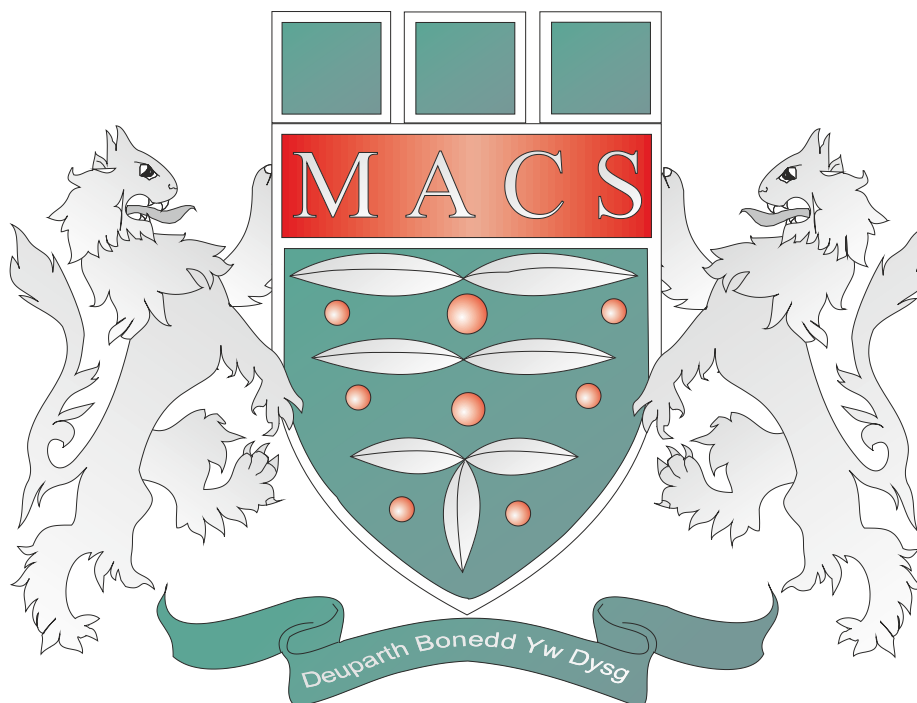


# MOUNTAIN ASH COMPREHENSIVE SCHOOL



## Leave of Absence School Based Staff

Signed \_\_\_\_\_ (Chair of Governors)

Date \_\_\_\_\_

Reviewed: Jan 18  
Next Review Date: Jan 19

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## **1. INTRODUCTION**

- 1.1 The school's application of the leave of absence arrangements will have regard to the need for consistency and fairness to all staff.
- 1.2 Leave of absence during term time is only permitted in emergency situations and in accordance with the leave of absence policy. Any requests for leave of absence whether it is with or without pay should be made in writing to the Headteacher before the leave is required (wherever possible).
- 1.3 It is the Headteacher / governing body's prerogative to refuse leave in those cases where it is considered inappropriate, subject to an appeal to the Governing Body. There is no automatic right to leave of absence. All applications for leave will be considered having regard to the needs of the school.

## **2. EMERGENCY LEAVE**

- 2.1 Employees with a caring responsibility for dependant(s) are able to request time off to deal with an unexpected or sudden problem in relation to a dependant, and make any longer term arrangements.
- 2.2 A dependant can be the:
- child
  - parent
  - partner
- 2.3 Emergency leave is not intended to cover cases of illness or injury (leave or unpaid leave must be used), unless they are of a serious nature. A sudden breakdown in care arrangements will be covered but this does not normally extend to notified school closures as these are generally known in advance.
- 2.4 In the event of an unforeseen situation occurring, no more than 1 working day can be taken at any one time to deal with an emergency. In addition, no less than ½ day can be deducted from the emergency leave entitlement at any one time.
- 2.5 Employees are allowed to make application for up to 5 days Emergency Leave over a rolling 12 month period (starting from the date of the first request) on a paid basis for dealing with emergencies. After paid emergency leave is exhausted; further unpaid emergency leave can be requested.
- 2.6 Employees must make a request in writing to their Headteacher who will authorise the request as soon as is reasonably practicable. Employees must also get verbal authorisation from their Headteacher prior to taking emergency leave. If the Headteacher is unavailable, they should seek authorisation from the Deputy Headteacher or another member of the Leadership Team.

### **3. BEREAVEMENT LEAVE**

- 3.1 When a death occurs to an employee's spouse or civil partner, partner (opposite or same sex), parent, stepparent, children or stepchildren, or grandchild (where the employee is the primary carer) then the employee may take bereavement leave with pay from the day of death to the day of the funeral to make funeral arrangements.
- 3.2 In certain circumstances an employee may be responsible for making the funeral arrangements for someone other than a parent, partner or child. In such circumstances, leave with pay may be granted from day of death to day of funeral.
- 3.3 The employee should discuss the situation with their Headteacher and the number of days bereavement leave required agreed. The Headteacher will then confirm the amount of leave required in writing.
- 3.4 In the case of the death of other relatives not included in point 3.1, employees will be entitled to bereavement leave with pay for the day of funeral. In all other cases, time off will be considered by the Headteacher on a case-by-case basis. The school appreciates that death of a family member can have a significant impact on an employee and recognises that additional non-paid time off maybe granted. Application for unpaid leave should be made to the Headteacher.

### **4. UNPAID PARENTAL LEAVE**

- 4.1 Parental leave is a right to take time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between work and family commitments. The leave is unpaid.

#### **4.2 Entitlement to Parental Leave**

4.2.1 Employees are entitled to 18 weeks unpaid parental leave if:

4.2.2 they have at least one year's continuous service with the Council

4.2.3 they have a child under the age of 18

4.2.4 they have - or expect to have - parental responsibility for the child

#### **4.3 Evidence of entitlement to Parental Leave**

- 4.3.1 Evidence may take the form of a child's birth certificate, papers confirming a child's adoption or the date of placement in adoption cases. The relevant document only needs to be shown once for each child at the time of the initial request. A photocopy should be taken and attached to the parental leave log.

#### **4.4 Leave and Pay**

- 4.4.1 Each parent can take 18 weeks parental leave for each child over an eighteen year period. This means that both mothers and fathers, if they have twins or adopt more than one child at a time can both take 18 weeks' unpaid leave for each child during the first five years of parenting.
- 4.4.2 An employee can take leave in blocks of one week or more, up to a Maximum of 4 weeks in a year. This also applies to adoptive parents.
- 4.4.3 Under this scheme parts of a day cannot be taken as unpaid parental leave. One week's parental leave is equal to the length of time that an employee is normally required to work in a week. Consequently, employees working on a part time basis or who are in a job share arrangement are entitled to pro-rata parental leave.
- 4.4.4 Some employees' working patterns vary from week to week. In such cases, an average working week needs to be calculated as a fraction of the period for which he or she is required to work in a year.

#### **Under no circumstances can Parental Leave be paid.**

#### **4.5 Terms and Conditions during Parental Leave**

- 4.5.1 Some terms and conditions of employment continue to apply during periods of parental leave.
- 4.5.2 An employee is entitled to benefit from the school's implied obligations of Trust and confidence during parental leave and any contractual terms and Conditions relating to:
- notice periods
  - any compensation if the member of staff is made redundant
  - the school's disciplinary or grievance procedures
  - other terms and conditions of service
- 4.5.3 Headteachers will notify employees if their post is to be affected whilst they are on parental leave.

#### **4.6 Returning to work after Parental Leave**

- 4.6.1 At the end of parental leave, an employee is guaranteed the right to return To the same job as before if the leave was for a period of 4 weeks or less.
- 4.6.2 If it was for a longer period the employee is entitled to return to the same job or if that is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the old job.
- 4.6.3 When parental leave lasts for 4 weeks or less and it follows ORDINARY MATERNITY LEAVE, the woman is entitled to return to the same job. If

The period is for more than 4 weeks, a woman is entitled to return to the Same job, or if that is not reasonably practicable, a similar job which has The same or better status, terms and conditions as the old post.

4.6.4 When parental leave lasts 4weeks or less and it follows ADDITIONAL MATERNITY LEAVE, the woman is entitled to return to the same job she would have been entitled to return to after her additional maternity leave period.

4.6.5 The employment contract continues during an absence of parental leave, unless it is terminated by the school or the employee. This means that an employee continues to benefit from his or her statutory employment rights during parental leave.

4.6.6 An employee returning to work after parental leave is entitled to benefit From any general improvements to the rate of pay (or other terms and Conditions) which may have been introduced for his or her grade while s/he has been away.

#### **4.7 Parental Leave and Redundancy**

4.7.1 An employee will be treated the same as any other employee when a redundancy situation arises. This includes treatment relating to consultation about the redundancy and consideration for any other job vacancies.

#### **4.8 Notice Provisions**

4.8.1 In normal circumstances, an employee member of staff needs to give a minimum of 21 days notice, giving the dates when the leave is to start and finish. The Headteacher must record this request and the dates at the time of the request. The Headteacher will respond to the employees request in writing.

#### **4.9 Postponement provisions**

4.9.1 If the Headteacher in conjunction with the Governing Body considers that an employee's absence would unduly disrupt the school, then the Headteacher can postpone the leave for no longer than 6 months after the beginning of the period that the employee originally wanted to start his or her parental leave, and must offer alternative dates with equivalent length of leave to the employee's original request.

4.9.2 The postponement decision must be discussed with the employee, Before, notice of the postponement is made in writing.

4.9.3 When an employee applies to take leave immediately after the birth or adoption of a child, the leave cannot be postponed. The employee needs to give at least 21 days notice before the beginning of the expected week of childbirth.

4.9.4 In the case of adoption, the employee needs to give 21 days notice of the expected week of placement.

## **5. ANNUAL LEAVE**

5.1 Annual leave will be awarded to employees in accordance with their terms

And conditions of employment. Leave for staff wishing to extend period of holidays or take annual leave during term time without salary is at the discretion of the Head teacher.

5.2 The accrual of annual leave during maternity leave and sickness absence is specifically covered under those policies.

## **6. UNPAID LEAVE**

6.1 The terms and conditions of school based staff require employees to attend work during term time hours. In the event that staff need to apply for unpaid leave, discretion will be given by the Head teacher and Chair of Governors in exceptional circumstances. It is the Governing Body's prerogative to refuse leave in those cases where it is considered inappropriate.

6.2 There is no automatic right to leave of absence and any abuse of the leave of absence scheme may lead to disciplinary action in accordance with the school's disciplinary procedure.

## **7. STUDY LEAVE**

7.1 Study leave is covered in the School's Training and Development Policy.

## **8. SPORTING ACTIVITY LEAVE**

8.1 All requests for Leave of Absence for sporting activities must be agreed With the Headteacher/Governing Body prior to the event.

8.2 All employees will be eligible for up to 5 days leave with pay in any one financial year for representing the School/Council or their Country in sporting events.

8.3 Leave of absence with pay will be granted for attendance at inter-school competitions or matches:

- As an official; or
- As a staff member in charge of pupils; or
- At committee meetings connected with the event

8.4 Accompanying pupils participating in amateur sporting events at the invitation of the national or international body of the sports concerned, leave of absence with pay will be granted.

8.5 In the case of amateur sporting events at international, national or inter-county level or trial games preliminary to them, leave of absence with pay will be granted to:

- Staff holding official positions

- Players or reserves
- Judges
- Members serving on committees connected with the events
- Duties in connection with all representative welsh schools sports and games

8.6 Requests entailing visits abroad will not be granted unless specifically granted by the governing body.

8.7 All other requests will be dealt with as leave of absence without salary requests.

## **9. TAKING PART IN NATIONAL COMPETITIONS OR EVENTS (TERM TIME ONLY)**

9.1 The Headteacher/Governing Body may grant leave of absence with/without pay for employees taking part in national competitions or events.

9.2 Requests entailing visits abroad will not be granted unless specifically granted by the Governing Body.

## **10. ELECTION DUTIES**

10.1 All employees involved with election duties for Rhondda Cynon Taf Council i.e. Senior Election Staff, Presiding Officers, Poll Clerks, Count Assistants are entitled to paid time off to perform their duties. This does not apply if employees are involved with election duties for any other Council.

10.2 Employees involved in this process must provide the appropriate letter confirming their appointment to their Headteacher prior to the election.

## **11. HOSPITAL/MEDICAL APPOINTMENTS**

11.1 Employees will be allowed time off to attend hospital appointments including appointments for IVF treatment but must provide their Headteacher with their appointment card/ letter prior to the appointment. Time off will also be granted for appointments with the Council's Occupational Health Unit.

11.2 Time off does not extend to appointments outside of point 11.1 e.g. GP, Dentist, Physiotherapist appointments, although this list is not exhaustive. If 'specialist/emergency treatment' is required then time off will be considered by the Headteacher.

## **12. ATTENDANCE AT COURT**

12.1 Employees who are requested or summonsed by a Court to attend as a witness will be given paid time off. Employees must provide the letter requesting their attendance to their Headteacher prior to the court hearing.

12.2 An employee should claim 'loss of earnings allowance' and this amount



will be deducted from the employee's salary/wages.

12.3 Those who are required to attend court for any other reason will be given unpaid leave of absence.

### **13. SERVICE IN NON-REGULAR FORCES, TERRITORIAL AND AUXILIARY FORCES AND ROYAL OBSERVER CORPS**

13.1 Volunteer members of the non regular forces shall be granted up to 2 Weeks additional leave with pay, to attend to volunteer duties.

13.2 Under the Reserve Forces Act 1966, volunteers may be required to Undertake training up to 16 days per annum usually on Saturdays and Sunday's.

13.3 Territorial Army and Volunteer Reserve Units should be in a position to Offer alternative dates and the onus is on the employee to try to arrange for training to be undertaken at off-duty times. If this is not possible, the employee should give alternative dates to his/her Headteacher, so that mutually acceptable dates for absence may be found. Please note that if individuals undertake volunteer duties with cadet groups then time off will be without pay.

### **14. JURY SERVICE**

14.1 Where an employee is required to attend for Jury Service then the Headteacher/Governing Body will grant paid leave of absence for the whole period of service.

14.2 It may be necessary for employees to attend court everyday during their period of jury service. However, on any day where an employee is released early by the Court, where practicable, they must return to work.

14.3 An employee must claim 'loss of earnings allowance' and this amount will Be deducted from the employee's salary/wages. The Court will then Reimburse the full amount to the employee.

14.4 Payment for 'loss of earnings' is made to the employee by the Court (the Loss of earnings form must be passed to the Payroll Section for Completion as soon as possible) therefore, the absence is recorded as Unpaid leave on the Vision system and the amount is deducted from Salary in the next available pay period.

14.5 Under the 2014 Local Government Pension Scheme regulations, Jury Service is classed as unpaid leave and employees will need to consider The pension buy back option. Further information is available under the Section 'Provision for Buying Back Pension on Unpaid Leave (including Jury Service).

### **15. PUBLIC SERVICE LEAVE**

15.1 Under the Employment Rights Act 1996 an employee who is a:

- Justice of the Peace
- Member of a Local Authority
- Member of a Statutory Tribunal
- Member of a National Health Service Trust, an area, district or regional health authority or a family practitioner committee
- Member of a board of visitors for prisons, remand centres, young offender institutions
- Governor of a foundation school, further and higher education corporation or educational establishment maintained by a local education authority
- must be allowed reasonable unpaid time off to perform his or her duties.

15.2 The school's regulations governing leave of absence in these cases are As follows:

15.3 Leave must be authorised by the Headteacher in conjunction with the Governing Body.

#### **15.4 JUSTICE OF THE PEACE**

15.4.1 Leave with pay will be granted for up to 18 days in any one financial year.

15.4.2 Should additional leave over and above 18 days be required in order to fulfil Justice of the Peace responsibilities, then the Headteacher/Governing Body will grant leave of absence without pay. Employees must claim appropriate financial loss allowance and the school will deduct the financial loss claimable from the employee's wages/salary.

#### **15.5 MEMBERSHIP OF A LOCAL AUTHORITY**

15.5.1 Leave with pay will be granted for up to 18 days in any one financial year subject to one third of attendance allowance/financial loss being deducted from salary/wages.

15.5.2 Should additional leave over and above 18 days be required in order to fulfil responsibility as a Member of a Local Authority then the Headteacher/Governing Body will grant leave of absence without pay.

15.5.3 Where an employee is an elected Member of a Local Authority and that Authority votes to him/her a salary in accordance with the provisions of the Local Government Planning and Land Act 1980, then the employee must advise the Headteacher/Governing Body so that appropriate arrangements regarding financial adjustment can be made.

15.5.4 Should appointment/election fall within the financial year then the leave entitlement will be adjusted accordingly on a pro-rata basis.

#### **15.6 MEMBERSHIP OF A COMMUNITY COUNCIL**

15.6.1 Leave with pay shall be granted up to 6 days in any one financial year subject to one third of attendance allowance/financial loss being deducted from salary/wages.

15.6.2 Should appointment/election fall within the financial year then the Leave entitlement will be adjusted accordingly on a pro-rata basis.

**15.7 MEMBERSHIP OF A PUBLIC OR OTHER BODY AS A RESULT OF MEMBERSHIP OF A LOCAL AUTHORITY**

15.7.1 Leave without pay shall be granted by the Headteacher/Governing Body as and when requested.

15.7.2 Alternatively, leave with pay deductible against the 18 days allowable for Local Authority duties may be granted. In this event, one third of attendance allowance/financial loss will be deducted from salary/wages.

**15.8 HOLDER OF A CIVIC OFFICE BY VIRTUE OF MEMBERSHIP OF A LOCAL AUTHORITY**

15.8.1 Specific preliminary approval must be obtained through the Headteacher/Governing Body in advance of the year of office when the Headteacher/Governing Body will determine the extent of the leave with Pay.

15.8.2 Civic office is defined as Mayor or Deputy Mayor/Authority Chairperson/or Vice-Chairperson.

**15.9 CONSORT OF A RECOGNISED CIVIC OFFICE HOLDER**

15.9.1 Necessary leave with pay may be granted by the Headteacher/Governing Body subject to the employee obtaining approval through the Headteacher/Governing Body in advance of the year of office.

**15.10 MEMBER OF A BOARD OF VISITORS AT ONE OF H.M. PRISONS**

15.10.1 Leave with pay may be granted by the Headteacher/Governing Body up to 10 days in any one financial year, or pro-rata should appointment fall within the financial year.

15.10.2 Financial loss allowance must be claimed which will be deducted from the employee's salary/wages.

15.10.3 Leave without pay may be granted by the Headteacher/Governing Body with no limitation but subject to the needs of the school.

**15.11 MEMBERSHIP OF OUTSIDE BODIES**

15.11.1 Employees appointed by a Government Department, member of a National Health Service Trust, member of a Police Authority, Governor of grant-maintained school, higher education corporation or educational establishment maintained by a local education authority, member of the National Rivers Authority, Association of Local Authorities, or a Local Authority to serve on a Committee, Tribunal Panel, not arising from membership of a Local Authority.

15.11.2 Leave with pay to a maximum of 9 days subject to any fee, allowance or other payment received other than reimbursement of travelling and subsistence expenses being paid into the schools Fund;

15.11.3 Otherwise, leave without pay.

15.11.4 All such appointments must be notified to the appropriate Headteacher/Governing Body.

## **15.12 APPROVED EXTRANEIOUS APPOINTMENTS WITHIN WORKING HOURS**

15.12.1 If appointment is paid, leave without pay may be granted by the appropriate Headteacher/Governing Body.

15.12.2 If appointment is unpaid, leave with pay may be granted by the appropriate Headteacher/Governing Body.

15.12.3 Where the approved activity is not related directly to the employee's appointment, leave without pay may be granted by the Headteacher/Governing Body.

15.12.4 Where the activity is related to the employee's appointment, any fee receivable must be paid into the school's fund with the exception of the fee for a single lecture, radio or television broadcast or contribution or other media.

15.12.5 Approved attendance at meetings of professional bodies whose principal objects include the improvement of the standard of local government services but exclude trade union activities.

15.12.6 Leave with pay, with or without expenses as determined by the Headteacher/Governing Body.

15.12.7 Otherwise, leave without pay, as approved.

## **16. EWC COUNCIL MEMBERS**

16.1 Leave with pay will be granted to teaching members of staff who act as Committee members. This leave is granted in accordance with EWC provisions.

## **17. INTERVIEWS (Term Time Only)**

17.1 The Headteacher in conjunction with the Governing Body may grant leave of absence with pay for attendance at interviews for educational posts or interviews with College Authorities for admission to a minimum of three days per annum. The Governing Body has discretion to grant further leave with pay if they wish.

17.2 The Headteacher/Governing Body may also grant further leave for

interviews of this type but without salary.

17.3 Interviews in connection with applications for posts of a non-educational character should be granted without pay.

### **18. WEDDINGS (Term Time Only)**

18.1 The Headteacher in conjunction with the Governing Body, may grant one day to a teacher where:

18.1.1 The teacher is getting married on a day which he/she would normally work

18.1.2 The teacher wishes to attend their child's wedding

18.2 Leave of absence may be granted for the purpose of the ceremony only and any travelling directly involved therewith.

### **19. MOVING HOUSE (Term Time Only)**

19.1 The Headteacher/Governing Body may grant leave of absence with pay for one day to move house.

19.2 Any requests for more than one day can be applied for but without salary.

### **20. AWARD CEREMONIES**

20.1 The Headteacher/Governing Body should grant one day's leave of absence to an employee to attend their or their children's graduation ceremony, prize distribution and national honours presentation.

20.2 The Headteacher/Governing Body may grant leave of absence without pay for other relatives or friends.

### **21. EXAMINATIONS**

21.1 The Headteacher/Governing Body may grant one day's leave with pay for an approved examination, subject to the Headteacher/Governing Body being satisfied as to the relevance of the course. Time will also be granted for one re-sit.

21.2 Leave of absence without pay may be granted for private study for recognised qualifying examinations.

### **22. EXAMINATION PANELS (Teaching Staff Only)**

22.1 Leave of absence with pay should be granted for employees working on approved examination panels and moderating examinations where no fee is received.

### **23. MISCELLANEOUS**

23.1 The Leave of Absence regulations are intended to cover all usual eventualities. Should an employee require leave of absence beyond those detailed, a written application must be made to the Chair of

Governors who will have discretion, in consultation with the Headteacher, to grant such leave of absence subject to the exigencies of the school. Any appeals to this process will be dealt with via the HR Committee.

#### **24. ABUSE OF THE LEAVE OF ABSENCE REGULATIONS**

24.1 The Leave of Absence Scheme hinges on trust, abuse of the scheme will be regarded as gross misconduct. If, following investigation, it is established that the scheme has been abused then the matter will be dealt with in accordance with school's disciplinary procedures.

Appendix 1

Leave of Absence Request (LOA)  
(all sections must be completed)

<b>Name of Applicant</b>			
<b>School</b>			
<b>Pay Number</b>			
<b>Position Held</b>			
<b>Type of LOA Requested</b>			
<b>Date(s) on which LOA is required</b>			
<b>Reason for LOA application</b>			
<b>LOA Granted on the date (s) and for the reason specified above</b>	<b>Yes *</b>	<b>No*</b>	
<b>If LOA request is granted with or without pay</b>	<b>With Salary*</b>	<b>Without Salary</b>	
<b>Signature Head</b>	<b>:</b>	<b>Date</b>	
<b>Signature COG</b>	<b>:</b>	<b>Date</b>	
<b>Headteacher (delegated power from the Governing Body)</b> <b>(*) delete as appropriate</b>			