

# STAFF LEAVE AND ABSENCE POLICY

## Mission Statement

WeST holds a deep seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the children and adults we serve are given every opportunity to fulfil their potential and succeed in life.

Westcountry Schools' Trust adopted this policy in September 2017

Westcountry Schools' Trust will review this policy annually

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## 1. Introduction

Westcountry Schools' Trust recognises and values the contribution of each member of staff to the education of the children in the school.

High levels of absence among teaching and support staff pose a serious problem for a school in terms of disruption to teaching programmes, pupils' learning and other areas of the school's work. Absence of any staff employed in schools during term time means some impact on the children's education. Therefore, requests from any member of staff for absence to be taken during term time must be regarded by all as the exception. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will not be granted.

This policy gives details of entitlements of members of staff in relation to absence. The number of days entitlement given in the table below are days per occasion of absence.

This policy provides information regarding the entitlements of staff to annual leave and to leave of absence, both paid and unpaid.

- This procedure applies to all school employees.
- All specific time off provisions (in days) detailed in this document will be provided on a pro-rata basis for part-time/job-share employees.
- 'Close relatives' or 'immediate family' are normally defined as husband/wife, civil partner, partner, children, parents, grandparents, sister/brother, parents-in-law or nominated next of kin. This also includes step children, foster and adopted children/parents.
- Definition of dependant: a dependant is the partner, child or parent of the employee, or someone who lives as part of their family. For example this could be a grandparent. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee.
- This policy does not cover maternity/adoption leave or time off for IVF and fertility treatment.
- All staff will be required to follow the school/college's procedures for requesting leave of absence and for reporting absence.
- Authorised paid and unpaid leave of absence from work for the reasons in this policy requires prior approval.

The Managing Sickness Absence Policy assists managers in taking action to arrange any appropriate support that may prevent maximum attendance of staff. This Staff Leave and Absence Policy will therefore be used in conjunction with the Managing Sickness Absence Policy if the amount of absence taken under this Staff Leave and Absence Policy is not considered reasonable.

## 2. Seeking Approval for Leave from Work

All staff will be required to follow **Westcountry Schools' Trust** procedures for requesting leave of absence (other than Holiday for Staff on 52 weeks) and for reporting absence.

### **Definition for this Policy:**

In this policy the Line Manager refers to the direct reporting line manager for the member of staff. In the majority of cases this would be the Principal/Headteacher.

Authorised paid and unpaid absence from work for the reasons given in this policy requires prior approval unless in exceptional circumstances where this has not been possible.

Requests for paid or unpaid leave must be made to the member of staff's Line Manager (using the local procedures in place) for initial approval. Once approved, the request will be forward to Human Resources for final approval. If a request is not approved, you will

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be notified.

The request should be made as soon as it is known that it will be required, and in any case not less than one full week in advance of the proposed absence, except in exceptional circumstances such as the death or sudden illness of a family member.

The Line Manager is initially approving the time away from the employee's duties and ensuring there is sufficient cover in place.

Human Resources determine if the request is unpaid or paid in line with this policy.

The Trustees have given delegated authority to the Principal/Headteacher to approve leave absence requests up to 10 days. For longer periods of leave of absence the Principal/Headteacher must discuss each case with the CEO and seek approval from the Trustees.

Requests for leave of absence will be considered taking into account

- the principles of this policy,
- the best interests of the pupils and the school,
- treating staff in a fair, reasonable and consistent way,
- national and local terms and conditions of employment.

### **3. Staff contracted on 52 weeks**

Those staff who are contracted to work year round should ideally take their annual leave during school closure. Annual leave granted during term time will be at the discretion of their Line Manager.

### **4. Dental and medical appointments**

It is expected that dental and medical appointments will be made out of school hours wherever possible. It is recognised that in some circumstance, such as an appointment being expected from a hospital, that this may not always be possible. However, appointments in work time should be kept to a minimum and cause as little disruption as possible.

In any event, prior approval to attend an appointment during school hours will need to be sought and agreed. Time off to attend dental and medical appointments will be treated as unpaid, if the member of staff is unable to work the time back.

### **5. Emergencies involving dependants**

All employees have the right to take a reasonable period of unpaid time off during working hours to deal with an emergency involving a dependant. A dependant is defined as the partner, child or parent of the employee, or someone who lives as part of their family. For example this could be a grandparent. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee. In the case 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.

### **6. Parental Leave**

Employees with a child (including adopted children) up to the age of eighteen years and with at least one year of continuous service with the Westcountry Schools' Trust are entitled to parental leave.

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Parental leave is only available for the purpose of caring for a child, for whom the employee has parental responsibility. A child is a person under the age of 18.

Parental leave is unpaid and the maximum entitlement is 18 weeks leave (pro rata for part-time staff) for each child, in total. Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless the employer agrees otherwise or the child is disabled. Employees cannot take off more than four weeks during a year per child. A week is based on an employees working pattern.

The employee must give at least 21 days written notice of the period during which parental leave is requested.

If a father wishes to take parental leave following the birth of a child (in addition to paternity leave), he is required to give at least 21 days' notice to his employer, stating the expected week of commencement of the parental leave and the duration of that leave.

In the case of adoption, a parent must give at least 21 days notice stating the week in which he/she expects to adopt the child. The duration of the leave must also be stated.

Prior to approving the first request for parental leave the school will need to see the birth certificate, adoption paper or proof of disability living allowance.

The Line Manager is able to require an employee to postpone his/her parental leave for up to six months, where the school cannot accommodate this request. Notice of postponement will be given no more than seven days after the request and will state the reasons for postponing the parental leave and when it can be taken. The leave must be granted for the same period as the original request and will begin on a date determined by the Line Manager, after consultation with the member of staff and be not more than six months after the date originally requested.

Parental leave cannot be postponed when the member of staff gives notice of parental leave to be taken immediately after the birth of their child or at the time of adoption.

The school will accurately record when an employee takes Parental Leave as new employers may seek a declaration of how much Parental Leave has been taken.

### **7. Other types of leave**

Requests for other types of leave will be managed in accordance with the information in the table on the following pages.

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### REASONS FOR LEAVE WITH PAY

Reasons for leave with pay	Teachers	Support staff		
<b>Sickness</b>	During 1st year of service	25 working days' full (after four months' service)	During first year of service (after four months' service)	one month's full pay and two months' half pay.
	During 2nd year of service	50 working days' full pay and 50 working days' half pay.	During second year of service	two months' full pay and two months' half pay.
	During 3rd year of service	75 working days' full pay and 75 working days' half pay.	During third year of service	four months' full pay and four months' half pay.
	During 4th year of service and thereafter	100 working days' full pay and 100 working days' half pay.	During fourth and fifth years of service*	five months' full pay and five months' half pay.
			After five years' service*	six months' full pay and six months' half pay.
			*Maximum entitlement for term time manual employees (after three years' service)	twenty working weeks' full pay and twenty working weeks' half pay.
	A year is deemed as 1 <sup>st</sup> April to 31 <sup>st</sup> March - see Managing Sickness Absence Policy for further details	Figures are based on a rolling year - see Managing Sickness Absence Policy for further details		
<b>Annual Leave</b>	Teaching staff are not entitled to annual leave.	<b>Term Time Staff</b>		
	Teaching staff are contracted to work 195 days / 1265 hours per annum (pro rata for part-time staff).  Teachers will not be granted leave of absence for holidays in term time.	The minimum paid leave entitlement is 20 working days, pro-rata for part-time staff. Bank and public holidays are additional to this entitlement (pro-rata).  Two 'extra-statutory' holidays and one additional day are also granted. In most cases these are		

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		<p>scheduled within the break at Christmas.</p> <p>For term time staff pay is adjusted to incorporate payment for leave entitlement, public holidays and locally scheduled holidays. Staff who work term time will not be granted leave for holidays in term time.</p> <p>After 5 years' continuous service, an additional 5 days of leave is added to initial leave entitlement (pro-rata). For term time staff this additional entitlement is incorporated in staff pay.</p> <p><b>Long Service Days</b> An extra day of annual leave allowed after 10, 15 and 20 years' continuous Local Government Service. As these extra days are not calculated into pay for Term Time Staff, they may be taken as leave during term time, at a time agreeable with your Line Manager.</p> <p><u>Staff contracted 52 weeks</u> The minimum paid leave entitlement is 20 working days, pro-rata for part-time staff. Bank and public holidays are additional to this entitlement (pro-rata).</p> <p>Two 'extra-statutory' holidays and one additional day are also granted. In most cases these are scheduled within the break at Christmas.</p> <p>After 5 years' continuous service, an additional 5 days of leave is added to initial leave entitlement (pro-rata)</p> <p><b>Long Service Days</b> An extra day of annual leave allowed after 10, 15 and 20 years' continuous Local Government</p>
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		<p>Service. As these extra days are added to the leave entitlement.</p> <p>The holiday year is 1<sup>st</sup> April to 31<sup>st</sup> March.</p>
<b>For officials of Trade Unions to perform I.R. duties/undertake approved training</b>	<p>i) Regular release, and/or</p> <p>ii) Occasional release and/or</p> <p>iii) Consultative meetings convened by the LA</p>	<p>Authorities shall provide the necessary facilities to Trades Unions including paid leave of absence to carry out their duties.</p> <p>Clarify the local agreement.</p>
<b>For Safety Representatives to perform duties and undertake associated training</b>	<p>i) Regular release, and/or</p> <p>ii) Occasional release and/or</p> <p>iii) Consultative meetings convened by the LA</p>	Clarify the local agreement
<b>Ante-natal care for expectant mothers</b>	The right to paid off time to attend ante-natal care on production of evidence of appointments (if requested).	The right to paid off time to attend ante-natal care on production of evidence of appointments (if requested)
<b>Attendance as elected members at local authority meetings and properly established committees</b>	Up to 20 days per year or equivalent.	Up to 144 working hours
<b>For members of another school's Governing Body</b>	Up to a maximum of 4 half-days per annum depending upon the reasonableness of the request.	Up to a maximum of 4 half-days per annum depending upon the reasonableness of the request.
<b>Magisterial duties</b>	Minimum attendance required by appointment including training and membership of a statutory tribunal not exceeding 20 working days a year	Minimum attendance required by appointment including training.
<b>Candidates for Parliamentary Elections</b>	Normally not more than 5 working days	Up to 3 weeks' paid leave of absence during period up to and including polling day.
<b>Lecturing in professional capacity on condition that all fees to be paid to school</b>	At the discretion of the Principal/Headteacher	At the discretion of the Central Services - CEO up to a maximum of 12 working days
<b>Duties in connection with external examinations</b>	Dependant on role and subject - Refer to the Burgundy Book - Appendix 2.	At the discretion of the Central Services - CEO



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<b>Sitting examinations relating to professional development</b>	Employees are entitled to be paid leave of absence for the purpose of sitting for examinations concerned with the teacher's professional development to the benefit of the school.	Employees are entitled to be paid leave of absence for sitting for approved examinations. Additional leave may be granted for final revision for approved examinations.
<b>Attendance at approved conferences</b>	At the discretion of the Principal/Headteacher and subject to conference being of benefit to school and the teacher's professional development.	Up to 12 working days in any one year, where the conference is a benefit to the school. (Grey Pages 4.6(b))
<b>Weddings of 'Close relatives' are normally defined as children, parents, grandparents, sister/brother, parents-in-law or nominated next of kin (includes step children, foster and adopted children/parents)</b>	Reasonable period subject to prior approval from Principal/Headteacher	At the discretion of the Central Services - CEO
<b>Times of severe weather</b>	Permission to leave early should not be unreasonably refused. Principal/Headteacher to ascertain whether possible for teachers to undertake work activities at home in order to fulfil their statutory obligation to work for 195 days 1265 hours in the school year.	Permission to leave early should not be unreasonably refused.  Lost hours should be made up where annual leave cannot be taken
<b>Jury Service or attendance as a witness in Court proceedings</b>	For the required period subject to the employee claiming for loss of earnings	For the required period subject to the employee claiming for loss of earnings.
<b>Screening for cancer</b>	For reasonable periods where attendance in school time cannot be avoided.	Necessary paid time off will be granted for purpose of cancer screening
<b>Members of non-regular forces – annual training</b>	Up to two weeks – the second of which is to be unpaid.	Up to two weeks (Grey Pages paragraph 4.6(g))
<b>Potential redundancy</b>	Reasonable time to seek alternative employment	Reasonable time to seek alternative employment

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<p><b>Interviews / selection processes for other posts</b></p>	<p>Paid leave for time off to attend an interview and/or other selection processes will be granted where the vacancy is at a Local Authority maintained school and/or public body to which the redundancy payment (modification) order applies. This would include interviews at an academy school.</p> <p>Applications for leave to attend interviews / selection processes with other organisations will be at the discretion of the Principal/Headteacher and may be granted as unpaid.</p> <p>Notwithstanding the above, paid time off for this purpose is limited to no more than <b>2 days</b> in any one academic year. Anything in excess of this will be at the discretion of the Principal/Headteacher and may be granted as unpaid leave.</p>	<p>Paid leave for time off to attend an interview and other selection processes will be granted where the vacancy is at a Local Authority maintained school and/or public body to which the redundancy payment (modification) order applies. This would include interviews at an academy school. [Grey Pages 4.6(k)]</p> <p>Applications for leave to attend interviews / selection processes with other organisations will be at the discretion of the governing body and may be granted as unpaid or taken as annual leave.</p>
<p><b>Serious/critical illness of a close relative i.e. husband/wife, civil partner, partner, children, parents, grandparents, sister/brother, parents- in-law or nominated next of kin. This also includes step children, foster and adopted children/parents.</b></p>	<p>In cases of critical/serious illness of close relatives, up to one week paid leave in 12 months rolling.</p>	<p>In cases of critical/serious illness of close relatives, up to one week paid leave in 12 months rolling.</p>

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<b>Death or close relative i.e. husband/wife, civil partner, partner, children, parents, grandparents, sister/brother, parents- in-law or nominated next of kin. This also includes step children, foster and adopted children/parents.</b>	Up to five working days.	Up to five working days.
<b>House removal</b>	One working day to cover actual day of moving, with as much advance notice as possible in any one academic year.	One working day to cover actual day of moving, with as much advance notice as possible in any one academic year.
<b>Sports representation as competitor at national/ international level</b>	At the discretion of the Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Election duties</b>	One day leave of absence for staff appointed by the returning officer to assist at parliamentary or local elections.	One day leave of absence for staff appointed by the returning officer to assist at parliamentary or local elections.

***Additional leave with pay may be granted in special circumstances by the Principal/Headteacher***

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### REASONS FOR LEAVE WITHOUT PAY

Reasons for leave without pay	Teachers	Support staff
<b>Non-serious illness of an employee's child (falls under the provision of Emergency Time Off for Dependants)</b>	<p>In the case of a sick child with a non-critical illness, after the first day it will be assumed that alternative arrangements for childcare will be made.</p> <p>Staff will be granted up to two paid days in a rolling year. Any additional time off will fall under the Emergency Time Off for Dependants provisions and will be unpaid.</p>	<p>In the case of a sick child with a non-critical illness, after the first day it will be assumed that alternative arrangements for childcare will be made.</p> <p>Staff will be granted up to two paid days in a rolling year. Any additional time off will fall under the Emergency Time Off for Dependants provisions and will be unpaid.</p>
<b>An unexpected or sudden problem involving someone who depends on your help or care (falls under the provision of Emergency Time Off for Dependants).</b>	Up to two days to deal with the emergency and make any arrangements that are needed.	Up to two days to deal with the emergency and make any arrangements that are needed.
<b>Graduation ceremony – employee's own partner, son, daughter or close relative</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Court hearings – other than those covered under "With Pay" sections – including divorce proceedings, custody of children, maintenance payments and other Court appearance where the member of staff is defendant or involved in non-criminal proceedings</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Religious devotion days</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO

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<b>Funerals – other than close relatives as in “With Pay” section</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>House removals – in excess of one day</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Sporting representations below national level</b>	At the discretion of Principal/Headteacher. Normally not more than ten school days in a year.	At the discretion of the Central Services - CEO
<b>Delays on return to school caused by industrial disputes</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Special family flights where spouse or civil partner is in the armed forces</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Hospital appointments for children where both parents wish to attend.</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Visits overseas other than for professional development</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Attendance on courses for personal development not considered beneficial to the school</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Weddings – Employees own wedding and for those other than relatives first degree</b>	At the discretion of Principal/Headteacher.	At the discretion of the Central Services - CEO
<b>Accompanying a pregnant woman, with whom they are having a child, at ante-natal appointments</b>	Up to two ante-natal appointments. See Maternity and Adoption Support Leave Policy	Up to two ante-natal appointments. See Maternity and Adoption Support Leave Policy

***The Principal/Headteacher may in special circumstances grant discretionary additional leave***

POLICY HISTORY

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
March 2015	Revised Policy to reflect updated format as well as revisions to the following sections: <ul style="list-style-type: none"> <li>parental leave from April 2015</li> <li>Interviews / selection processes</li> <li>time off for teachers in the case of non-serious illness of close relative.</li> <li>Time off to attend antenatal appointments</li> </ul>	HR ONE	March 2015	
March 2017	Revised Policy to reflect updated format as well as revisions to the following sections: <ul style="list-style-type: none"> <li>Defining 'close relatives' and 'dependants'</li> <li>approval structure of requesting leave and legislation changes</li> <li>Changes to paid time off for non-serious child illness</li> <li>Harmonise teaching &amp; support staff leave entitlements</li> <li>Adding the annual leave and sickness absence details</li> <li>Change to MAT name</li> </ul>	WeST	TBC	
September 2017	Publication	WeST	September 2017	Annually