



DISCRETIONARY LEAVE OF ABSENCE
POLICY
ST AUGUSTINE'S CE (VA)
JUNIOR SCHOOL

| | | |
|-------------------------|----------------|--------------------------------|
| Head teacher | Sign and date: | <i>N Pierce</i> 26/06/2018 |
| Chair of Governing Body | Sign and date: | <i>J Fordham</i> 26/06/2018 |

Date for review: Summer Term 2020
(This policy will be reviewed every 2 years)
Date ratified: 26th June 2018

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1. 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 Discretionary Leave of Absence contributes to the maintenance of staff morale and thereby the success of the school. 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.
- 1.2 This policy sets out the Discretionary Leave of Absence provisions to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of the School are the priority and therefore there will be times when the Headteacher has to refuse a request for leave. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy the Headteacher has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.
- 1.3 This policy also sets out what you must do in the event that you must take leave of absence because you have a personal emergency.
- 1.4 The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence. If you need clarification on whether the leave of absence that you want to take is statutory or discretionary then you must speak to the Headteacher.
- 1.5 The Governing Body will without fail 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, dependents and domestic emergencies.
- 1.6 This policy does not cover leave which is included in the School policies and procedures listed below:
 - Annual leave
 - Maternity/Paternity/Parental/adoption leave
 - Flexible working
 - Sickness absence/personal injury
 - Redundancy

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1.7 This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.

2. Procedure for requesting Discretionary Leave and Decision Making

2.1 Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher as soon as the need for the leave is known using the form at Appendix 1. Where the leave of absence request is made by the Headteacher, the request should be made to the Chair of Governors.

2.2 Requests for leave of absence and approval/refusal of such will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, pupil educational provision, service needs, eligibility, any previous requests and the degree of flexibility that you already have in your current working arrangements. Non-emergency leave of absence must not be taken unless and until it has been approved on the form at Appendix 1.

2.3 In dealing with requests for discretionary leave of absence, the Headteacher will apply the principles as 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.
- When considering requests for unpaid leave of absence (for example attending medical or dental appointments) the Governing Body recognises that in some cases, particularly with reference to hospital appointments, it is difficult to arrange for these to be outside the school day. The Headteacher may therefore discuss such requests with the employee and where appropriate, suggest that the employee makes up the time outside of their normal working hours rather than taking unpaid leave.

2.4 Where an **emergency** arises you must notify the Headteacher by telephone (and confirm in writing as soon as is reasonably practicable), giving the reason for the absence and how long you expect to be absent from work to deal personally with the emergency which cannot be dealt with by anyone else.

2.4 Where a leave of absence request is refused there is right of appeal. Any appeal must be made on the form at Appendix 1 within 5 days of receipt of the leave of absence decision. The appeal will be considered by a panel of two governors whose decision is final.

2.5 A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. This record will be reviewed from time to time by the Personnel Committee of Governors. Members of the LGPS scheme will be informed about the impact of taking unpaid leave on their pensionable service, as and when required.

2.6 The year for the request of discretionary leave starts anew every 1st September.

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3. Discretionary Leave of Absence

3.1 Examples of discretionary time off work that may be granted with pay. This list is non-exhaustive and the Headteacher may exercise discretion up to the limits detailed below.

| Summary of absences granted with pay | Days Per Annum (applicable to all staff) |
|---|---|
| <u>Compassionate leave:</u> Illness or injury of a significant other person giving rise to serious domestic difficulties | Period reasonably necessary but not normally more than 3 days. |
| <u>Bereavement leave:</u> Death (including funeral) of a significant other person | Period reasonably necessary but not normally more than 5 days. |
| <u>Moving house:</u> Moving house where it cannot be arranged for a non-working time | 1 day |
| <u>Personal events or emergencies:</u> An event which, if response were to be delayed, would result in significant personal loss to the employee such as fire or flood | 1 day |
| <u>Accepted impossible travel:</u> Because of weather or other public crisis. | Period reasonably necessary but not normally more than 3 days |
| Interviews 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 |
| <u>Dependent care leave:</u> Employees may only take paid time off to provide personal care for a dependent where there is an immediate crisis. (there is a statutory right to take unpaid leave see 6.1below) | In normal circumstances not more than 1 day on each occasion (up to a maximum of 3 days). |
| <u>Attendance as witness</u> either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as witness not representing the school | Period of attendance necessary. |
| Representing the school in any capacity with prior approval | Unlimited |

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3.2 Examples of discretionary leave that may be granted without pay. This list is non-exhaustive and the Headteacher may exercise discretion up to the limits detailed below (unless governed by Statute).

| Summary non exhaustive examples of absence normally granted without pay | Days Per Annum - All Staff |
|---|----------------------------|
| Any personal reason other than those above which it was not possible to schedule for a non-working day or time or within annual leave e.g. dentist, optician, medical appointment, driving test, important one-off family occasions, sports events. | Maximum of 3 days |
| Leave in accordance with the Parental and Dependents Leave Regulations 1999. | As required by Statute. |
| Leave of absence for religious observance | Reasonable time off |

3.2.1 Medical appointments:

Upon production of a medical appointment letter/card up to half a day paid leave may be granted to attend an appointment at hospital (to include medical screening and blood donation but excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. You should liaise with your line manager to agree a mutually convenient time so that the operational requirements of the school are met and then request leave from the Headteacher using the form at Appendix 1.

3.2.2 Attendance in court as a witness

If you are subpoenaed or summonsed to attend a Court (including an Employment Tribunal), as a witness and you are not representing the School then, on production of proof of required attendance, you must request leave from the Headteacher using the form at Appendix 1 and you will be granted paid leave to attend. If you wish to attend Court as a witness on a voluntary basis then you should request leave of absence from the Headteacher as soon as the need for the leave is known using the form at Appendix 1 and a decision will be made on a case by case basis as to whether the leave will be approved and whether paid or unpaid.

3.2.3 Leave of absence for religious observance

You may request unpaid time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the School's pupils and surrounding circumstances. You should

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request time off at the beginning of the School academic year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

4. Statutory Leave of Absence for Public Duties

- 4.1 Employees are entitled to a reasonable amount of **unpaid** time off work by law to carry out certain public duties. The Governors have discretion to authorise time served on such local or regional public bodies as deemed reasonable and appropriate. Public duties (as are referred to in the Employment Rights Act 1996) may include service as a:
- Tribunal member
 - Magistrate
 - Local councillor
 - Member of an NHS Trust
 - Prison visitor
 - Lay visitor to police stations
 - School governor
 - Official candidate for a General or European Election
 - Member of a Local Authority e.g. Teacher Representative
 - Member of a Family Practitioner Committee
 - A Justice of the Peace
- 4.2 As soon as you are aware that you will require time off for performance of a public service you should request leave of absence from the Headteacher using the form at Appendix 1.
- 4.3 For a full-time employee carrying out the above activities, a reasonable amount of time off will be a maximum of 3 days (5 days for duties as a Justice of the Peace) or the equivalent in part days within a year. Time off for employees working part-time will be calculated proportionately to 3 (or 5) days by reference to the employee's contractual working hours and working weeks.
- 4.4 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 Headteacher. In the case of the Headteacher seeking time off, consultation will be with the Chair of Governors.
- 4.5 Each request for time off will be considered on its merits, in the circumstances in which it is made including:
- Whether the activity is reasonable in relation to your employment
 - How much time off is reasonably required for the duty in question
 - How much time off you have already taken for the public duty in question
 - How your absence will affect the School.
- Where the operational effectiveness of the School is affected as a result of time off, the Headteacher or Chair of Governors will discuss the need to reduce the amount of discretionary leave requested or make 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 Full Governing Body whose decision is final.

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- 4.6 The School will agree to requests for **paid** time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy. Pay is the normal pay that would have been earned in that period of absence.

5. Jury Service

- 5.1 You must inform the Headteacher as soon as you are summonsed for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for jury service raises significant teaching or operational problems, assistance will be provided to the employee in order to appeal to the court to re-arrange or cancel the dates of service.
- 5.2 Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. We will make up the Loss of Earnings allowances to your normal level of earnings. We must complete the Loss of Earnings form and you must give the completed form to the Clerk of the Court on your first day of Jury Service.
- 5.3 Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide a remittance advice. This advice **MUST** be forwarded to the School Business Manager within 3 days of your return to work.
- 5.4 Your salary will be reduced by the "Juror's Loss" paid by the Court. Pension contributions are not affected. An Employee cannot be paid twice by the Court and the School for the same days.
- 5.5 Where jury service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep the Headteacher regularly informed about how long you are likely to be away from work.
- 5.6 Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

6. Statutory Dependent Care Leave

- 6.1 Employees have a right to take a reasonable amount of **unpaid** time off work when it is necessary to:
- (a) provide assistance when a dependent falls ill, gives birth, is injured or assaulted;
 - (b) make longer-term care arrangements for a dependent who is ill or injured;
 - (c) take action required in consequence of the death of a dependent;

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- (d) deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependent; and/or
- (e) deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

6.2 A **dependent** for the purposes of this paragraph 6.1 is:

- (a) an employee's spouse, civil partner, parent or child;
- (b) a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or
- (c) anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

7. Study/ Examination Leave

7.1 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.

7.2 The maximum amount of leave under this heading will normally be one day's paid leave in one academic year.

8. Secondments/Extended Unpaid Leave of Absence

In the event that an employee requests an extended period of unpaid leave of absence, the Headteacher 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; and
- The circumstances of the individual.

The Headteacher will make a recommendation to the Personnel Committee 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.

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9. Service in Non-Regular Forces Leave of Absence

- 9.1 Paid leave of absence will not normally be granted for Summer Camp. Additional leave of absence may be granted without pay where there are exceptional circumstances.
- 9.2 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.

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APPENDIX 1

LEAVE OF ABSENCE REQUEST

Part 1

| | |
|------------|--|
| Name: | |
| Job title: | |

| | |
|---|---------------|
| Date/ time from: | Date/time to: |
| I have read and understood the discretionary leave policy. Please attach a copy of any relevant appointment card. Reason for request: | |
| <p><i>I understand and accept that if leave of absence is granted without pay it will affect my pension entitlement.</i></p> <p>Signed _____ Date _____</p> | |

LEAVE OF ABSENCE DECISION

Part 2

| | |
|--|--|
| Your request for leave is: | |
| Approved with pay: <input type="checkbox"/> | Time to be made up: Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Approved without pay: <input type="checkbox"/> | |
| Not approved for the following reasons: | |
| <input type="checkbox"/> | Operational difficulties in covering absence |
| <input type="checkbox"/> | Loss of entitlement/continuity of educational provision for pupils/students |
| <input type="checkbox"/> | Leave of absence limits already reached |
| <input type="checkbox"/> | The request is outside the policy framework |
| <input type="checkbox"/> | Other. Explanation of reason(s) for non-approval: |
| Signed: | Date: |
| Job title: | |

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Part 3

APPEAL AGAINST LEAVE OF ABSENCE DECISION

If you wish to appeal against a refusal to grant discretionary leave of absence then you must explain your reasons below and return this form to the Headteacher within 5 days of the date of the decision as recorded above. Your appeal will be heard by a panel of two governors.

Signed:

Date: