

Absence from Work Policy



Leytonstone School

Signed by Chair of Governors: Kate Lord

Date Ratified by Governors: 28/3/15

Date to be Reviewed by Governors: 28/3/17

**ABSENCES FROM WORK
POLICY & PROCEDURE
(School Based employees)**

Contents

1. Introduction
 2. Legal Framework
 3. Roles and Responsibilities
 - 3.1 Headteacher
 - 3.2 Employee
 - 3.3 Governing Body
 4. Different terms and conditions for teachers/support staff
 5. Annual Leave
 - 5.1 General
 - 5.2 Teaching Staff
 - 5.3 Support Staff
 6. Medical Screening and Appointments
 7. Special Leave : For Public Duties, Personal and Domestic Reasons
 - 7.1 Public Duties
 - 7.2 Personal and Domestic Reasons
 - 7.3 Attendance at External Job Interviews
 - 7.4 Leave for Other Personal Reasons
 - 7.5 Bereavement
 - 7.6 Leave to Care for Dependants
 - 7.7 Leave for Religious Observance
 - 7.8 Leave for Extended Holidays
 - 7.9 Study Leave
 8. Sick Leave
 - 8.1 General
 - 8.2 Teaching Staff
 - 8.3 Support Staff
 - 8.4 Conditions for sick pay
 - 8.5 Extension of sick pay
 9. Trade Union Duties
 10. Flexible Working
 - 10.1 Caring Responsibilities
 - 10.2 Job share
 - 10.3 Part-time
 - 10.4 Requests from staff
 - 10.5 Recruitment
 - 10.6 Part-time posts
- Appendix 1 – Maternity/Paternity/Maternity Support Entitlements – Teaching Staff**
Appendix 2 – Maternity/Paternity/Maternity Support Entitlements – Support Staff
Appendix 3 – Adoption Leave – Teaching Staff
Appendix 4 – Adoption Leave – Support Staff

1. Introduction

Governors recognise the importance of work life balance for their employees. Our leave policies are designed to balance the needs of the individual employee with the needs of our students' learning and our approach to managing absence from work is predicated on this being a priority.

The aim of this document is to establish a clear policy on all leave entitlements in order to:

1. ensure consistency of approach in line with employment legislation and commitment to good employment practice
2. ensure fairness and flexibility, recognising the cultural diversity and of employees
3. promote the joint responsibility of staff, school managers and Governors to find practical and flexible ways of working which meet the needs of learners.

The provisions within this policy are not exhaustive and if any requests for leave of absence fall outside this document, the Headteacher may refer the matter to the Human Resources Team for advice.

Where specific levels of provision are quoted in this document, these should be adjusted on a pro-rata basis for part-time employees where appropriate.

2. Legal Framework

This guidance incorporates the statutory provisions contained in the following Legislative Framework, together with local and national conditions of service for all school staff.

Work and Families Act 2006
Equality Act 2006
Civil Partnership Act 2004
Employment Equality (Religion or Belief) Regulations 2003
Employment Act 2002
Maternity and Paternity Leave Regulations 1999
Employment Relations Act 1999
Human Rights Act 1998
Working Time Regulations 1998
Employment Rights Act 1996
The Social Security Contributions and Benefits Act 1992
The Trade Union and Labour Relations Act 1992
The Management of Health and Safety at Work Regulations 1992
The Sex Discrimination Act 1975

3. Roles & Responsibilities

3.1 Role of Headteacher

The role of the Headteacher is to

- promote working arrangements (within this policy) that meets the needs of students, the school as an organization, and staff.
- ensure all employees are aware of the Absence from Work policy and procedures
- comply with legal requirements to give time off and paid leave
- ensure employees are made aware of the notice required to book leave and times of the year when annual leave may or may not be taken

- act fairly and consistently in applying the procedure
- ensure that staff record leave and attendance at work accurately and promptly as agreed
- ensure that all absences are monitored

3.2 **Role of Employee**

The role of the employee is to:

- give as much notice as possible when requesting leave
- understand the paid and unpaid leave entitlement
- book medical appointments as far as possible outside of working hours and provide evidence of appointments booked where required

3.3 **Role of Governing Body**

The role of the Governing Body is to ensure that:

- the school adopts a clear absence from work policy
- there is a clear procedure for applying for all leave of absence
- the Headteacher carries out his/her responsibilities
- they act consistently and fairly when considering any appeal following a refusal by the Headteacher to grant leave for personal reasons

4. **Different Terms and Conditions for Teachers/Support Staff**

Whilst this document attempts to provide a common framework, differences do arise between teachers and support staff as a result of different nationally and locally agreed conditions of service.

5. **Annual Leave**

- 5.1 All employees working in schools will have as part of their conditions of service entitlement to annual leave. Under the Working Time Directive 1998 all staff are entitled to four weeks paid leave which is expected to change in October 2007 with a provision to separate Bank and public holidays from the minimum entitlement.

For supply/casual and hourly paid staff, an allowance for annual leave is included in the hourly rate of pay.

For support staff contracted to work term time only an allowance for annual leave and public holidays is included in pay as set out below (5.3.4).

5.2 **Teaching Staff**

Days and hours of work are determined under the terms of the current School Teachers Pay and Conditions document (STPCD). A teacher employed full time shall be available for work for 195 days in any academic year. These days would be specified by the Governing Body.

Teachers on long term placements from agencies receive daily rates of pay that reflect the annual commitments of contracted teachers.

5.3 School Support Staff – National Joint Council (NJC Pay and Conditions)

Annual leave entitlements are based on the period 1 April to 31 March and allocated according to grade and length of service. Employees may only take leave by prior agreement with the Headteacher through their line manager. Reasonable notice must be given with due regard for operational requirements.

The table below shows the annual leave entitlement for school support staff on a 52 week contract, according to salary scale and length of service.

After 5 years' local government service, staff are entitled to extra leave as shown. Staff who become entitled to long service leave part way through the leave year get an appropriate proportion of the extra days.

The annual leave shown includes statutory and recess days

Salary Scale	Up to 5 years	5 years and over
Scale 1-4	26 days	31 days
Scale 5-6	27 days	31 days
SO1 – PO8	28 days	31 days

The entitlements above are for full time employees (pro rata for part-time staff)

Please note that support staff on 52 weeks will need to use 3 days annual leave over the Christmas closure period.

5.3.1 Part-time Leave Entitlement – calculations

Support Staff contracted to work 52 weeks per year and working part-time are entitled to a pro-rata level of annual leave. If an employee is working every day, but with regular reduced hours (eg 10.00 am to 2.00 pm Monday to Friday) the number of days entitlement is the same as in table above.

However, leave entitlement for part time employees who work for only part of the week, eg Monday, Wednesday and Friday, should be converted into hours. The conversion should include allowance for bank holidays, when the employee would normally be at work.

For example, an employee on Scale 5, new to Local Government Service (with no additional days for long service), who works 15 hours per week (Monday, Wednesday and Friday), would be entitled to:

$$27 \text{ days} + 8 \text{ bank holidays} = 34 \text{ days} \times 15 \text{ hrs} \div 36 \text{ hrs} = 14.58 \text{ days}$$

The average day comprises 7.12 hrs – thus the entitlement for this employee expressed in hours is

$$14.58 \text{ days} \times 7.12 \text{ hrs} = \mathbf{104 \text{ hrs}}$$
 to be taken when agreed

(hours should be rounded to nearest ½ hr)

On any occasion when a bank holiday falls when an employee would otherwise expect to work, **that day should be booked as leave**. The time booked shall be the **actual time** that the employee would otherwise have worked that day.

5.3.2 Carry Over of Annual Leave

Both managers and their support staff employees should ensure that all annual leave is taken in the prescribed period, as payment cannot be made in lieu of leave not taken. Where it is not possible to take leave (eg due to the exigencies of the service), Headteachers may, subject to operational requirements, agree up to 5 days carry over of annual leave. In *exceptional circumstances*, permission may be granted to carry over 10 days' annual leave. Carry over of leave should be taken in the first 2 months of the new leave year.

5.3.3 Sickness, Annual Leave and Bank Holidays

Support staff have the right to have annual leave reinstated if they fall sick provided that they comply with sickness reporting procedures and submit a medical certificate

Annual leave will be reinstated from the date of the medical certificate. There is no similar right to substitute sickness for bank or public holidays.

5.3.4 Support Staff Contracted to Work Term Time Only

For those support staff paid on a term time only basis, payment for annual leave entitlement and Bank Holidays is paid pro rata and is included in the monthly pay which is paid over 12 equal instalments. Annual leave may not be taken during term time. An example of entitlement for 45.6 weeks is as follows:

Less than 5 years' continuous Local Govt Service:

Attend work during term time for 39 weeks (195 days)		
Attend work for 5 days during school closure (as directed by Head teacher)		
Total days in school	=	200 days
Annual leave entitlement	=	22 days
Bank Holidays	=	6 days
Total paid for 45.6 weeks	=	228 days

More than 5 years' continuous Local Govt Service:

Attend work during term time for 39 weeks (195 days)		
Attend work for 1 day during school closure (as directed by Head teacher)		
Total days in school	=	196 days
Annual leave entitlement	=	26 days
Bank Holidays	=	6 days
Total paid for 45.6 weeks	=	228 days

The number of days attending work during school closure can be worked as extra hours during term time, at the discretion of the Head teacher.

For term time only contracts of more or less than 45.6 weeks, holiday entitlements & days attending work during school closure will vary according to the pro rata equivalent of 52 weeks.

6 Medical Screening and Appointments

- 6.1 Paid time off on full pay, plus travelling time, will be granted to staff for
- the purpose of cancer screening
 - medical appointments related to a disability

- 6.2 Such appointments should not be counted as sick leave and therefore not counted for statutory sick pay. The exception may be
- where the outpatient appointment is for treatment, as opposed to consultation, which can then be classed as sickness absence in the same way as the time spent during a stay in hospital
 - when the appointment requires a whole day's absence which should be recorded as sickness absence

Requests should be requested as soon as possible on the appropriate leave form.

Doctor, dentist, or hospital appointments other than for the above reasons, should be arranged out of working hours where possible or so as to give minimal disruption to the working day.

- 6.3 A maximum of one hour's paid leave for medical appointments within the control of the employee should be granted. Time over one hour should be made up or taken as unpaid leave. Where the timing of the appointment is beyond the control of the employee, eg hospital appointment, fixed by the hospital, reasonable time off should be granted.
- 6.4 An appointment card or letter should be produced for hospital/clinic appointments. (For emergency visits, eg cancellation appointments, this can be produced retrospectively).
- 6.5 In emergencies, where for example the employee is in pain, the absence should be treated as sickness absence.
- 6.6 Appointments relating to surgery or dentistry for purely cosmetic purposes should be arranged outside working hours or applied for as annual leave.

7 Special Leave : For Public Duties, Personal and Domestic Reasons

Special leave will be granted, where appropriate, for the following categories. The entitlement shown outlines the maximum levels of absence that the Headteacher will approve in normal circumstances.

All requests for special leave will:

- be managed fairly and consistently, bearing in mind the needs of the service, staff who wish to take leave and staff who are required to cover
- comply with legal requirements to give time off and paid leave
- be requested in writing on the appropriate request form, a copy of which can found in the Office and Administration folder in Private Data.
- recorded and monitored

Requests will be referred to Governors where a maximum of 20 days special leave for the year will be exceeded.

The Headteacher is authorised to agree leave where an immediate response is required, on compassionate grounds and in emergency situations.

Staff have the right of appeal to Governors if the request for special leave has been refused and they feel that the request is within the provisions of this policy or there are exceptional circumstances.

Employees may also use annual leave for purposes covered by special leave provisions. Staff should not take special leave and accumulate untaken annual leave. The Headteacher will therefore take into account the amount of annual leave the employee has available.

The entitlement under these provisions for part-time staff is pro rata.

7.1 Public Duties

Paid time off is allowed as required by the courts for jury service (full pay less Jurors Allowance) and to give evidence in court (full pay).

Otherwise, the maximum overall allowance of special leave on full pay for reasons of public duty is 20 days per year and is subject to

- reasonable notice
- the needs of the school/service

Additional unpaid leave is subject to Governors' approval.

Service for non-regular forces for camp – up to 2 weeks full pay

Service as School Governor – up to 5 days full pay

Service as a JP or member on other public bodies – up to 18 days full pay

Candidate or agent for an election for European, Regional or

National Parliament – up to 20 days unpaid leave

Candidate or agent in a local government election – up to 5 days unpaid leave

7.2 Leave for Personal and Domestic Reasons

Employees may be granted leave for domestic and personal reasons and in emergency situations such as illness or bereavement of dependants.

A dependant is defined as the husband, wife or partner, child, adopted child, foster child, parent of the employee, someone who lives in the same household as a member of the family (but not tenants, boarders or employees). A dependant may also be anyone who reasonably relies on the employee for assistance.

The maximum overall allowance of paid leave for personal and family reasons is 20 days per year. Of this allowance, the first 5 days are on full pay. Thereafter the allowance is 15 days on half pay.

The Headteacher may also grant additional unpaid leave. As an alternative to half pay, support staff on 52 week contracts may opt to match each half-day of special leave with a half-day of annual leave, or agree an arrangement to make up the hours.

The maximum allowance as set out above may be granted for the following personal and family reasons:

- **To care for or arrange care for a dependant when they are ill**
- **Emergency childcare**
- **To accompany a dependent on medical, dental and childcare appointments**
- **When arrangements for the care of a dependant are unexpectedly disrupted**
- **To deal with an incident which occurs when a school is responsible for a child**
- **To accompany their child to court**

Special consideration will be given to single parents' circumstances.

7.3 Attendance at External Job Interviews

Job interviews for posts in Waltham Forest, up to 3, are paid. Others are not.

7.4 Leave for Other Personal Reasons

The provisions within this policy are not exhaustive and if any requests for special leave for domestic and personal reasons fall outside this document, the Headteacher may refer the matter to Human Resources for advice.

- 7.4.1 House Moving – 1 day paid in any one 24 month period.
- 7.4.2 Significant structural domestic emergency (e.g. break-in, serious flood), where there is no other responsible adult to assist – ½ day paid.
- 7.4.3 Home Office/Immigration/Visa appointments - .5 day paid in any one 12 month period.
- 7.4.4 Unavoidable domestic deliveries – ½ day paid. Portable items can be delivered to school Monday to Friday, and larger ones can usually be delivered to your home address on Saturdays.
- 7.4.5 Court appearances of personal/domestic nature – up to 1 day paid.
- 7.4.6 Lawyer/police appointments in litigational circumstances (not for routine matters such as conveyancing, uncontested divorce, will execution, etc.) – ½ day unpaid.
- 7.4.7 Personal domestic emergency, e.g. sudden marital breakdown – up to 1 day paid.
- 7.4.8 Emergency pet care, where there is no other responsible adult to assist – ½ day paid.
- 7.4.9 Disrupted travel arrangements – unpaid.
- 7.4.10 Weddings/honeymoon – not normally approved. School staff are expected to arrange these in school holiday time.
- 7.4.11 Weddings of immediate family, i.e. child, parent, siblings – 1 day unpaid.
- 7.4.12 Appointments at schools, care homes and other such institutions in relation to own children and dependents – ½ day paid in any 12 month period.
- 7.4.13 Graduation ceremony for further and higher level accreditation, self, child or parent. Half day paid London, plus additional half day unpaid if more than two hours' travel from London.
- 7.4.14 Participation in child's special events at school, up to and including KS3; half day paid per year.

7.5 Bereavement

Bereavement leave applies regardless of length of service.

Employees will be granted **1 day's leave on full pay** to attend a funeral following the death of a close relative or dependant. If travel time for the funeral is 4 hours or over, **up to 3 days** may be granted.

Where the employee has responsibility for funeral arrangements, a total of up to **5 days' leave on full pay** may be granted following the death of a close relative or dependant.

Relative means being the parent, grandparent, partner, child, adopted child, grandchild, brother, sister, uncle, aunt, niece or nephew. (This includes step-relatives and in-laws). Dependant is defined as above under section 7.2.

The Headteacher's discretion may be applied in the case of people having been raised by their grandparents, an aunt/uncle or other arrangements. If the employee has to travel to another country to attend the funeral, approval of the Governing Body will be required, subject to reasonable notice in the circumstances. This may be paid (up to the maximum overall allowance for bereavement), unpaid or a mixture of both. Consideration will also be given to granting leave, paid or unpaid, to attend the funeral of a close friend.

7.6 Leave to Care for Dependants

Employees have a legal right to reasonable **unpaid** time off in times of emergencies. This is **in addition** to the special leave entitlements listed above.

The following circumstances provide examples of when employees may need unpaid time off:

- when a dependant falls ill, gives birth or is injured
- to make arrangements for the care of a dependant who is ill or injured
- when arrangements for the care of a dependant are unexpectedly disrupted
- to deal with an incident which occurs when a school is responsible for a child
- to accompany their child to court

7.7 Leave for Religious Observance

Leave may be requested for religious observance where religious duties cannot be limited to weekends, statutory bank holidays and school holiday periods. This can include days off for festivals, time away from work during the day for prayer and adjusting working times to accommodate fasting (ie reducing the lunch hour and allowing earlier departure from work).

The Headteacher will consider applications for leave for religious observance on the following basis:

- Time off for religious observance can and should be planned for in advance. Although it is appreciated that some religious or belief festivals are aligned with lunar phases and therefore the dates change from year to year and don't become clear to quite near the actual day, an early request for leave is required with later confirmation of the actual date.
- Consideration can be given to allow for time off for prayer to be made up through for example, shorter lunch breaks or earlier or later working times, bearing in mind the requirements of the service.

A maximum of 3 days paid leave can be granted to allow employees to observe religious holidays. This entitlement is over and above any planned school closures.

7.8 Leave for Extended Holidays

It is recognised that some employees have close relatives abroad whom they may wish to visit for an extended period, eg for a family wedding, or may wish to take extended leave for religious reasons, eg a pilgrimage. In such circumstances, where there is an exceptional reason for this leave not being taken during school closure, an employee may request unpaid leave, subject to

- Governors' approval
- reasonable notice
- needs of the service

For this purpose, for support staff contracted to work 52 weeks, consideration should be given to transferring a proportion of annual leave from the preceding leave year. The employee must advise the Headteacher/manager in writing at least 3 months in advance of the request to take extended leave. Permission to take extended leave would normally only be granted once during employment. Further requests will only

be considered under exceptional circumstances, **and** when the last period of extended leave was taken not less than 5 years previously.

A maximum of 20 days unpaid leave for this purpose may be granted.

7.9 **Study Leave**

- 7.9.1 All school employees should be given the opportunity to develop their knowledge and skills to help meet the school's aims and objectives as set out in the school development plan.

Teaching and support staff are only entitled to paid study leave for qualification courses relevant to their work and professional development. Requests should be in writing and adequate notice should be given for arrangements for any cover to be made.

Provided that time off is agreed beforehand, study leave should be granted as follows.

7.9.2 **Teaching Staff**

Entitlements: Examination Leave - one half day per exam
Exam Revision Leave – one half day per exam
Part time degree courses – 5 days per year
Open University Courses – 2.5 days per full credit – maximum of 10 days per year

The total entitlement of an individual teacher is 15 days, regardless of the number of courses taken.

Teachers are not usually allowed to add study leave to main school holidays including half-terms. Exceptions may be made in individual cases where there have been special circumstances e.g. where the exams take place in half term.

7.9.3 **Support Staff**

Entitlements ½ day per subject exam
½ day revision per subject exam
Continuous assessment – up to 3 days' study leave in the course of the academic year for completing assignments. This must be taken at mutually agreed time and may be supplemented by annual leave.
Essential field trips – paid time off but if more than 5 working days are needed, the employee must contribute some annual leave
Residential periods – paid time off but if more than 2 working days are needed, the employee must contribute some annual leave.

8 **Sick Leave**

(For reference, sick leave provisions and procedure are included in the Sickness Absence Management Model Policy & Procedure for school based employees).

- 8.1 Most employees working in the school will have as part of their conditions of service, an entitlement to receive sick pay, depending on their length of service.

8.2 **Teaching Staff**

During the first year of service	Full pay for 25 working days and half pay for 50 working days (after completing four months service)
----------------------------------	--

During the second year of service	Full pay for 50 working days and half pay for 50 working days
During the third year of service	Full pay for 75 days and half pay for 75 working days
During the fourth and successive years	Full pay for 100 working days and half pay for 100 working days.

8.3 School Support Staff

During the first year of service	1 month's full pay and (after completing four month's service) 2 month's half pay
During the second year of service	2 month's full pay and 2 month's half pay
During the third year of service	4 month's full pay and 4 month's half pay
During the fourth and fifth year of service	5 month's full pay and five month's half pay
After 5 year's service	6 month's full pay and 6 month's half pay

For the purpose of the sick pay scheme, "service" includes all aggregated teaching service with one or more local education authorities.

8.4 Conditions for sick pay

The conditions under which sick pay is granted are that an employee:

- notifies the school before 7.15 a.m. on the first day of absence
- notifies the school again on each subsequent calendar day of absence, giving the reason for that absence and the expected date of return
- provides a doctor's certificate for absences of more than 7 calendar days (inclusive of the weekend)
- immediately completes and signs a self-certification form upon return to work covering up to the first 7 days of absence. (In the case of teaching staff, when the absence exceeds 3 days.)
- if colleagues are off sick on the last day of term and the subsequent first day of the new term, a medical certificate is required to cover the whole period (i.e. the school holiday).

8.5 Extension of Sick Pay

The allowances outlined above are the minimum entitlements. The Governing Body has the discretion to extend the amount of sick pay in exceptional cases and should review the position of employees at the earliest opportunity and before their entitlement to paid sick leave has expired. The Governing Body, in very exceptional circumstances, may decide to extend either the full pay or half pay entitlement, depending on the nature of the case. See Sickness Absence Management Policy and Procedure.

9 Trade union duties

The Trade Union and Labour Relations Act 1992 sets out the provision for time off for staff to

- a) Carry out industrial relations duties or undergo necessary training as a properly appointed official of an independent, recognised trade union
- b) To take part in the activities of an independent, recognised trade union of which they are a member.

Time-off for Trade Union school based representatives shall be in line with the current Facilities Agreement for Representatives of Recognised Trade Unions.

10 10.1 Flexible Working

The Employment Act 2002, gives parents of children aged under six or disabled children under 18, the right to apply for flexible working.

The Work and Families Act 2006 also gives employees who have caring responsibilities for an adult the right to apply for flexible working, subject to their having at least six months' continuous working. To be eligible to apply, the employee will have to be caring for an adult who is their spouse, partner, civil partner, parent, adoptive parent, guardian, adult child (including adopted children), brother, sister, uncle, aunt, grandparent or someone else living at the same address (step-relatives and in-laws are included).

As employers the Governing Body has a duty to consider requests seriously and will refuse only where there is a clear service delivery reason. Where appropriate, contracts will be changed to reflect the flexible arrangements.

10.2 Job Sharing

Job sharing differs from part time working in that a full time post is divided into two posts; each occupied by different employees. Normally each employee will take on the whole duties of the post, on a basis restricted only by the amount of time worked.

Job-sharing is a way of making jobs more accessible and most posts are available for job share.

10.3 Exceptions

Some posts may be exempted from job share, for instance:

- if the arrangement would cause a genuine, serious and unavoidable problem in service delivery
- where a consistency of approach, particularly on decision-making, is essential, and where job sharing by two people would not guarantee this
- where health, safety and welfare considerations demand that one person undertakes the full role of the post.

10.4 Requests from staff

Employees wishing to work job share, need to write to the Headteacher, indicating the hours they wish to work and how they propose the job sharing arrangements will operate.

If the job share is agreed, the Headteacher and the individual concerned will determine the division of working hours and the duties of the post. The post will then be advertised for a job share partner.

10.5 **Recruitment**

If job share applicants apply for a post, then the applicants will be interviewed individually.

In the event of a job sharer leaving the shared post, the remaining sharer may be offered the post on a full time basis.

If it were not possible to recruit a job share partner, the arrangements for the staffing of the post would need to be reviewed by the school.

10.6 **Part-time posts**

Leytonstone does not discriminate between employees on the grounds of the number of hours they work. All employees on the same grade are entitled to equal treatment in respect of pay rates, leave entitlement, access to pension rights, employment procedures, sickness arrangements, training and other employment entitlements on a pro rata basis.