

Authorised Leave Policy



Signed (Chair of Governors).....

Signed (Head teacher).....

Date.....

Review Date.....

This Policy complies with Warrington LA guidance.	YES (taken from model Warrington policy of the same name)
This Policy will be reviewed in	April 2018
The Policy was agreed by Governors in:	April 2016
The Policy is available for staff at:	Staffroom
And for parents/carers at:	NA

CONTENTS

PAGE

SECTION 1 – APPLIES TO ALL EMPLOYEES

1.	Introduction	3
2.	Types of Leave	3
3.	Medical Appointments	4
4.	Occupational Health Services	5
5.	Optional Treatment and Procedures	5
6.	Special Leave	6
7.	Emergency Time Off for Dependants	7
8.	Unpaid Leave	8
9.	Religious Observance	8
10.	Public Duties	9
11.	Armed Forces	10
12.	Leave for Interviews	11
13.	Election Duties	11
14.	Study Leave	11
15.	Terms and Conditions	12

SECTION 2 – APPLIES TO NON-TEACHING STAFF ONLY

16.	Leave – for employees working all year round	13
17.	Leave – for employees working term time only	15
18.	Bank Holidays	15

SECTION 1 – ALL SCHOOL EMPLOYEES

1. INTRODUCTION

- 1.1 This guidance on authorised leave provides a framework through which employee attendance can be managed in the interests of both the employee and the school. With the exception of Section 2, this guidance applies to both NJC (Non-Teaching) staff and Teaching employees.
- 1.2 Guidance is provided in relation to the amount of authorised leave from work, and the circumstances in which the leave is appropriate.
- 1.3 Employees have a right to request time off from work, as defined in this guidance. However, inevitably, instances will arise where a line manager/headteacher may have to refuse a request for time off either for business reasons or in relation to the specific request made. Wherever this is the case, the employee should be given a full explanation of the reason behind the refusal and, where appropriate, alternative leave arrangements discussed and agreed. Where requested, a written response to the refusal will be provided.
- 1.4 If an employee is dissatisfied with the reason for refusal they have the right to raise a grievance through the Council's Grievance Procedure.
- 1.5 Requests for leave should be considered sympathetically, giving consideration to the employee's particular circumstances. However, the needs of the school must be maintained and an employee's absence should not be detrimental to this. Line managers/headteachers should consider suitable and appropriate cover arrangements prior to a request being approved.
- 1.6 Where leave is paid, the employee will receive their normal salary payment including all regular contractual payments.
- 1.7 Where leave is unpaid, employees and line managers/headteachers should ensure that they are aware of the pension implications (see section 17).
- 1.8 Any employee requesting leave should speak to their line manager/headteacher in the first instance. Leave should be formally requested through the appropriate systems/practices in place in the school, e.g. by completion of a Leave Request Form and submit the request to their line manager/headteacher for consideration.
- 1.9 If you feel dissatisfied with the outcome of any decisions relating to your request for leave you may wish to refer to the Grievance Procedure in order to pursue any concerns you have around this decision.

1.10 Reference is made throughout this policy to the employee's immediate line manager/headteacher. For school based staff, this could be a line manager, Headteacher or member or panel of the Governing Body.

2. TYPES OF LEAVE

2.1 There are a number of different forms of leave covered in this guidance. Each type of leave is explained, both statutory and non-statutory, paid and unpaid, and the procedure for applying for leave in each instance.

2.2 This guidance does not cover:

- Planned parental leave (for example, Maternity Leave, Adoption Leave, Paternity Leave, Maternity Support Leave, Parental Leave, Ante-Natal Care) - please refer to the relevant policies under Parental Matters on the intranet.
- Sickness absence - please refer to the Schools Managing Attendance Policy
- Trade Union duties - please refer to the Trade Union Facilities Agreement.

3. MEDICAL APPOINTMENTS

3.1 Where appointments can be pre-arranged, (where there is a degree of flexibility when arranging the appointment) for example, doctor or dentist, employees should attend outside of their normal working hours. Where appointments can only be made during the course of the working day, time off to attend medical appointments will not be paid.

3.2 Where working arrangements allow, the time taken to attend an appointment can be made up later in the day/week with the agreement of the line manager/headteacher or alternative arrangements made (see 3.4)

3.3 For fixed appointments (where an employee receives a set appointment date and time), a maximum of 3 hours will be credited:

- in the case of fixed hospital appointments;
- where employees are undergoing a course of treatment through the NHS or private health care provider, for example, physiotherapy sessions; outpatient appointments (either at hospital or GP's surgery).

3.4 The 3 hour maximum will apply for each individual appointment or treatment session. However, this is not limitless and the employee may be required to use some of their own time to cover appointments where time off is detrimental to the needs of the school. Employees are expected to return to work following the appointment if this is still within working hours.

- 3.5 Where an appointment lasts longer than the 3 hours allowance, line manager/headteacher must use their discretion whether to allow the additional time to be credited or consider other leave arrangements, for example, annual or unpaid leave. The decision should be based on the employee's individual circumstances and, where necessary, following consultation with Human Resources
- 3.6 The 3 hour limit does not apply to appointments for the purpose of cancer screening. Time off for this purpose will be dependent on the nature of the screening and the length of the appointment.
- 3.7 Where an employee has a disability or a condition covered by the Equality Act 2010, the school is required to make reasonable adjustments. Line managers/headteachers should be flexible when considering time off to attend appointments. Consideration should be given to other leave arrangements to cover some appointments, for example, annual or unpaid leave.
- 3.8 In all cases, employees need to inform their line manager/headteacher of the appointment date and time to ensure that adequate cover can be arranged. Line managers/headteachers may request to see proof of the appointment.
- 3.9 Employees should ensure minimum disruption to their working day when attending medical appointments.

4. OCCUPATIONAL HEALTH SERVICES

- 4.1 The school offers a number of support services through the Occupational Health provider for employees who are experiencing difficulties either at work or at home and to protect the health and wellbeing of employees. An employee will be granted leave, with pay, to attend appointments made at their line manager/headteacher's request.
- 4.2 The services that are offered include:
- advice, assessment, support and treatment;
 - health and wellbeing screening programmes;
 - eye sight screening.
- 4.3 The amount of leave will be dependent on the employee's individual circumstances. Line manager/headteacher may request to see proof of appointments.

5. OPTIONAL TREATMENTS AND PROCEDURES

- 5.1 For optional treatment and procedures (that are not medically required for health reasons), for example, fertility treatment, gender reassignment, sterilisation

treatment, employees should attempt to make appointments leading up to the procedure, e.g. consultations, non surgical tests, outside of their working day. Where appointments can only be made during the course of the working day, line manager/headteacher are encouraged to be flexible, for example, allowing an employee to start work late or finish early and to make up any time owed, and use their discretion when considering leave options, for example, annual leave or unpaid leave. The decision should be based on the employee's individual circumstances and, where necessary, following consultation with the Children's HR Advisory Team.

- 5.2 Where an employee undergoes any surgical interventions during the course of the treatment, any absence related to the procedure or subsequent recovery period should be treated as sickness absence and will be covered by the School's Managing Attendance Policy.
- 5.3 Employees are required to explain the circumstances, in advance, to their line manager/headteacher and are expected to give as much notice as is reasonably practical of any appointments. It is recognised, however, that once a course of treatment has commenced it may be necessary for an employee to take time off to attend appointments and, in the case of fertility treatment, at short notice and at certain times of the day. In the case of gender reassignment, it is acknowledged that this could be a lengthy process. Line manager/headteachers are advised to be flexible when considering leave requests. Please contact your school HR Business Partner for further advice and guidance.
- 5.4 Employees who choose to undergo treatment and procedures for cosmetic reasons, for example, cosmetic surgery, will be expected to use their annual leave entitlement and/or request unpaid leave to cover any absence required for both the procedure and subsequent recovery period. The only exception to this is surgery supported by an underlying medical reason, supported by a medical practitioner, which will be treated as sickness absence. If the procedure results in unanticipated complications, this should be treated as sickness absence and will be covered by the Schools Managing Attendance Policy.
- 5.5 Where an employee wishes to donate blood at a National Blood Service session, where possible, an employee should attempt to attend outside of their normal working hours. Where this is not possible, paid/credited time will be given for up to 4 donor sessions in any financial year at the line manager/headteacher's approval.
- 5.6 Where an employee has elected to place themselves on the British Bone Marrow Register and is subsequently identified as a suitable donor, credited time will be given for a maximum of 6 days in any financial year at the line manager/headteacher's approval. If the procedure results in unanticipated complications, this should be treated as sickness absence and will be covered by the Schools Managing Attendance Policy.

5.7 Where an employee is returning to work, they should ensure that there is minimum disruption to their working day, returning immediately following their attendance at the appointment.

6. SPECIAL LEAVE

6.1 It may be necessary for an employee to be absent from work due to unexpected circumstances or serious unavoidable domestic emergencies. Under such circumstances the line manager/headteacher may consider special leave.

6.2 Special leave is an entitlement of up to one working week's paid leave, per request, which may be granted to an employee on compassionate grounds. In exceptional circumstances, additional days may be granted with the approval of the Governing Body.

Note: Where special leave is requested due to the bereavement of a close relative or dependant, the entitlement will extend to an additional day for the funeral (e.g. one working week plus one additional day).

6.3 Employees should speak to their line manager/headteacher in the first instance. A formal request should be submitted in writing, specifying the reason for the request and the number of days requested. Wherever possible, prior notice should be given, however, due to the very nature of special leave i.e. to accommodate unforeseen circumstances, it is possible to make a request retrospectively, where appropriate.

6.4 There are a number of recognised circumstances where special leave may be considered, examples include:

- Bereavement of a close relative or dependant:
 - 1 day is given for the funeral;
 - up to an additional 5 days may be granted dependent on the nature of the relationship and the particular set of circumstances or if the employee is required to undertake specific arrangements following the death.+

Generally, a close relative or dependant would be considered an employee's;

Spouse/Partner
Parent or Guardian
Grandparents
Siblings
Children

However, this list is not exhaustive, and cases should be carefully considered by Line Management on an individual basis, taking into account the personal circumstances of the employee making the request

- Miscarriage or still birth of a baby prior to the 24th week of pregnancy:
 - up to a maximum of 1 working week may be granted dependent on the individual's needs and in addition to any sickness absence taken;
 - the Guide to Parental Matters covers miscarriages and still births after the 24th week of pregnancy.

6.5 Special leave is not intended to cover caring for a sick relative or dependant (see Emergency Time off for Dependants, Parental Leave). Line manager/headteachers should be flexible in accommodating other types of leave (annual, unpaid,) in these circumstances.

7. EMERGENCY TIME OFF FOR DEPENDANTS

7.1 Time off for Dependants is a statutory entitlement to unpaid leave that may be granted in circumstances where it is necessary for an employee to deal with an emergency situation involving a dependant. A dependant refers to a spouse/partner, child, parent or person living with the employee as part of their family who can be considered as depending on them.

7.2 Circumstances that are covered by time off for dependants include:

- helping, or making care arrangements when a dependant falls ill, is injured or assaulted;
- making arrangements as a result of a disruption or termination in the care of a dependant;
- to deal with an incident involving a dependant child during school hours, on a school trip or in circumstances when the school has responsibility for the child.

7.3 Employees should speak to their line manager/headteacher in the first instance. Leave should be formally requested through the appropriate systems/practices in place in school. Wherever possible, prior notice should be given, however, due to the very nature of this leave i.e. to accommodate emergency situations, it is possible to make a request retrospectively, where appropriate.

7.4 Time off from work under this right is envisaged as being no more than one or two days in most cases at any one time. It is suggested that an employee may be permitted to take up to a maximum of 10 days leave in any financial year. In

exceptional circumstances, consideration may be given to a longer period following consultation with the Children's HR Advisory Team. This should be agreed by the appropriate committee of the Governing Body.

8. UNPAID LEAVE

- 8.1 Leave, without pay, may be granted in exceptional and urgent circumstances where all alternative authorised leave options have been exhausted or are inappropriate.
- 8.2 Wherever possible and applicable, annual leave should be taken in preference to unpaid leave, unless the employee has already taken or pre-booked their full leave provision.
- 8.3 Employees should speak to their line manager/headteacher in the first instance. Leave should be formally requested through the appropriate systems/practices in place in school.
- 8.4 It is suggested that an employee may be permitted to take up to a maximum of 12 weeks unpaid leave in any financial year. In exceptional circumstances, consideration may be given to a longer period following consultation with the Children's HR Advisory Team. This should be agreed by the appropriate committee of the Governing Body.

9. RELIGIOUS OBSERVANCE

- 9.1 Employees who are practising members of a recognised faith should, wherever possible and appropriate, use their annual entitlement and/or request unpaid leave for the purposes of observing religious holidays or festivals. Where a member of staff is asked to attend such festivals on behalf of the school, the time will be paid.
- 9.2 Where an employee requests leave (or time) for the purpose of observing prayer times, the line manager/headteacher should give serious consideration to the request taking into account the employee's particular circumstances. Where practical, this should be within an employee's own time. Time off for this reason will not be paid or credited. Line manager/headteachers are encouraged to be flexible, where possible, for example, allowing an employee to start late or finish early and make up any time owed.

10. PUBLIC DUTIES

- 10.1 *Under Section 6 of the Burgundy Book, it states that 'Teachers shall have entitlements comparable to those of local authority officers so far as paid and unpaid leave entitlement is concerned for jury and other public services'. Therefore the provisions below will apply to all staff.*

- 10.2 Time will only be credited for the actual hours of attendance or where the employee is absent for a full working day, time will be credited for a standard working day.

Public Body Meetings and Duties

- 10.3 Employees who hold certain public positions are entitled to take time off to attend meetings and perform the duties associated with them. Leave with pay may be granted for up to a maximum of 7 days in any financial year. Leave should be formally requested through the appropriate systems/practices in place in school. In exceptional circumstances, additional days may be granted with the approval of the Governing Body.

- 10.4 This applies to employees who carry out public duties as a member of:

- a local authority;
- a police authority;
- any statutory tribunal;
- a relevant health body;
- the managing or governing body of an educational establishment maintained by a local education authority;
- the governing body of a further or higher education corporation;
- the Teaching Agency;
- the Environment Agency;
- the boards of prison visitors;
- a Water Customer Consultative Panel.

Magisterial and Justice of the Peace Duties

- 10.5 Employees may be granted leave, with pay, to undertake magisterial or Justice of the Peace duties up to a maximum of 18 days in any financial year. Leave should be formally requested through the appropriate systems/practices in place in the work area. In exceptional circumstances, additional days may be granted with the approval of the Governing Body.

Jury Service

- 10.6 When an employee is requested to attend for jury service, leave must be approved in line with government legislation, unless exemption is secured.
- 10.7 The employee will receive a form from the court to reimburse salary payments. This should be completed at the earliest opportunity and without exception prior to attendance at court.

- 10.8 The employee should provide a receipt to their line manager/headteacher showing salary reimbursement following their attendance at court. Deductions from salary will then be made in line with the payment received and will not be to the detriment of the employee.
- 10.9 Line manager/headteachers should decide whether it is possible for the employee to return to work if they are not required in court.

Witness

- 10.10 Where an employee is required to attend court as a witness, leave with pay must be approved. Line manager/headteachers may request to see proof of the request to attend.

11. ARMED FORCES

- 11.1 An employee who is a member of the non-regular armed forces, e.g. Army Reserve, may be granted leave, with pay, for the purpose of attending annual instruction, up to a maximum of 2 working weeks in any financial year. Leave should be formally requested through the appropriate systems/practices in place in school. The line manager/headteacher may request documentary evidence from the employee's Commanding Office.
- 11.2 Where an employee wishes to undertake Voluntary Mobilisation, they must first seek the prior consent of their line manager/headteacher and approval of the Headteacher and Governing Body. Requests should be considered sympathetically giving consideration to the employee's particular circumstances. However, the school is under no obligation to give consent to the release of an employee for the purpose of Voluntary Mobilisation
- 11.3 In the event of Compulsory Mobilisation, there is no statutory period of notice prior to an issue for mobilisation and the Ministry of Defence is not required to seek the employer's consent. However, wherever possible at least 28 days notice of the date on which the Reservist is required to report for mobilisation will be given to both the employer and the employee. The school is entitled to seek formal exemption from, or deferral of, Compulsory Mobilisation if it is thought that the absence of the employee would cause serious harm to the school.
- 11.4 Employees are advised to contact the Children's HR Advisory Team for information on how their pension will be affected during a period of mobilisation.

12. LEAVE FOR INTERVIEWS

- 12.1 Employees who are at risk of redundancy from school will be given reasonable time off with pay to attend interviews.

13. ELECTION DUTIES

- 13.1 Employees may be granted leave, with pay, to cover electoral duties within Warrington Borough Council at the approval of the Governing Body.

14. STUDY LEAVE

- 14.1 Employees may be granted leave, with pay, as part of an agreed support package of study for a professional qualification. Following agreement with the Headteacher, this support package should be authorised by the Governing Body.
- 14.2 Leave may be granted for the purpose of sitting an examination and to undertake final revision. It is recommended that leave for this purpose should be dependent on the number of examinations the employee will be required to undertake. As a guide, employees may be given time off for the duration of the exam and equivalent time for final revision. It is suggested that this should not exceed a maximum of 6 days per financial year.
- 14.3 The leave entitlement applies only to 'first time' courses and examinations. Leave to retake a course or examinations may be considered and approved by the Governing Body.
- 14.4 Where an employee attends an in-house training course, time will be credited with the number of hours of attendance (where the course was not a full day's duration) or a standard working day.
- 14.5 Where an employee attends a conference or seminar related to their duties that is organised by an external provider, they can be credited with the actual number of hours of attendance and claim any travelling time over their normal work/home travelling time. For example, an employee attending a conference or seminar that requires an early start and/or a late finish can be credited the total number of work hours (minus the lunch period). Only additional travelling time over the normal travel to work/home time can be accrued. Headteachers must authorise the time claimed and should use their discretion at the amount of time authorised.

15. TERMS AND CONDITIONS

- 15.1 Authorised leave, both paid and unpaid, will be regarded as continuous service for the purpose of calculating sickness entitlement, annual leave entitlements where applicable and any statutory employment rights.
- 15.2 For the duration of any period of authorised leave, all benefits relating to employment will continue, including remuneration where the entitlement to pay is explicitly specified in the relevant section of this policy.

15.3 During any period of paid authorised leave, pension contributions will be deducted from the employee's salary in the normal way, ensuring that the period of leave will count towards an employee's future pension calculations on retirement.

15.4 *For Employees in the Local Government Pension Scheme*

Where employees take a period of unpaid leave of 31 days or less, they must continue to pay normal pension contributions. If the period of unpaid leave is longer than 31 days, employees can choose whether to pay pension contributions to avoid a break in scheme membership. The contributions must be paid within 30 days of the return to work. The employer's contributions must also be paid to ensure continuity of membership. Line manager/headteachers should give consideration to this when agreeing unpaid leave over 31 days duration.

15.5 For Employees in Teachers Pension Scheme

Any period of unpaid leave will be classed as 'days excluded' for pension purposes. There is no facility to pay pension contributions on any periods of unpaid leave within the Teachers Pensions Scheme.

SECTION 2

16. ANNUAL LEAVE – FOR EMPLOYEES WORKING ALL YEAR ROUND

- 16.1 Annual leave is an entitlement given to all employees. The annual leave year runs from 1st April to 31st March. Employees who start or leave part way through a year will be given a proportionate entitlement based on the day they start/leave.
- 16.2 An additional 5 days leave entitlement shall apply to all employees who, have 5 years' service. This will be applied from the anniversary of the start date of the individual and a pro rata amount added to their entitlement at the beginning of the leave year in which they meet the criteria.
- 16.3 There are instances where, for operational reasons, annual leave is paid in lieu of it being taken, for example, term time only contracts or zero hours contracts. Employees should be made aware of their annual leave entitlement and how this will be paid.
- 16.4 The current annual leave entitlements are detailed in employees' contracts of employment. These will be no less favourable than statutory entitlements to leave, when combined with contractual provisions relating to Bank Holidays (see section 4). Part time employees' entitlements to annual leave are pro-rata to equivalent full time entitlements.
- 16.5 Annual leave may be taken in full days or, where practical to working arrangements and service delivery, in half days or in hours.
- 16.6 All annual leave should be taken during the leave year in which it is accrued. The Headteacher may allow employees to carry over annual leave to the next leave year. The maximum number of days that can be carried over should be equal to the employee's normal working week. Payment for untaken annual leave will only be made in exceptional circumstances where the employee has been refused the opportunity to take their leave. Under the Working Time Regulations, employees are required to take 28 days leave (including Bank Holidays) in each leave year.
- 16.7 In exceptional circumstances, line manager/headteachers may allow employees to bring forward annual leave from the next leave year. The maximum number of days that can be carried forward should be equal to the employee's normal working week. Employees should complete the Request to Bring Forward Annual Leave Form and pass to the Headteacher for consideration by the Governing Body. Bringing leave forward should only be requested where there is a genuine need for the additional leave.
- 16.8 Requests for annual leave must be made by the employee to their line manager/headteacher through the appropriate systems/practices in place in the

school, e.g. by completion of a Leave Request Form, and must only be taken once approval has been given.

- 16.9 Where making a request for a period of leave greater than a week, employees should attempt to give a period of notice that is twice as long as the period of leave requested, where possible. For example, for one week's leave requested, at least two weeks notice should be given. In the case of less than one week's leave being requested, at least one week's notice should be given. However it is recognised that this amount of notice is not always practical or necessary and line manager/headteachers are advised to be flexible when considering requests for leave at short notice.
- 16.10 Where leave is requested at short notice to deal with emergency situations, the approval may be verbal and employees should submit their request on returning to work.
- 16.11 It is the line manager/headteacher's responsibility to ensure adequate staffing levels to cover the work are available at all times and should take this into consideration when approving or refusing annual leave.
- 16.12 Employees and line manager/headteachers are responsible for monitoring annual leave to ensure it is appropriately proportioned throughout the leave year.
- 16.13 Refusal of annual leave requests will only be made where there is an objective business reason.
- 16.14 Annual leave is a paid entitlement. Payment for annual leave will include all regular contractual payments.
- 16.15 Where an employee leaves the School's employment part way through their leave year, the annual leave entitlement will be proportionate to the amount of the year that has been worked. Employees should be encouraged to take all their annual leave entitlement before leaving the School's service but where this is not possible, and if agreed with the line manager/headteacher that the employee is unable to take their leave due to the needs of the school, additional payment can be made in their final salary. Where an employee starts and finishes in the same leave year, any payment for untaken annual leave will be calculated from the first day of employment.
- 16.16 Similarly, if an employee has taken more than their entitlement to annual leave, the appropriate deduction will be made from their final salary.
- 16.17 Where an employee falls sick during a period of annual leave, a claim for the absence to be treated as sickness absence and not annual leave must be supported by a medical certificate. Employees must notify their line manager/headteacher on their first day of sickness or as soon as reasonably

practicable. The school will reimburse the cost of the medical certificate where a receipt is provided.

- 16.18 In accordance with current legislation, annual leave will continue to accrue during sickness absence. Requests for leave can be made and taken during sickness absence.

17. LEAVE – FOR EMPLOYEES WORKING TERM TIME ONLY

- 17.1 Term time only employees are required to take their leave during school closures and therefore their pay for this leave is included in the annual calculation of pay.

- 17.2 Employees who have more than 5 years service are entitled to an extra 5 days leave. These extra five days will be included in the calculation of pay, except for school administration staff who will be allowed to take the extra five days during term time.

18. BANK HOLIDAYS

- 18.1 Employee entitlement to the statutory Bank Holidays is in line with their Contract of Employment.

- 18.2 The current statutory Bank Holidays (subject to annual Royal Proclamation) are:

- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- Summer Bank Holiday
- Christmas Day
- Boxing Day
- New Years Day

- 18.3 Part-time employees' entitlements to Bank Holidays are pro-rata based upon their contracted hours of work. Appropriate formula and guidance are in place to ensure that this is applied in a fair and consistent manner.