



**CHESTERTON
COMMUNITY COLLEGE**

**Chesterton Community College
Special Leave of Absence**

March 2014

Introduction.

- 1.1 The Governing Body recognises that the success of the school depends upon the contribution of all staff and gives full acknowledgement that a fair and effective policy on Leave of Absence contributes to the maintenance of staff morale and thereby to the success of the school.
- 1.2 The Governing Body recognises that absence from duty by staff may occur for a wide variety of reasons including compassionate grounds, jury service or for other reasons. Personal illness or injury is covered by the employee's sickness absence scheme.
- 1.3 The Governing Body will observe its statutory obligations. Broadly these are:
 - Time off for trade union duties in accordance with provisions in Section 61 and 62 of the Employment Rights Act 1996.
 - Time off with pay for safety representatives, appointed/elected by recognised trade unions both to carry out safety functions and to undergo relevant training.
 - Paid time off for ante-natal care under section 55 of the Employment Rights Act 1996, as part of the provisions for maternity leave.
 - Unpaid time off for parental leave, dependants and domestic emergencies.

2. Study/Examination Leave

- 2.1 If the Governing Body receives a request from an employee for leave of absence for the purpose of revision immediately prior to an examination for a recognised qualification or leave of absence for the day(s) on which the examinations take place the request will be considered according to the following principles:
 - The cost to the school of the leave in terms of salary, cover arrangements and organisational disruption.
 - The relevance of the qualification to the better performance of the post the individual holds.
 - The individual's career development and personal circumstances.
- 2.2 The maximum amount of leave under this heading will normally be 5 days paid leave in 5 academic years.

3. Secondments/Extended Unpaid leave of Absence

- 3.1 In the event that an employee requests an extended period of unpaid leave of absence the Principal will discuss the matter with the employee and consider the matter in relation to
 - The cost to the school of the leave in terms of, cover arrangements and organisational disruption.
 - The circumstances of the individual.

The Principal will make a recommendation to the Chair of the Governing Body. The recommendation, if not acceptable to the employee, will be accompanied by a written statement from the employee of his/her request, with reasons.

4. Adoption and Maternity Support Leave

- 4.1 *Information on Maternity Support Leave and for Adoption and Paternity Leave can be obtained separately from the Principal's PA.*

5. Time Off for Public Duties and Activities

- 5.1 Subject to the needs of the school employees are entitled to reasonable time off in order to carry out the following public duties and activities:

- (i) A Justice of the Peace
- (ii) A Member of the Magistrates Courts Committee
- (iii) A Member of a Family Practitioner Committee
- (iv) A Member of a Local Authority (inc. Teacher Representative)
- (v) Such other public duties as are referred to in the Employment Rights Act 1996.
- (vi) Serving on such other local or regional public bodies as the Governors may authorise.
- (vii) Campaigning as an official candidate for a General Election
- (viii) Campaigning as an official candidate for a European Election.

- 5.2 For a full-time employee carrying out the above activities, a reasonable amount of time off will be a maximum of 15 days (18 for duties as a JP) or the equivalent in part days per year. Time off for part-timers will be calculated proportionately to 15 (or 18) by reference to the working hours and working weeks.
- 5.3 In granting a number of days leave of absence to an employee the Governing Body require that the employee, wherever possible, will draw up a schedule of days, as far in advance as possible, in consultation with the Principal. In the case of the Principal seeking time off, consultation will be with the Chair of Governors.
- 5.4 In the event that the employee requests so much time off for public duties and activities that in the opinion of the Principal (or Chair of Governors in the case of the Principal) the operational effectiveness of the school suffers, the Principal (or Chair of Governors) will discuss the need to reduce the amount of time off or make some alternative arrangements with the employee, together with his/her trade union official if requested. In the event that the matter is not resolved it will be referred to the Chair of the Governing Body whose decision is final.

6. Pay for Time Off

- 6.1 Time off for public duties is with pay subject to the limits of reasonableness and the provisions of 5.2, 5.3 and 5.4 above.
- 6.2 Pay is the normal pay that would have been earned in that period of absence.

7. Leave of Absence - Service in Non-Regular Forces

- 7.1 Paid leave of absence will normally be granted for Summer Camp. Additional leave of absence may be granted without pay where there are exceptional circumstances.
- 7.2 Members of the Territorial Army who are required to undertake training additional to attendance at summer camp and who are unable to arrange for such training to be on days when they would normally not be working, will be granted up to 5 days unpaid leave of absence.

8. Leave Requested in Special Circumstances

- 8.1 Applications for exceptional leave should be made to the Principal in writing as soon as the need to be absent is known. In an emergency the school should be informed by telephone.
- 8.2 In dealing with requests for leave of absence in special circumstances the Principal will apply the principles set out below.
- The cost to the school of the leave in terms of salary, cover arrangements and organisational disruption.
 - The circumstances of the individual including previous paid and unpaid leave granted relative to the period of employment.

- 8.3 The list of examples is non-exhaustive and the Principal may exercise discretion up to the limits described.
- The Special leave year commences on 1st September
- 8.4 In the event that an individual wishes to appeal against the decision of the Principal the matter will be considered by the Chair of the Governing Body, whose decision is final.
- 8.5 The Principal will keep a record of all leave granted under this policy which the Personnel Committee of the Governors will review once per year in the Summer Term

Absence With Pay	Days Per Annum (All Staff)
• interviews for posts in the education service (This limitation does not apply where the employee is redundant or a fixed term contract is not renewed)	period reasonably necessary but not normally more than 3 days
• illness or injury of a significant other giving rise to serious domestic difficulties	period reasonably necessary but not normally more than 3 days (at Principal's discretion)
• death (inc. funeral) of a significant other	period reasonably necessary but not normally more than 5 days
• moving house	1 day
• personal events or emergencies i.e. an event which, if response were to be delayed, would result in significant personal loss to the individual	1 day
• representing the school in any capacity with approval	Unlimited
• <u>accepted impossible</u> travel because of weather or other public crisis	period reasonably necessary but not normally more than 3 days
• Attendance as witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as witness	Period of attendance necessary.

Absence Without Pay	Days Per Annum - All Staff
• any personal reason other than those above which, reasonably, could not have been scheduled for a non-working day or time or within annual leave e.g. dentist, optician, driving test, family occasions, sports	maximum of 3 days
• illness or injury of a significant other giving rise to serious domestic difficulties and where pay has been granted for 3 days already in the year	Principal's discretion
• leave in accordance with the Parental Leave Regulations 1999 (see appendix 1)	as required by statute

Appendix 1:

PARENTAL AND DEPENDANTS UNPAID LEAVE

1. Parental Leave

1.1 The Regulations on unpaid parental leave set out certain core elements which are minimum standards. These cannot be worsened, even by agreement. If the employee meets the qualifying conditions and gives the required notice the employee is entitled to take the leave. It cannot be refused, but may be deferred.

2. Rules Relating to Unpaid Parental Leave

2.1 An employee who has **one year's continuous service** is entitled to a total of 13 weeks unpaid leave in a 5 year period, in order to care for a child (see below, paragraph 3, the children who are covered by these regulations). The employee must have responsibility for the child in question. The right is an individual right, so both parents are entitled to parental leave. Employees can only take parental leave subject to the following rules:

- Leave can only be taken in blocks or multiples of one week. If the leave is for a shorter period than a week it is counted as a week's leave. An employee with a disabled child may take parental leave in blocks or multiples of a single day.
- Employees must give a minimum notice of 21 days' notice
- Employees can only take four weeks' leave in any year. The year begins on the date that the employee becomes entitled to the leave. This is either the date of the child's birth or, in the case of a new employer where an employee begins a new job, after serving the one year qualification period.
- Leave may be postponed by the employer for up to six months where the business would be unduly disrupted; however, 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.

3. Children Covered by the Regulations

3.1 Parental leave applies only for children born on or after 15 December 1999, the date on which the Regulations came into force.

The right to parental leave lasts until the child's fifth birthday except in the following circumstances.

- **If the child is adopted** parental leave may be taken up to five years after the child is placed for adoption or until the child is eighteen years old, whichever is the earliest.
- **If the child is disabled** parental leave may be taken up to the date when the child reaches the age of eighteen.

4. Notice

In general an employee is required to give at least 21 days notice, specifying when the leave is to begin and end. Expectant fathers who wish to take leave immediately after the birth of a child must specify the expected week of childbirth. If the leave is to be taken immediately after a child is placed for adoption the notice must specify the expected week of placement.

5. Record Keeping and Proof

5.1 A record of leave taken will be kept by the school. When an employee changes jobs, employers will be free to make enquiries of a previous employer about how much parental leave he or she has taken.

5.2 The employer may request to see reasonable evidence of the child's date of birth, of the employee's responsibility or expected responsibility for the child and, if the child is disabled, to the child's entitlement to a disability living allowance.

6. Postponing the Period of Leave

6.1 The period of leave can be postponed "if the operation of the business would be unduly 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. It is important that schools adopt a fair and consistent approach.

6.2 If the school wishes to postpone a period of leave it must notify the employee, in writing, within seven days of the request for leave, stating the reason for the postponement.

The employer must grant the leave within six months and specify, in writing, the date upon which the leave may be taken after consulting with the employee. If no agreement is reached after consultation the employer must determine the appropriate dates.

7. Maternity Support Leave and Pay (Paternity Leave and Pay).

7.1 Support staff employed under Green Book Conditions of Service are contractually entitled to 5 days Maternity Support Leave "to assist in the care of the child and to provide support to the mother at or around the time of the birth." Therefore, a member of support staff is entitled to 5 days paid Maternity Support Leave and a further 12 weeks unpaid Parental Leave.

Support staff, employed under the Green Book Conditions of Service, are entitled to two weeks support leave with the first week paid at their contractual rate of pay and the second week paid at the current rate for statutory maternity support pay.

7.2 There is no similar provision for teachers under the Burgundy Book but any existing local agreements, either LEA or Governing Body, should be treated in the same way as described in 7.1.

8. Employees Rights

Under the Regulations, employees will have the right to present a complaint to an employment tribunal if the employer prevents or attempts to prevent them from taking parental leave. An employee who takes parental leave will also have the right not to be dismissed or subjected to any other detriment by reason of taking parental leave.

9. Unpaid Time Off to Care for Dependants

9.1 An employee is entitled to take a reasonable amount of time off during the employee's working hours in order to take action which is necessary:

- to provide assistance on an occasion when a dependant falls ill, gives birth, or is injured or assaulted
- to make arrangements for the provision of care for a dependant who is ill or injured
- as a result of the death of a dependant
- because of the unexpected disruption or termination of arrangements for the care of a dependant, or,
- to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment, which the child attends, is responsible for him or her.

9.2 A dependant is defined as the employee's wife, husband, child, parent or someone who lives in the same household as the employee but who is not his or her employee, tenant, lodger or boarder.

9.3 A dependant also includes, in addition to the categories in 9.2, any person who reasonably relies on the employee either for assistance on an occasion when the person falls ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury. Furthermore, where the time off relates to unexpected disruption or termination of arrangements for the care of a dependant, then a dependant will also include any person who reasonably relies on the employee to make arrangements for the provision of care. This last category of dependant may cover a situation where the employee is the primary carer or is the only person who can help in an emergency. It should also be noted that any references to illness or injury include mental illness or injury.

9.4 The employee must tell the employer the reason for his or her absence as soon as reasonably practicable. The employee must also tell the employer how long he or she expects to be absent, unless this is impossible until he or she returns to work.

9.5 It is anticipated that the meaning and scope of these terms will be considered by tribunals in due course.