

SHORT-TERM LEAVE OF ABSENCE GUIDANCE FOR SCHOOLS

1. INTRODUCTION

The purpose of this document is to assist Governing Bodies and Headteachers with managing requests for short-term leave of absence. It seeks to clarify those circumstances in which there are statutory or contractual entitlements to be observed and to offer advice on the application of discretionary powers.

The Governing Body is recommended to delegate the responsibility for granting short-term leave of absence to the Headteacher. A periodic report on leave of absence decisions may be provided to the governing body (normally through the staffing committee). Where the Headteacher makes a request for short-term leave of absence, then the Chair of Governors will take responsibility for the granting of any leave.

Headteachers must ensure that all employees (teaching and support staff) are treated fairly when considering short-term leave of absence requests. If a particular request for an employee is granted and a similar request is not granted for another employee then the Headteacher must be able to justify such a decision objectively, in order to avoid potential staff grievance and to ensure that the Headteacher is not discriminating against a particular individual on the grounds of sex, race, disability, sexual orientation, religion or belief and the forthcoming issue of age discrimination. It is also important not to discriminate against members of staff employed on part-time, fixed-term or temporary contracts.

2. SCOPE OF GUIDANCE

This guidance gives most attention to leave of absence for personal/domestic reasons or to undertake various public or official duties. There is further guidance on 'Family Friendly' entitlements, such as Maternity Leave and Paternity Leave available on the Schools' Personnel Intranet site under Policies and Procedures.

In preparing the guidance reference has been made to South Gloucestershire Council's corporate policies and guidance for centrally employed staff. However, it is recognised that there may sometimes be different considerations in a school context. Unless employees have a statutory right to take and/or be paid for short-term leave, then the Governing Body are able to use their discretion.

To assist schools with the management of discretionary leave decisions, it may be appropriate for the Governing Body to consider a policy under which the discretionary paid leave for any employee would not normally exceed a maximum of 5 days (pro-rata for part-time staff) in any academic year.

Such a limit would not apply to paid leave for duties covered by statutory entitlements (e.g. Jury Service, Trade Union Representation) for which there will usually be associated budgetary provision available.

3. SUMMARY OF GUIDANCE - SHORT-TERM LEAVE OF ABSENCE

The table below gives a guide to different types of leave of absence.

Reason for Leave	Type of Leave (Discretionary or Statutory)	Further Details can be found in Section
Ante-natal Care	Statutory	6.4 - page 9
Bereavement Leave	Discretionary	5.2 - page 4
Court Appearance	Statutory	6.7 - page 10/11
Election Duties	Discretionary	5.8 - page 5
Fertility Treatment	Discretionary	5.4 - page 5
Funeral Leave	Discretionary	5.1 - page 4
Interview for Another Appointment	Discretionary	5.11 - page 6
Jury Service	Statutory	6.7 - page 10/11
Medical/Dental Appointments	Discretionary	5.3 - page 4/5
Moving House	Discretionary	5.12 - page 6/7
Other Circumstances (i.e. Special Leave)	Discretionary	5.13 - page 6/7
Political Activities	Discretionary	5.9 - page 6
Public Duties	Statutory	6.6 - page 9/10
Religious Holidays	Discretionary	5.7 - page 5
Right of Accompaniment	Statutory	6.3 - page 9
Screening	Discretionary	5.5 – page 5
Severe Weather Conditions	Discretionary	5.12 - page 6

Special Reserve Forces	Discretionary	5.10 - page 6
Study Leave & Examinations (refer to section 6.5 for 16 - 17 year olds)	Discretionary (16 - 17 year olds - statutory)	5.6 - page 5
Time Off for Dependants	Statutory	6.1 - page 8 (also refer to Annex A)
Trade Union Activities	Statutory	6.2 - page 8
Wedding (e.g. close relative)	Discretionary	5.12 - page 6/7

4. REQUESTING SHORT-TERM LEAVE OF ABSENCE

Employees should contact the Headteacher as soon as possible, if they have a request for leave of absence. The employee should endeavour to give as much notice as possible prior to the start of the leave period and complete an 'Absence Request Form For School Based Staff', a copy of which is enclosed in Annex B.

Any requests will be considered by the Headteacher having regard to the relevance of the request and the operational needs of the school. A copy of the form must be authorised (marked 'approved' or 'not approved') and signed by the Headteacher. The form should then be returned to the employee and a copy of the form retained on his or her personal file at the school. The Headteacher must also indicate on the form whether the time off will be with or without pay.

If, due to unforeseen emergencies (e.g. time off for dependants) the employee is unable to seek permission for leave of absence prior to the start of his or her absence, he or she should verbally inform the Headteacher as to the reason for the time off work and the expected duration of his or her absence as soon as possible. In the event of an absence continuing for longer than expected the employee must keep the Headteacher informed as to when he or she expects to be able to return to work. When the employee returns to work he or she should also complete an 'Absence Request Form For School Based Staff' ensuring section 2 of the form has been completed.

If the leave of absence is to be unpaid an 'SG/PAY/25 - Leave Without Pay Claim Form' (Teachers) or an 'SG/PAY/3 - Unpaid Leave/Absence Return' (Support Staff) must be completed and sent direct to Payroll Services. For copies of either of these forms, please contact Internal Audit Services (Controlled Stationary) on 01454 865435.

Where appropriate, supporting documentary evidence may be requested (e.g. an appointment card) but the Headteacher should be mindful of intrusion in to any personal sensitivities. Any information provided to the Headteacher will be kept strictly confidential.

In the event of an employee disputing the Headteacher's decision the employee will have recourse to the School's Grievance Procedure. Any

employee who takes time off work for reasons that are not of a genuine nature and have not had previous or subsequent agreement from the Headteacher, may be subjected to disciplinary action under the School's Disciplinary Procedure.

5. PERSONAL/DOMESTIC SHORT-TERM LEAVE OF ABSENCE - DISCRETIONARY

The recommendations for discretionary leave contained in this section are not subject to national statutory requirements and the advice given is broadly based on South Gloucestershire Council's Corporate Policies. However, the advice given also recognises the operational needs of locally managed schools.

5.1. Funeral Leave

The school may grant 1 day's paid leave to attend the funeral of a close relative or dependant. Close relative could be a brother, sister, parent-in-law (including parents of the employee's partner), grandparent and grandchild.

A Dependant is the husband, wife or partner, child or parent of the employee but could also include someone who lives in the same household as a member of the family (e.g. an elderly Aunt for whom the employee has caring duties).

N.B. Civil Partners should be treated in the same or similar way to spouses.

5.2. Bereavement Leave

The school may grant up to 4 days' paid leave (pro-rata for part-time staff) for an employee who has considerable additional responsibilities as a result of a death of a close relative or dependant e.g.

- Main responsibilities for organising the funeral;
- Young children for whom permanent care arrangements need to be made;
- A business to sort out;
- Complicated debts, etc.

If an individual is suffering physically/emotionally as a result of his/her loss then they should seek a medical certificate from their doctor. The certificate must be submitted to the school no later than the eighth calendar day of sickness absence.

N.B. Funeral Leave may be granted in addition to Bereavement Leave (as shown in section 5.1).

5.3. Medical/Dental Appointments

Employees (both full and part time) should, if possible, endeavour to arrange medical, dental and other similar appointments outside their normal working hours. If it is not possible for an employee to arrange an appointment outside of working hours, the employee should endeavour to arrange the appointment at a time that will cause the least disruption to his or her work, for example at the beginning or end of the working day.

Any employee who wishes to take time off to attend these appointments must notify his or her Headteacher as soon as possible and obtain approval for the time off work. Where appropriate, supporting documentary evidence may be requested (e.g. an appointment card or medical certificate) but the Headteacher should be mindful of intrusion into any personal health sensitivities. Any information provided to the Headteacher will be kept strictly confidential.

Paid time off will normally be granted for employees attending medical appointments, where the Headteacher is satisfied that it would not be practical to arrange the appointment outside of the school day.

The Headteacher may exceptionally request the employee to reschedule a non-urgent appointment if its timing would cause disruption to the running of the school or the completion of vital or urgent work.

5.4. Time Off for Fertility Treatment

Paid leave may be granted to an employee who is undergoing fertility treatment. The policy applies equally to an employee whose partner is undergoing fertility treatment.

Absences will be regarded as medical appointments as shown in Section 5.3. The Headteacher should be mindful of intrusion into any personal sensitivity and ensure that any information provided is kept strictly confidential.

5.5. Time Off for Screening

Paid time off may be granted to an employee for the purposes of cancer screening and should be dealt with in the same way as other medical appointments.

5.6. Study Leave & Examinations (for Employees Aged 16 - 17 see section 6.5)

Paid leave may be granted to employees in order to sit approved examinations applicable to school based employment. In addition, up to 3 days' study leave per year (pro-rata for part-time staff) may be given, either prior to sitting examinations or for the purpose of completing assessed course work or assignments required by the approved training course. Study leave will normally be restricted to situations where the associated training is being undertaken outside of working hours.

5.7. Religious Holidays

Unpaid leave may be granted to employees who wish to observe religious holidays that do not coincide with public holidays. Religious holidays may also include pilgrimages. Headteachers must be mindful that every effort should be made to accommodate such requests. Any refusal must be objectively justified, to ensure that an employee would not be able to challenge the decision on the basis of discrimination due to religious belief.

5.8. Election Duties' Leave

A Headteacher may approve unpaid or paid time off for an employee to undertake election duties for South Gloucestershire Council for positions such as a Returning Officer or a Poll Clerk. If unpaid leave is granted, the employee will receive a fee for election duties. If paid time off is granted, the employee will receive his/her normal pay for the day, in addition to the full fee.

5.9. Leave for Political Activities

Paid leave may be granted to employees who are candidates or agents in Parliamentary, European, County and District Elections for the day of the Election and the day on which the result of the poll is declared, if necessary.

Unpaid leave may be given to employees who are candidates in Parliamentary or European elections for the period commencing with the Notice of Election (i.e. the Notice which announces the date of Election and invites nominations) to the conclusion of the poll (this does not affect the provisions as stated above).

Unpaid leave may be given to employees who are candidates in Parish or Town Council elections on the day of the Election and the day on which the result of the Poll is declared, if necessary.

Up to 5 days' unpaid leave may be granted for attendance as a delegate, at a Party Political Annual Conference.

5.10. Special Reserve Forces

Upon proof of membership, volunteer members of the non-regular (i.e. Special Reserve) forces may be granted leave to attend summer camp for annual training of military reserve force, training corps, etc. Payment for leave is at the Headteacher's discretion.

5.11 Interview for Another Appointment

The Headteacher will normally grant paid leave as necessary for employees to attend an interview for another appointment. However, where there are repeated absences for this purpose then unpaid leave may be granted.

5.12 Severe Weather Conditions

In the event of severe weather conditions staff who are unable to reach their school should telephone the school and report the reason for their non-attendance, at the earliest opportunity.

All employees are expected to make every effort to attend their normal place of work, even when there are difficulties in using public or private transport. It is for the Headteacher to decide whether the reasons given by staff for their inability to attend at school are justified. In the event that a decision is taken to deduct pay, the appropriate payroll form should be completed and the employee notified of the relevant action being taken.

5.13 Other Circumstances

The Headteacher may grant up to 1 day's paid leave and 2 days' unpaid leave (in each instance) for important personal reasons, such as domestic emergencies (e.g. a household fire) and other events that cause serious personal disruption or distress to the employee or a member of his or her immediate family.

It should be stressed that leave under this heading is intended to allow employees to deal with emergency situations, and not circumstances that can be foreseen or problems that are known about in advance and for which alternative arrangements might be made.

This leave does not apply to situations involving care for dependants for which there is separate guidance on the statutory provisions and the discretionary options open to Governing Bodies. Please find this guidance attached in [Annex A](#).

There may also be other specific and exceptional circumstances where leave of absence with or without pay may be granted at the discretion of the Headteacher. **These would normally be circumstances which the employee is unable to reschedule outside of school time.**

Some examples of such circumstances where schools may consider payment with timescales for leave of absence are outlined below:-

- Removal of household effects – Paid leave for 1 day;
- To attend a presentation ceremony of degree or diploma for the employee or the employee's husband, wife, child etc - Paid leave for 1 day;
- To attend the wedding ceremony of a close relative – Paid leave for 1 day.

6. STATUTORY ENTITLEMENTS FOR SHORT-TERM LEAVE OF ABSENCE

This section covers statutory rights for school employees to take time off work. School employees also have the right to seek paid and unpaid time off work to carry out functions connected with certain public and employee duties.

In certain circumstances, notwithstanding the employee's statutory right, it may be necessary to refuse or postpone a particular leave of absence request if it can be shown that there are over-riding operational requirements at the school.

An employee whose request for time off has been unreasonably refused can bring an action in an employment tribunal. Such a claim must be brought within 3 months of the date of the employer's decision not to allow the employee to take statutory time off. In exceptional circumstances, the tribunal may extend this period.

Schools should grant paid leave of absence to employees undertaking jury service, serving on public bodies or undertaking public duties.

6.1. Time Off for Dependants (for further guidance see [Annex A](#))

School employees have a statutory right to take a reasonable amount of unpaid time off work to deal with unexpected disruption or termination for the care of a dependent or sudden emergencies involving a dependant. Payment for 'Time Off for Dependants' is at the Headteacher's discretion. There are no specific limitations on the amount of time that can be taken, but it is envisaged that in most cases, 1 or 2 days should be sufficient to deal with the problem.

Please refer to [Annex A](#) for separate guidance on the statutory provisions and the discretionary options open to Governing Bodies.

6.2. Trade Union Activities

There is a central budget provision for the local secretaries of the Trade Unions recognised by the Authority. In the case of teachers these are known as RTPAs (Recognised Teachers' Professional Associations). The central funding covers time off requirements for the secretary to participate in Authority consultation meetings, to deal with school casework and to undertake other relevant activities, including training. Occasionally the local secretary may arrange for another member to substitute or accompany him or her at meetings and should provide the school with the union's authorised code for covering any necessary supply cover costs. There is also central funding for the local Health and Safety representatives for each union to attend relevant Corporate and Departmental meetings or activities.

The central funding provision does **not** cover time off requirements for school based union (or H & S) representatives. Schools must, therefore make provision for such representatives to conduct any necessary school based consultation and workforce representation, including health and safety inspections. Occasionally school representatives may be expected to attend authority wide or regional events, particularly when there are major changes

in pay and conditions or H & S related legislation. Schools should allow paid time off for appropriate training but this will rarely be more than 1 day in any year for a school based representative.

6.3. The Right of Accompaniment to a Formal Grievance or Disciplinary Interview

School employees have a statutory right to be accompanied at Grievance and Disciplinary hearings by a Trade Union Officer or official or a fellow employee. Individuals have a statutory right to take paid time off to accompany employees to such hearings.

6.4. Ante-natal Care

School employees who are pregnant have the right to paid time off during work to attend appointments for ante-natal care. The appointment must have been made on the advice of a registered medical practitioner, registered midwife or registered health visitor.

The school may require the employee to produce:-

- A certificate showing she is pregnant;
- Some evidence of the appointment.

The school cannot require a certificate for the employee's first appointment during pregnancy. Ante-natal Care has been defined to include relaxation classes and parentcraft classes.

6.5. Study Leave/Training for Employees Aged 16-17

Employees aged 16 or 17 who are not in full-time secondary or further education and who have not attained a certain standard of academic achievement specified by the government (those employees who left school with few if any qualifications) have the right to reasonable paid time off for study or training. Eighteen-year olds have the same right if they began current study or training prior to their 18th birthday. This right promotes the undertaking of study or training that leads to a relevant qualification. It should also enhance the individual's employment prospects within the school or authority.

As a general guide, it may be considered appropriate for schools to allow up to 1 day's paid leave per week, for the duration of the course.

6.6. Time off for Public Duties

The employer is required to permit an employee to have unpaid time off for public duties. The public duties are:-

- A Justice of the Peace;
- Members of a Local Authority;

- Members of a Statutory Tribunal;
- Members of a Police Authority appointed under Schedule 2 to the police Act 1996;
- Members of a Board of Prison Visitors or a Prison Visiting Committee;
- Members of a relevant Health Authority;
- Members of a relevant Education Body (Governing Body of another school);
- Members of the Environmental Agency or the Scottish Environment Protection Agency.

The employer is required to permit reasonable time off for any of the duties of a Justice of the Peace and is required to permit reasonable time off where membership of any one of the bodies listed above requires:-

- Attendance at the meetings of the body or any of its committees or subcommittees;
- Performance of duties approved by the body, which are required to discharge its functions or that of any of its committees or sub-committees.

There is a central budget provision for paid time off granted to undertake the role of Councillor or Magistrate where there may be significant demands.

In terms of corporate guidance for payment, paid leave of absence of up to 2 full days or 4 half days per month together with unpaid leave of absence of up to 2 full days or 4 half days per month is granted to employees undertaking such public duties (pro-rata for part-time staff). The employee may be required to declare any attendance allowance received and this will be offset against pay.

The actual times at which this leave may be taken are to be a matter of agreement between the employee concerned and the governing body, bearing in mind, the requirements of his or her school post and the nature of his or her public duties.

6.7. Jury Service/Court Appearance

School employees who are required to attend jury service, or as a witness in court proceedings, must inform their Headteacher. The notification document from the court must also be produced when informing the Headteacher. If employees report to the court, but are not called upon to serve on any particular day, they are expected to attend work on that day, if it is reasonably practicable to do so in the time available.

School employees have the right not to be subjected to any detriment for being summoned for jury service or having time off for jury service. Employees also have the right not to be unfairly dismissed for being absent from work on jury service. However, where a Headteacher can show that the circumstances are such that the employee's absence would cause substantial disruption to the running of the school, the Headteacher may request that the employee applies for an excusal or deferral. It would be helpful for the

employee to have a letter prepared by the school detailing the particular circumstances which make the employees absence difficult to manage. If it is agreed to defer the jury service it must be completed within the following 12-month period.

Claiming Costs – Support Staff

Support staff must obtain a “Loss of Earnings Claim Form” from the courts. This form should be sent by the courts to the employee prior to the court appearance and must be sent immediately to Payroll Services for them to complete. Payroll Services will return the form to the employee, who must take the form to the court who will pay him or her his or her normal salary, plus any expenses direct to his or her bank account. The employee must then send the form back to Payroll Services for an equivalent amount (excluding expenses) to be deducted from his or her salary.

The resulting savings made by the Headteacher will cover the costs of any replacement/casual staff employed.

Claiming Costs – Teaching Staff

Teaching Staff will be granted paid leave, however, and no claim shall be made to the court in respect of loss of earnings. Their salary will still be paid at the usual rate of pay, but the school can claim the cost of the supply cover from central funds.

Normal Supply Claims

The relevant hours on the supply claim form(s) should be coded ***JS (where *** is the appropriate school cost centre). The claims should show the reason for the supply cover as witness at court or jury service, together with the name of the teacher who is being covered.

Agency Staff Invoices

Schools who cover using agency staff, are unable to charge the invoices directly onto the central budget. Therefore, any such agency invoices should be charged to the school budget (**JS/2681) and a copy sent to the Schools' Finance Team, who will arrange for reimbursement of these costs (the refund will appear as a credit against **JS/2681).

Please ensure that a signed letter from the person responsible for supply teaching at the school (i.e. Headteacher/Bursar) accompanies the agency invoice detailing the name of the teacher who was a witness at court or on jury service, dates of cover and the expected reimbursement amount. The name of the agency teacher who is covering must also be included in the letter.

For further information on claiming costs for teaching staff or support staff, please contact The Schools' Finance Department on 01454 863265.

**FOR FURTHER GUIDANCE OR ADVICE RELATING TO THIS DOCUMENT,
PLEASE DO NOT HESITATE TO CONTACT SCHOOLS' PERSONNEL**

Time Off for Dependants - Detailed Guidance

1. The Definition of 'Time off for Dependants'?

This is a statutory right, which enables your employees to take a reasonable amount of unpaid time off work to deal **with the unexpected disruption or termination of the care of a dependant or a genuine emergency involving a dependant** It also covers situations when longer-term arrangements need to be made. **The situation must involve a dependant of the employee.** Whilst there is a statutory entitlement to unpaid time off the Headteacher may wish to consider granting paid time off, where appropriate.

2. 'The Qualifying Period'

Your employees are entitled to take time off from day one of starting their post with you.

3. The circumstances in which your employee can take time off

The right enables your employees to take the necessary action(s) in the following situations:

- **where a Dependant falls ill, or has been injured or assaulted;**
- **when a Dependant is having a baby;**
- **to make longer term care arrangements for a Dependant who is ill or injured;**
- **to deal with an unexpected disruption or breakdown of care arrangements for a Dependant;**
- **to deal with an unexpected incident involving the employee's child during school hours.**

4. The definition of a Dependant

A Dependant is the husband, wife or partner, child or parent of the employee. It also includes someone who lives in the same household as a member of the family. For example, this could be an elderly Aunt or Grandparent who lives in the household. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, such as a live-in housekeeper.

In cases 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; for example, an Aunt who lives nearby whom the employee looks after outside work falls ill unexpectedly, or an elderly neighbour living alone who falls and breaks a leg.

N.B. Civil Partners should be treated in the same or similar way to spouses/partners.

5. The length of time an employee can take 'time off'

There are no specific limitations on the amount of time that can be taken, but it is envisaged that in most cases, 1 or 2 days should be sufficient to deal with the problem. The amount of time allowed off is to deal with the immediate situation.. For example, in general, if a child is ill, an employee is entitled to deal with the immediate care personally and then should make longer term care arrangements for his/her child.

6. The frequency of 'Time off for Dependants'

There is not a limit on the number of times which your employee could take time off in any particular period. However, the right applies to genuine unexpected situations only. It would not be expected that your employee would take time off regularly, to help a Dependant suffering from an underlying medical conditions under the 'Time off for Dependants' provisions.

7. The Notice Period

Your employee must inform you as soon as possible of the problem and the "notice" does not have to be in writing. The employee should also tell you how long he/she expects to be absent from work.

If, as a Headteacher you need 'Time off for Dependants' you should inform a senior teacher in school as quickly as possible. You should either ask this teacher to inform the Chair of Governors or inform the Chair of Governors yourself.