



NORTHAMPTON PRIMARY  
ACADEMY TRUST PARTNERSHIP

## **A Primary School**

*Part of Northampton Primary Academy Trust Partnership*

# **Special Leave policy for staff**

**Written:** March 2016  
**Review Date:** March 2017

# **SPECIAL LEAVE OF ABSENCE POLICY FOR ALL STAFF**

## **1. INTRODUCTION**

- 1.1. The NPAT board recognise the importance of consistency, openness and equality in responding to requests from employees for leave of absence for family and personal reasons.  
The board also recognises that the success of their schools depends upon the contribution of all staff and gives full acknowledgement that a fair and effective policy on Leave of Absence contributes to the maintenance of staff morale and thereby to the success of the school.
- 1.2. This policy has been adopted by the NPAT board and applies to all employees. It should be read in conjunction with other relevant documents (e.g. the Conditions of service for school teachers in England and Wales, the National agreement on pay and conditions of service for local government services) where applicable.
- 1.3. It does not relate to maternity, adoption, paternity or participation in training.

## **2. GENERAL PRINCIPLES**

- 2.1. The Head Teacher and the Governing Body at each school are responsible for decisions in relation whether to grant time off and whether it should be paid or unpaid. Each application for leave will be considered on its merits and in accordance with this policy.
- 2.2. Where the leave of absence relates to the Head Teacher, the role of the Head Teacher in respect of decisions made should be undertaken by the Chair of Governors.
- 2.3. The Governing Body has the discretion to authorise beyond the maximums stated in exceptional circumstances.
- 2.4. It is intended that this policy will provide a clear framework to enable requests for leave of absence for employees to be reasonably and fairly handled. It is a general principle throughout the policy that no application for leave should be unreasonably refused.
- 2.5. This policy recognises that the operational needs of each school are a priority and there may be times when the Head Teacher will need to refuse a request for leave. This will be done with full consideration of the law.
- 2.6. There may be occasions when circumstances arise not identified in this policy. In such circumstances, the decision regarding leave of absence remains within the discretion of the Head Teacher.
- 2.7. Formal appeals against any decision may be made using the Grievance procedure where necessary.
- 2.8. Any abuse of the policy will be dealt with under the school's disciplinary procedure.
- 2.9. Employees must fully consider any effect the leave will have on their pension.

## **3. Statutory Obligations**

The Governing Body at each school will observe its statutory obligations. Broadly, these are:

- 3.1 Time off for trade union duties in accordance with provision is Section 62 and 62 of the Employment Rights Act 1966 authorised in line with operational requirements.
- 3.2 Time off with pay for safety representatives, appointed/elected by recognised trade unions both to carry out safety function and to undergo relevant training; authorised in line with operational requirements.
- 3.3 Paid time off for ante-natal care under section 55 of the Employment Rights Act 1996, as part of the provisions for maternity care. Full details of the Maternity, Paternity and Adoption care packages are available from the school Business Manager
- 3.4 Unpaid time off for parental leave, dependants and domestic emergencies. Further information is provided in sections 6 and 8.
- 3.5 Parental leave - parental leave is an entitlement to unpaid leave to care for a child born on or after 15 December 1999 and up to the child's 5<sup>th</sup> birthday (Age 18 for disabled children). Parental leave may be granted if the following conditions are met :
- You have at least one year's continuation of service
  - You are the parent named on the birth/adoption certification or have legal responsibility for the child
  - Leave can only be taken in blocks of one week(For disabled children – multiples of one day)
  - Employees must give a minimum notice period of 21 days
  - Employees can only take a maximum four weeks leave in a year or thirteen weeks in five years
  - Leave may be postponed by an employer where business may be unduly disrupted

#### **4 Secondment / Extended unpaid leave of absence (6 months or more)**

- 4.1 In the event that an employee requests an extended period of unpaid leave of absence of 6 months or more, the Head Teacher will consider the matter in relation to :
- The cost to the school of the leave in terms of cover arrangements and organisational disruption
  - The circumstances of the individual
- 4.2 The Head Teacher will make a recommendation to the School's Personnel Committee and, if not acceptable to the employee, will be accompanied by a written statement from the employee of his/her request together with reasons.
- 4.3 The decision of the School's Personnel Committee will be final

#### **5 Public duties and activities**

- 5.1 Employees are entitled to reasonable paid time off to carry out the following public duties and activities :
- Justice of the peace
  - Jury service
  - A member of the magistrates court or Family Practitioner Committee
  - Other public duties referred to in the Employment Rights Act 1996
  - Governor responsibilities at another school

However the power to determine when paid or unpaid leave of absence is given for public duties remains with the School's Head Teacher by delegation from and in consultation with

the School's Governing Body. A decision will be made in the context of the reasonableness and timeliness of the request and the amount of time requested.

If an employee is granted paid leave to undertake public duties all appropriate allowances (eg loss of earnings allowance) should be claimed relating to this public duty. It is the employee's responsibility to notify the Head Teacher of the allowances. A deduction will then be made by the payroll company for this amount. Any allowances for travel or subsistence will not be deducted.

5.2 For a full time employee carrying out the above activities, a reasonable amount of time off will be a maximum of 10 days in a rolling year period. Time off for part timers will be calculated proportionately

5.3 Members of the Territorial Army who are required to undertake training additional to summer camp and who are unable to arrange for such training to be on days when they would not normally be working, will be granted up to 5 days unpaid leave of absence.

## **6 TIME OFF FOR DEPENDANTS**

### **6.1 Legal Entitlement**

Under the Employment Rights Act 1996, employees have the right to take a reasonable amount of unpaid time off work to take action that is necessary in relation to an emergency involving a dependant:

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for a dependant who is ill or injured;
- in consequence of the death of a dependant;
- because of the unexpected disruption or termination of arrangements for the care of a dependant; or
- to deal with an incident involving a child of the employee that occurs unexpectedly during a period when the child is attending school.

A "dependant" for these purposes is:

- the employee's spouse or civil partner, child or parent;
- any person who lives in the same household as the employee other than as an employee, tenant, lodger or boarder;
- any other person who would reasonably rely on the employee for assistance if he or she falls ill or is injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- in relation to the disruption or termination of care for a dependant, any other person who reasonably relies on the employee to make arrangements for the provision of care.

Employees taking time off under this right must notify their Head Teacher of their absence on the day they take time off and where ever possible to give notification in advance.

### **6.2. Time off for dependants - children who are unwell**

6.2.1. Employees have a statutory right to unpaid time off to make arrangements for the care of a dependant child as described in 6.1 above.

6.2.2. The Head Teacher has the discretion to authorise leave in relation to a child who is unwell as paid leave rather than unpaid leave for a maximum of 2 days in a rolling year period. This should be used to look after the sick child, make arrangements and will be dependent on the individual circumstances.

6.2.3. If it is impossible to make appropriate arrangements for the care of a sick child, the Head Teacher may authorise the employee to take reasonable unpaid leave to care for the sick child. Full consideration will be taken including consideration of the steps the employee has taken to try to make alternative arrangements. For seriously ill children, see compassionate leave.

### **6.3. Governing Body discretion**

The School's Governing Body has the discretion to authorise beyond the maximums stated in exceptional circumstances..

## **7 COMPASSIONATE LEAVE**

7.2. Paid compassionate leave may be granted in the following circumstances:

- Death or serious illness of a close relative – up to 5 days paid leave.
- Funeral of a close relative – 1 day of paid leave.
- Employees wishing to attend the funeral of other relatives, friends or colleagues may take unpaid leave.

7.3. The term close relative would normally include a spouse, partner, parent, sibling or child but it may be appropriate to include another relative or relative of the spouse or partner who has had a very close association with the employee.

7.4. There may be circumstances where it is valid for an employee to attend to matters relating to the death or serious illness of a non relative, any leave granted is subject to the Head Teachers discretion but is subject to the same maximum paid leave periods quoted in paragraph 9.

## **8 LEAVE FOR OTHER CIRCUMSTANCES**

### **8.1 Weddings & Special occasions**

The Head Teacher may authorise paid leave for a maximum of one day to enable an employee to attend their wedding or that of a close relative.

## **8.2. Removals**

The Head Teacher may authorise paid leave normally for a maximum of one day, to enable an employee to move house if it is not reasonably practicable for the removal to take place outside the employee's normal working hours.

## **8.3 Domestic emergencies**

In the event of a domestic emergency i.e. housefire, burglary, flood etc. The Head Teacher may authorise paid leave for a maximum of one day.

## **8.4 Interviews**

The Head Teacher shall authorise paid leave to enable an employee to attend an interview for another post within local government service.

## **8.5 Inability to get to the normal place of work**

If, because of transport difficulties which could not reasonably have been foreseen or overcome (caused, for example, by deep snow or a strike), an employee is unable to get to his/her normal place of work, he or she should immediately telephone their Head Teacher. Absence for the first day shall be with pay provided the Head Teacher is satisfied that reasonable attempts have been made to attend for duty. Absence after the first day will be unpaid.

## **8.6 Leave for Religious Festivals and Holy days**

Regulations do not require employers to provide time for religious or belief observance. However, a request for time off will be treated fairly and will not be unreasonably refused. The operational needs of the school will be considered and any refusal will be reasonably justified. The Head Teacher may authorise unpaid leave for a maximum of one day.

## **8.7 Time off to accompany a fellow employee in a disciplinary or grievance situation**

Reasonable paid time off will be granted to accompany a work colleague at a disciplinary or grievance hearing.

## **8.8 Examination and graduation ceremony**

The Head Teacher may authorise paid leave to enable an employee to attend an examination that is relevant to the employee's professional development.

The Head Teacher may also authorise one day's paid leave to enable an employee to attend his/her graduation ceremony or that of a close relative.

## **8.9 Transfer visits**

The Head Teacher shall authorise paid leave to enable an employee to visit an education establishment to which he or she is to transfer, and such leave must be arranged by mutual agreement between the Head Teachers concerned.

## **8.10 Sports and cultural events**

The Head Teacher may authorise paid leave for employees where they are representing as an amateur at an advanced level in a sporting or cultural event, where it will be a benefit for both the employee and the school.

## **8.11 Miscellaneous reasons**

The Head Teacher may authorise unpaid leave for a maximum of one day per academic year to enable an employee to be absent from duty for any other reasonable purpose.

## **9 MAXIMUM TIME OFF IN RELATION TO PARAGRAPHS 6 AND 8**

In relation to paragraphs 6 and 8 (time off for dependants and leave for other circumstances), the maximum the Head Teacher will normally authorise in a rolling year period is three days paid leave. Further unpaid leave may be authorised by the Governing Body in exceptional circumstances and employees will have the right to appeal to the Governing Body appeal panel if they are dissatisfied with the decision

## **10 MEDICAL LEAVE**

### **10.4 Medical and dental Appointments**

NPAT Employees are expected to make appointments outside normal working hours wherever possible. Where this is not possible, an employee attending such appointments must seek the permission of their Head Teacher before attending through the completion of a Special & Medical Appointment Leave Application Form. The Head Teacher has the right to request to see an appointment card. The appointment will be recorded as sickness absence if for half a day or more.

### **10.5 Cancer Screening**

Necessary paid time off will be authorised for the purpose of cancer screening.

### **10.6 Fertility treatment**

Employees requesting time off for fertility treatment will be supported. The specific needs will need to be addressed, and the various provisions for leave as above will be used to enable this to happen wherever reasonable. The situation will be treated with sensitivity.

### **10.7 Time off to attend ante-natal appointments**

The Maternity Regulations provide the right for all women to take paid time off to attend antenatal care. Employees must produce evidence of appointments if requested to do so by the Head Teacher. Further details are available in the maternity policy.

## **11 APPROVAL**

The employee should apply to their Head Teacher (or Chair of Governors for requests from the Head Teacher) at the earliest opportunity to request any leave of absence. This application should be through the completion of the Special & Medical Appointment Leave Application Form.

Any decision made will be communicated to the employee as soon as the decision has been made.



**HEADLANDS PRIMARY SCHOOL**  
**SPECIAL LEAVE OF ABSENCE POLICY**  
**FOR ALL STAFF**

