be refused but will be unpaid. | 3 treatments in a rolling 12 month period (pro rata) | UNPAID |
| An employee's partner, who is undergoing fertility treatment, will not unreasonably be refused leave but this will be unpaid. | | UNPAID |
| FOSTERING | | |
| Pre and post approval training. | | |
| Any additional time required should be | 5 days (pro rata) | PAID |
| covered by unpaid leave (holiday entitlement for whole time support staff). | | |
| Where an employee is an approved long term foster carer and they have been matched with a specific child the principles of Parental Leave will be applied. See also 4.5 in the policies & procedures handbook. Evidence of long term foster care of a child will be required. | 18 weeks (in blocks of not less than one week other than for a disabled child AND no more than 4 weeks leave in a 12 month period in respect of any individual child. | UNPAID |
| GRADUATION, INVESTITURE | | |
| Awarded to immediate relative. (Discretion to be used in regard to relationship as detailed in Bereavement & serious illness). | 1 day | PAID |
| Employee's own graduation (when the course is sponsored by the School/Council), otherwise employees are expected to take unpaid leave or holiday entitlement for whole time support staff. | 1 day | PAID |
| INTERVIEWS | | |
| Paid leave to be granted to employees attending interviews within schools/academies and within local government service. | Reasonable amount | PAID |
| JURY SERVICE | | |

* or delegated member of staff

| | | |
|--|---|--------------------------------|
| Where an employee is called up for jury service they are required to provide a copy of the court summons before paid time off will be approved. The employee must also submit a claim to the court for loss of earnings. This will be paid whilst on jury service at their normal rate of pay, subject to the deduction of any monies received from the court in respect of loss of earnings. | As required | PAID (Less court allowance) |
| MATERNITY LEAVE (Support Staff) For further information and details on eligibility please refer to the school Maternity Guidance. 4.3 in the HR Policies & Procedures Handbook. | | |
| All women are entitled to 26 weeks ordinary maternity leave, plus an extra 26 weeks additional maternity, making 52 weeks in total. | 6 weeks at 90% of an employee's average earnings plus 33 weeks Statutory Maternity Pay which may include 12 weeks half pay followed by 13 weeks | PAID UNPAID |
| MATERNITY LEAVE (Teachers) For further information and details on eligibility please refer to the school Maternity Guidance. 4.2 in the HR Policies & Procedures Handbook. | | |
| All women are entitled to 26 weeks ordinary maternity leave, plus an extra 26 weeks additional maternity, making 52 weeks in total. | 4 weeks at full pay followed by 2 weeks at 90 % of an employee's average earnings plus 33 weeks Statutory Maternity Pay which may include 12 weeks half pay followed by 13 weeks | PAID UNPAID |
| MATERNITY SUPPORT LEAVE For further information and details on eligibility please refer to the school guide and Paternity & Maternity Support Leave. 4.6 in the HR Policies & Procedures Handbook. | | |
| Granted to any employee nominated by the mother to provide support at or around the time of the birth, this does not need to be a husband or partner but can be a relative or friend and should be taken within 1 month of the birth. | 1 or 2 weeks (must be consecutive) | PAID |
| MEDICAL & DENTAL APPOINTMENTS | | |

| | | |
|---|--|-------------------------|
| Employees are expected to attend routine appointments outside of the school day for example doctors, dentists, physiotherapy, hospital etc. Only in exceptional circumstances when the timing of appointments are outside of the employee's control e.g. appointments arranged by a hospital consultant; should reasonable time off be granted. | | UNPAID |
| MEDICAL PROCEDURE/OPERATION | | |
| Where an employee is required to undergo a medical procedure/operation in hospital or equivalent (not a doctor's appointment at a surgery), as an "out or day patient", which is NOT elective surgery or dentistry AND the pre procedure/operation medical advice is that the employee will be able to return to work the following day paid absence will be granted for up to one day depending on the timing of the procedure/operation. Where the medical advice is that a rehabilitation period will be required directly after the procedure/operation the whole period, including the day of the procedure/operation will be deemed as sickness absence. | | UP TO 1 DAY PAID |
| MEDICAL SCREENING FOR CANCER | | |
| This may include a colonoscopy, cervical smear test or mammogram. | Duration time of the actual appointment only | PAID |
| MOVING HOUSE | | |
| | 1 day | UNPAID (Recommended) |
| PARENTAL LEAVE (SUPPORT STAFF) | | |
| For further information and details on eligibility please refer to the school guide on Parental Leave. 4.5 in the HR Policies & Procedures Handbook. | | |

| | | |
|--|--|---------------|
| <p>Leave entitlement per child up until the child's 8th birthday. For an adopted child under the age of 18, 5 years from the date of adoption or until the child's 18th birthday whichever is the sooner. For a disabled child the employee can take up to 18 weeks until their 18th birthday.</p> <p>To qualify for parental leave, employees must have completed at least one year's continuous service with the council. The council may postpone a period of parental leave, other than where it has been requested immediately after childbirth or adoption, by up to 6 months where there are business reasons.</p> <p>Please note 21 days notice is required for the request.</p> | <p>18 weeks (pro rata) (in blocks of not less than one week other than for a disabled child AND no more than 4 weeks leave in a 12 month period in respect of any individual child).</p> | <p>UNPAID</p> |
| <p>PARENTAL LEAVE (TEACHERS) For further information and details on eligibility please refer to the school guide on Parental Leave. 4.5 in the HR Policies & Procedures Handbook.</p> | | |
| <p>Leave entitlement per child up until the child's 5th birthday. For an adopted child under the age of 18, 5 years from the date of adoption or until the child's 18th birthday whichever is the sooner. For a disabled child the employee can take up to 18 weeks until their 18th birthday.</p> <p>To qualify for parental leave, employees must have completed at least one year's continuous service with the council. The council may postpone a period of parental leave, other than where it has been requested immediately after childbirth or adoption, by up to 6 months where there are business reasons.</p> <p>Please note 21 days notice is required for the request.</p> | <p>18 weeks (pro rata) (in blocks of not less than one week other than for a disabled child AND no more than 4 weeks leave in a 12 month period in respect of any individual child).</p> | <p>UNPAID</p> |
| <p>PARLIMENTARY ELECTION CANDIDATE/AGENT</p> | | |
| <p>Local</p> <p>GB & Europe. The *Headteacher should seek further advice from HR Advisory.</p> | <p>1 day</p> | <p>PAID</p> |

* or delegated member of staff

| | | |
|--|---|-------------------------------------|
| <p>PATERNITY LEAVE For further information and details on eligibility please refer to the school guide on Paternity and Maternity Support Leave. 4.6 in the HR Policies & Procedures Handbook.</p> | | |
| <p>For paid leave the employee must have been continuously employed for at least 26 weeks up to the “qualifying week” (i.e. 15th week prior to the expected week of childbirth) and notification of their intention to take paternity leave must also be 15 weeks before the date the baby is due to be born on. In the case of adoption no later than 7 days after notification of the match.</p> <p>Paternity leave must be taken within 8 weeks of the birth/adoption.</p> <p>Legislation also allows qualifying parents to transfer up to 6 months of the mothers (or adopters) leave and payment to the father or adopter.</p> | Up to 2 weeks which must be taken in one block | PAID |
| <p>PERSONAL (Sporting, Cultural)</p> | | |
| <p>In recognition of broad value to the school or region.</p> | 6 days per term | 3 PAID 3 UNPAID |
| <p>PUBLIC DUTIES</p> | | |
| <p>Employees who wish to undertake public duties should discuss the situation with their *Headteacher. Prior to approval of dates, written notification seeking approval from their *Headteacher should be provided and in advance as far as possible.</p> <p>Magistrate (also known as Justice of the Peace) or equivalent</p> <p>School Governor at a Stockton School including an Academy</p> <p>Local Councillor</p> <p>Requests for any other public duties will be considered on an individual basis however it should be noted that there is not an automatic right to paid time off.</p> | <p>Up to 13 days (pro rata)</p> <p>Reasonable Amount</p> <p>Reasonable Amount</p> | <p>PAID</p> <p>PAID</p> <p>PAID</p> |
| <p>REDUNDANCY</p> | | |
| <p>To look for new employment or arrange training for future employment.</p> | Reasonable amount | PAID |
| <p>RELIGIOUS REQUESTS</p> | | |

* or delegated member of staff

| | | |
|---|--|--------------------|
| Requests for time off on religious grounds will be considered in line with the schools needs. | Reasonable amount | UNPAID |
| RELOCATION | | |
| Only if agreed by the *Headteacher as | | |
| part of a recruitment package and in accordance with the criteria for relocation. | | |
| RESERVE FORCES | | |
| Training dates must be notified to the *Headteacher as soon as possible and approval will be subject to the needs of the school but will not be unreasonably refused. If employees are required to undertake military service overseas they should contact their *Headteacher. | 2 weeks | PAID |
| RETAINED SERVICES | | |
| *Headteachers may agree, in principle, for employees to volunteer for retained service for example Fire Service /Search and Rescue. Employees who meet the retained service requirements will be granted time off work, subject to school requirements, with pay in addition to any other fees received. In most instances these will be response to emergency situations and time off will not be unreasonably refused. | Up to 2 weeks (pro rata) other than in exceptional circumstances | PAID |
| SPECIAL GUARDIANSHIP | | |
| When placement is made under a Special Guardianship Order. | Up to 2 weeks More than 2 weeks - reasonable amount | PAID UNPAID |
| TERM TIME LEAVE | | |
| Please see attached notes at 2.3 for further information. | | |
| TRADE UNION CONFERENCES | | |
| Leave shall be granted to delegates attending the annual conference of recognised Trade Unions subject to the demands of the school. Leave will not be unreasonably withheld. | One per year | PAID |
| TRADE UNION OFFICIALS | | |
| Please see attached notes at 2.5 for further information. | Reasonable amount | PAID |
| VOLUNTARY SERVICE OVERSEAS | | |

* or delegated member of staff

| | | |
|--|------------------------|--------|
| Governors may wish to agree that employees can be considered for voluntary service overseas and for further guidance should contact the HR Advisory Team. | As agreed by Governors | UNPAID |
| VOLUNTEERING | | |
| The school encourages its employees to volunteer in the wider community | As agreed by Governors | UNPAID |
| WEATHER | | |
| On occasions where weather conditions prevent employees getting to work and all reasonable attempts to get to work have failed any resulting absence | | UNPAID |
| normally will be unpaid. However, there may be occasions when the Headteacher can exercise discretion – see attached notes at 2.6. | | |
| WEDDING | | |
| Own – if unavoidable in term time. | 3 days | PAID |
| Immediate relative. | 1 day | PAID |
| Other. | 1 day | UNPAID |
| WITNESSES | | |
| If employees are summoned to appear in court in relation to criminal proceedings, as a witness, they will be required to provide a copy of the court summons before paid time off will be approved. The employee will be paid their normal rate of pay, subject to the deduction of any monies received from the court in respect of loss of earnings. | As required | PAID |
| Where employees attend Court through their own choice, such as to support a relative or friend. | | UNPAID |

NOTES

1.0 GENERAL

- 1.1 Where applicable all allowances should be reduced pro-rata for part time staff.
- 1.2 Where an allowance is calculated by reference to a year, the period in question is from April 1st to March 31st; any person working less than 12 months should have the allowance reduced pro-rata.
- 1.3 Deductions of pay are on the basis of 1/365ths per day and will therefore include weekends within the period of absence, or the number of hours at hourly rate. (In this context, for teaching staff cover, a supply teacher is paid at 1/195ths per day, there is therefore, no direct financial relationship between the two issues).
- 1.4 For support staff unpaid leave is calculated by: 1/260th or number of hours at hourly rate.
- 1.5 In determining the levels of reasonable absence where discretion exists, Governors will wish to take into account other leave arrangements for the applicant.
- 1.6 Where there is expected to be a pattern of requests for leave (e.g. public duties; examining) it is reasonable for Governors to request that reasonable notice be given.
- 1.7 Advice is available from the Human Resource Advisory Team on matters not covered by these recommendations. In order to achieve reasonable consistency of practice, it is suggested that Governors will wish to obtain such advice on other matters.
- 1.8 It is the responsibility of *Head Teachers to approve leave in a fair and consistent manner
- 1.9 *Headteachers should complete section 3 of the leave of absence form, attached at Appendix 1 and forward it by email to Absence.services@xentrall.org.uk. Where schools use the SIMS system to report Leave of Absence occurrences they should continue to use that process.

2.0 SPECIFIC ISSUES 2.1 ANNUAL LEAVE (FOR WHOLE TIME SUPPORT STAFF)

Part time employees will have their pro rata leave entitlement calculated as follows:

$$\frac{\text{Hrs worked per week}}{37} \times 7.4 \times \text{entitlement} \quad (\text{i.e. 26 or 31})$$

Where an employee starts or leaves part way through their leave year entitlement will need to be calculated by reference to the number of weeks employed in their leave year.

Where an employee reaches their 5 year anniversary part way through their leave year the number of weeks before and after their 5th year of service will need to be calculated and added together.

Subject to the requirements of the school and Headteacher's approval, employees may carry forward up to 5 days annual leave each year (pro rata). This must be recorded on the employee's annual leave card.

* or delegated member of staff

2.2 DISABILITY LEAVE

Disability Leave is intended to provide disabled employees with reasonable paid time off work for reasons related to their impairment.

The School recognises that on occasions where employees may have to attend emergency or ad hoc appointments they will be able to request unpaid leave or use annual leave, where applicable, for this purpose. However, employees may be granted paid leave for a reason relating to their disability when this is prescheduled and for a fixed period of time. Time off could be granted for:

- appointments
- treatment
- rehabilitation

Previously this type of absence may have been recorded as sick leave or the employee has opted to take unpaid leave or where applicable, use their annual leave to accommodate such absences. The intention is to avoid employees being in the situation where they may potentially end up with a poor attendance record or where applicable no annual leave.

The Equality Act 2010 requires the school to remove any disadvantage that disabled employees are facing. Disability Leave is a “reasonable adjustment” under the Equality Act.

Examples of Disability Leave might be:

- Hearing aid tests, physiotherapy, training with a guide or hearing dog, recovery time after a blood transfusion, psychotherapy, cancer treatments etc

or

- A period of time off work where, based on medical advice it is not appropriate to remain at work or be redeployed while reasonable adjustments are made by the school (such time off will not be taken into account when considering possible dismissal on the grounds of medical incapability).

or

- An extension to a phased return period if this is recommended by Occupational Health or the employee’s GP.

*Headteachers may grant a **reasonable amount** of paid time off for disabled employees who need to be absent from work for reasons connected with their disability. Leave may be taken in a “block” or individual days.

As these absences are pre-planned, the employee must give reasonable notice of the date it is to be taken, clearly stating the reasons and providing supportive evidence such as appointment cards and doctors letters where appropriate.

Disability Leave must only be taken if the employee is well, if an employee is unwell or unfit for work as a result of their disability or any associated treatment or therapy, then the schools Attendance and Absence Management Procedure applies. Please refer to the Attendance and Absence Management Policy for further information.

What is deemed as a reasonable amount?

It is impossible to give definitive guidelines for the amount of Disability Leave an employee may need because individual's disabilities, personal management strategies and circumstances are so different.

People may have the same disability but different coping mechanisms. These individual personal coping and management factors need to be considered in assisting the individual. It may not be clear if the employee's absence is related to their disability or not. This can be the case especially with people with mental health issues. Advice if needed can be sought from HR Advisory Service.

The individual's needs are a practical management issue to be resolved without the disabled individual feeling vulnerable or being disadvantaged. Employees with disabilities need to feel confident and supported when they approach their *Headteacher with such issues. Employees should be fully consulted about any decision made or advice received.

*Headteachers are urged to adopt a flexible approach and refer to HR Advisory for further advice.

2.3 TERM TIME LEAVE

As a general matter of principle, absence for holiday leave should not be granted to those persons whose duties relate to the presence of children and pupils.

2.4 TRADE UNION MEMBERS

Current employment legislation similarly requires the allowance of reasonable absence (without reference to pay) for the purpose of taking part in a relevant trade union activity. Such absence might, for example, be for short training periods.

2.5 TRADE UNION OFFICIALS

Current employment legislation requires an employer to permit an employee who is an official of an independent recognised trade union to take reasonable paid time off to carry out industrial relations duties and to undergo training. Governors/*Headteachers must determine what is reasonable, both generally and on specific occasions. The Local Authority will be responsible for the determination of any policy relating to this matter and advice will be provided to *Head Teachers and Governors.

2.6 WEATHER

Individual employees have a responsibility to attend work. If any employee fails to attend work due to adverse weather or lack of transport, the resulting absence will be unpaid. In practice if weather conditions are very poor or there is significant disruption to travel and school is open, individual employees will need to consider travelling conditions for their journey to work. If some employees do not attend work the Headteacher will wish to be satisfied that the employee had a good reason and could not reasonably have been expected to get to work. In these circumstances it is reasonable to expect that employees will work at home and paid as normal.

3. REQUESTS FOR PERIODS OF UNPAID LEAVE

3.1 Governors/*Headteachers may receive applications from staff for unpaid leave. The issue of whether leave is granted or not, or is with or without pay should generally be determined by reference to the adopted scheme. However, there are occasional circumstances, usually of a personal nature, where an extended period of unpaid leave may be granted. Although it will be for Governors/*Headteachers to determine these applications, they may find it helpful to seek the advice of the HR Advisory Team regarding both the nature of the leave, and the conditions upon which it may be possible to grant it.

4. APPLICATION OF THE SCHEME

4.1 It should be recognised as a matter of principal that Governors/*Headteachers will make every effort to adhere to the conditions relating to requests for leave of absence and to granting leave in accordance with the adopted scheme. However, it should also be recognised that from time to time the arrangements in a school may be such that requests for leave may have to be declined in order to maintain a proper educational service.

APPENDIX 1

Leave of Absence Form

Prior to submitting your application for leave of absence you must complete all sections of this request form.

| <u>SECTION 1 – PERSONAL INFORMATION</u> | |
|--|--|
| Surname | |
| Forename(s) | |
| Job Title | |
| School | |
| Payroll Number | |

| <u>SECTION 2 – DETAILS OF REQUEST</u> | | |
|--|---------|------------------------------|
| Reason for Leave | | |
| (If the reason for the request is bereavement please state your relationship to the deceased). | | |
| Date from | Date to | Number of Working Days/Hours |
| AM/PM | AM/PM | |
| Signed | | |

* or delegated member of staff

| | |
|------|--|
| Date | |
|------|--|

Once completed please forward to your *Head Teacher

| | |
|--|--|
| <u>SECTION 3 – *HEAD TEACHER APPROVAL</u> | |
| *Headteacher Name | |
| Do you support this application? | YES/NO (delete as appropriate) |
| Please state unpaid or paid | UNPAID/PAID (delete as appropriate) |
| Comments | |
| Date | |

When complete please email to: Absence.services@xentrall.org.uk

| | | | |
|---------------------------------|-----------|--------------|----------------|
| Headteacher: | M. Ryan | Date: | September 2017 |
| Chair of Governing Body: | G. Wilson | Date: | September 2017 |