



**Leave of Absence Entitlements:
Leave of Absence**

(Section 6 of the School Personnel Guidelines)

February 2010

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Leave of Absence Policy Guidance

1. Status

- 1.1 In Community, Voluntary Controlled and Community Special schools, the Local Authority is the employer of staff. The Local Authority has responsibility for determining conditions of service for these staff. Some aspects of these conditions relate to national conditions of service, but in many instances, the position for support staff is based on local decisions.
- 1.2 In Foundation and Voluntary Aided schools, the governing body is the employer of staff and therefore has the authority to create and adopt its own policy on the matters referred to.
- 1.3 In the interests of equal opportunities, governing bodies in Foundation and Voluntary Aided schools are recommended to adopt the Local Authority policy.
- 1.4 Wherever possible this guidance should apply to all staff within the school. Where there are differences these are identified within the text.

2. Introduction

- 2.1 The facility to apply for leave of absence is available to all staff employed in schools.
- 2.2 Application forms requesting leave of absence should be supported with relevant documents/details.
- 2.3 The guidance for leave of absence for staff does not assume an automatic entitlement to leave. The Governing Body via the headteacher must consider each application on its own merits and the case put forward. The needs of the individual must be balanced against the needs of the establishment.
- 2.4 Where appropriate consideration should always be given to an employee's holiday entitlement when considering individual requests. Where there is contractual flexibility and the leave requested is neither a statutory nor a contractual entitlement, individuals should make use of their annual leave entitlement and/or flexible working arrangements, as appropriate, before requesting unpaid leave of absence.
- 2.5 Paid leave to perform public duties may attract paid allowances from the relevant organisation. The Local Authority (as notified by the Governing Body) will need to deduct these allowances from the employee's full pay. Any allowance received for attendance should not generate any loss of pay to the individual.
- 2.6 It is the responsibility of the individual concerned to ensure that public duty commitments for which loss of pay can be claimed (e.g. Jury Service) are notified to the headteacher as soon as possible. The headteacher will need to notify the Local Authority immediately of any allowances to be deducted detailing the exact amount of money.

- 2.7 Travelling and subsistence allowances will not be deducted from an employee's rate of pay.
- 2.8 The term 'close relative' should normally include spouse, partner, parent, brother, sister or child. It might be the case that applications for leave are received for non-relatives. In these cases, discretion will have to be exercised. An employee's circumstances will have to be considered on an individual basis.

3. Leave of absence entitlements

- 3.1 The Conditions of Service for School Teachers in England and Wales (generally referred to as the Burgundy Book) gives some broad national agreements of leave of absence for teachers.
- 3.2 The Conditions of Service for Local Government Services (generally referred to as the Green Book) gives some broad national agreements of leave of absence for Local Government employees (generally support and ancillary staff).
- 3.3 This policy takes account of the provisions of both the Burgundy book, the Green Book and the Local Authority's policy and sets them in the context of a predominantly term time only workforce. A schedule of entitlements for staff is attached at Appendix 1.

4. Approval procedure and other matters

- 4.1 Any employee is entitled to submit a request for time off or leave of absence giving reasons and appropriate notice. The headteacher will give due consideration to this request based on the merits of the case and, needs of the service and the individual's contractual arrangements.
- 4.2 The application form for Leave of Absence (Appendix 2) should be completed by all staff and used for all circumstances.
- 4.3 It is the responsibility of the headteacher to consider requests for leave of absence from staff in their school.
- 4.4 It is good practice to notify the individual requesting leave of the decision in writing irrespective of the course of action to be adopted e.g. by returning a copy of the form to the individual.
- 4.5 Any implications arising from the decision should be discussed between the headteacher and the individual concerned. If the staff member is still not happy with the decision they have the right to pursue a grievance in accordance with grievance procedure.

5. Absence without leave

- 5.1 Staff who fail to attend their place of work (or if homeworking fail to make contact with their headteacher/line manager) and have not complied with the Sickness

Absence Policy reporting procedures; or do not have prior authorised leave under the Leave of Absence Policy, will be deemed to be absent without leave.

- 5.2 If a staff member fails to contact their headteacher/line manager during the first day of absence, the headteacher/line manager should attempt to make contact with the staff member in the first instance by telephone/text or e-mail. The reason for the contact is to establish why they are not at work; when they are due to return to work and remind them of the procedure for notification of absence.
- 5.3 If the headteacher/line manager is unable to make contact with the staff member within the first two working days of absence, the headteacher/line manager should write to the staff member. The letter should instruct the staff member to contact their headteacher/line manager or other specified contact (named) immediately; remind them of the procedure for notification of absence and indicate the possible outcome/action should no contact be made (i.e. loss of pay, disciplinary action). A model letter for this stage is available from Calderdale HR.
- 5.4 If there has still been no contact after 5 working days of absence, the headteacher/line manager should write to the staff member again, using recorded delivery. The letter should require that the staff member contact the headteacher/line manager or other specified contact (named) by a certain date (within 2 working days of sending the letter); remind them of the procedure for notification of absence; inform them of previous attempts made by headteacher/line manager to contact them and inform them that with immediate effect their pay will cease and failure to make contact within the date specified may result in disciplinary action being taken against them.
- 5.5 If the staff member still fails to make contact within the specified period the headteacher should consider whether to require the staff member to attend an investigatory meeting to establish the facts of the case or to move straight to a disciplinary hearing. Please refer to the guidance on Disciplinary Procedures.
- 5.6 It is important that any action taken by the headteacher allows the staff member the opportunity to provide a satisfactory explanation.
- 5.7 Every reasonable effort should be made to contact the staff member and allow the staff member to explain themselves.

Appendix 1: Leave entitlements for all school based staff

Note: All Requests for Leave are to be Submitted to, and Approved as appropriate, by the Headteacher beforehand		
Type of request	Support Staff	Teachers
Unpaid Leave of Absence	Individuals should make use of periods of school closure, their annual leave entitlements (where applicable) and flexible working hours provision as appropriate, before making such requests for unpaid leave of absence.	Where there is contractual flexibility individuals should make use of applicable paid leave entitlements, periods of school closure and flexible working hours provision, before making such requests for unpaid leave of absence.
Bereavements	<p>Maximum 3 days paid leave except in exceptional circumstances where individual cases will be treated on merit.</p> <p>Parents, Husband/Wife/Partner Children Any other persons deemed appropriate by the Headteacher / Governor.</p>	<p>Maximum 3 days paid leave except in exceptional circumstances where individual cases will be treated on merit.</p> <p>Parents, Husband/Wife/Partner Children Any other persons deemed appropriate by the Headteacher / Governor.</p>
Funerals	<p>One day paid leave.</p> <p>Husband/Wife/Partner Son/Daughter Parents Parents-in-law Brothers/Sisters Grandparents</p> <p>Funerals other than above may be approved with or without pay at the discretion of Headteachers /Governors</p>	<p>1 day plus a maximum of 2 days for travelling time if essential. With salary.</p> <p>Husband/Wife/Partner Son/Daughter Parents Parents-in-law Brothers/Sisters Grandparents</p> <p>Funerals other than above may be approved with or without pay at the discretion of Headteachers / Governors.</p>
Weddings	<p>Wedding of an immediate member of family member, i.e. child, brother, sister, parent, as may be approved by Headteacher, with salary.</p> <p>Wedding other than above – one day. Without salary.</p>	<p>Wedding of an immediate member of family, i.e. child, brother, sister, parent – as may be approved by Headteacher, with salary.</p> <p>Wedding other than above – one day. Without salary.</p>

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Type of request	Support Staff	Teachers
Degree Graduation ceremonies	Graduation ceremony of self or any immediate family member receiving degree/award/prize, 1 day with salary.	Graduation ceremony of self or any immediate family member receiving degree/award /prize, 1 day with salary.
Speech day attendance	Parent of the child receiving the prize ½ day, without salary.	Parent of the child receiving prize - ½ day, with salary.
Attendance/ Observance of Religious Festivals	<p>Requests for leave of absence/time off for employees who want to attend/observe religious festivals should be considered sympathetically and be accommodated wherever this is possible within the exigencies of the service.</p> <p>Employees should provide their manager with as much notice as possible when requesting leave of absence/time off.</p> <p>As some religious/belief festivals are aligned with lunar cycles, dates can change from year to year, therefore the dates for some festivals do not become clear until quite close to the actual day. Discussion and flexibility between managers and staff is essential to reach a mutually acceptable compromise.</p> <p>Individuals should make use of their Annual Leave provision (where appropriate) and flexible working provision, where appropriate before making requests for unpaid leave of absence.</p>	<p>Requests for leave of absence/time off for employees who want to attend/observe religious festivals should be considered sympathetically and be accommodated wherever this is possible within the exigencies of the service.</p> <p>Employees should provide their manager with as much notice as possible when requesting leave of absence/time off.</p> <p>As some religious/belief festivals are aligned with lunar cycles, dates can change from year to year, therefore the dates for some festivals do not become clear until quite close to the actual day. Discussion and flexibility between managers and staff is essential to reach a mutually acceptable compromise.</p> <p>Individuals should make use of their Annual Leave provision (where appropriate) and flexible working provision, where appropriate before making requests for unpaid leave of absence.</p>
Blood Donors	Paid leave, if can be accommodated.	Paid leave, if can be accommodated.
Employment Interviews	For Local Government interviews time off with pay.	Interview for another teaching post, time off with pay.
Attendance at	As may be approved by	As may be approved by

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Type of request	Support Staff	Teachers
approved courses	Headteacher, with salary.	Headteacher, with salary.
Approved Examinations	For each half day of approved examination - half day's paid leave. Other than approved, without pay. Sitting for an approved examination – not more than 5 days – only to be exceeded in exceptional circumstances as approved by Headteacher. Without salary.	For each half day of approved examination - half day's paid leave. Other than approved, without pay. Sitting for an approved examination – not more than 5 days – only to be exceeded in exceptional circumstances as approved by Headteacher. Without salary.
Attendance at examiners meetings	N/A	Attendance at meetings of examiners of GCSE or other recognised examination – as may be essential with the approval of Headteacher / Governor. With salary.
Statutory Tribunals	Paid leave of absence if attending in official capacity. School to deduct any allowance received.	Paid leave of absence if attending in official capacity. School to deduct any allowance received.
Trade Union Courses/ Seminars/ Conferences	Please refer to Local Authority Facilities agreement, as appropriate.	Please refer to Facilities for Teacher Union Representatives arrangements.
National educational conferences	N/A	Conferences on educational matters, as may be permitted. With salary.
Governing Body (Member of) (All Employees) *See Appendix 3	Attendance at a meeting of a Governing Body, as essential, with salary. “No loss” basis. School to deduct any allowance paid.	Attendance at a meeting of a Governing Body as necessary, with salary. Attendance at a meeting as an elected or co-opted member of a Local Governing Body as may be considered necessary. With salary.
Candidates for Municipal Elections (All Employees)	Prospective candidate at Parish, District or County elections, Polling days, with salary. Prospective Parliamentary candidate three weeks including the day following the election, without salary.	Prospective candidate at Parish, District or County elections – Polling days, with salary. Prospective Parliamentary candidate three weeks including the day following the election, without salary.
Civic Duties	If Mayor(ess)/Consort or Deputy	If Mayor(ess)/Consort or Deputy

Note: All Requests for Leave are to be Submitted to, and Approved as appropriate, by the Headteacher beforehand		
Type of request	Support Staff	Teachers
	Mayor(ess)/Consort are employees – granted paid time off.	Mayor(ess)/Consort are employees – granted paid time off.
Election Duties	Staff, who assist at elections as Presiding Officers, Poll Clerks and Counting Clerks, within the administrative area of this Authority. Leave of absence with pay from their normal duties.	Where contractual obligations allow, staff who assist at elections as Presiding Officers, Poll Clerks and Counting Clerks, within the administrative area of this Authority. Leave of absence with pay from their normal duties.
Local Authority (Member of)	Paid leave for up to 28 days per municipal year, subject to individual assessment where leave appears to be insufficient	Paid leave for up to 28 days per municipal year, subject to individual assessment where leave appears to be insufficient
Health Authority (Member of) (All Employees)	Attendance at a meeting as a member of a statutory body, e.g. Regional or Area Health Authority as necessary, with salary.	Attendance at a meeting as a member of a statutory body, e.g. Regional or Area Health Authority as necessary, with salary.
Duties of Justice of the Peace	Paid leave of absence. School may deduct any allowance received.	Paid leave of absence. School may deduct any allowance received.
Jury Service (All Employees)	With pay. Employee to claim any Juror's Allowance. Such amount received to be deducted from pay.	With pay. Employee to claim any Juror's Allowance. Such amount received to be deducted from pay.
HM Non Regular Forces (Service in) (All Employees)	Attendance at annual camp as volunteer member of Territorial Army or Officer of a Cadet Force. Not more than two weeks with discretion in special cases, with salary. Officers required to undertake training additional to summer camp who are unable to arrange for such training on days when they would not normally be working - paid leave of absence recommended (maximum of 16 days per annum) by National Agreement.	Attendance at annual camp as volunteer member of Territorial Army or Officer of a Cadet Force. Not more than two weeks with discretion in special cases, with salary. Officers required to undertake training additional to summer camp who are unable to arrange for such training on days when they would not normally be working - paid leave of absence recommended (maximum of 16 days per annum) by National Agreement.
Holiday with	This provision is intended primarily	This provision is intended primarily

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Type of request	Support Staff	Teachers
partner	for staff with partners in HM Forces and to meet cases where the employee's spouse is compelled to take his or her main annual holiday during term time. Leave for other breaks will not be approved.	for teachers with husband or wives in HM Forces and to meet cases where the teacher's spouse is compelled to take his or her main annual holiday during term time. Leave for other breaks will not be approved.
Special Constables	Paid leave of absence. Council to deduct any allowance received	Paid leave of absence. Council to deduct any allowance received
Retained Fire Fighters	Paid leave of absence. Council to deduct any allowance received	Paid leave of absence. Council to deduct any allowance received
House Removal	1 day with pay.	1 day with pay.
Maternity/ Paternity/ Adoption Leave	Please refer to relevant document.	Please refer to relevant document.
Special Leave	Special leave, for reasons other than those covered in this document is at the discretion of Headteacher, with or without pay. Urgent private or family business – as may be approved by Headteacher. With or without salary.	Special leave, for reasons other than those covered in this document is at the discretion of Headteacher, with or without pay. Urgent private or family business – as may be approved by Headteacher. With or without salary.

Appendix 2: APPLICATION FOR LEAVE OF ABSENCE

METROPOLITAN BOROUGH OF CALDERDALE – HUMAN RESOURCES

SCHOOL:

Please complete PART A and pass to your Headteacher. Appropriate information should be given to enable a decision to be made.

PART A

Employee Name:

(please list below only the jobs affected by this Leave of Absence)

Post Title	Payroll Number	Date from	Date to	Actual Hours lost	Actual Days absent	Reason for Absence

Employee signature: Date:

PART B

The above application for leave of absence is/is not approved.

The Leave of absence is with pay/without pay. (delete as necessary)

Headteacher Date:

For Office Use Only	Noted.....	Date:
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Appendix 3: Calderdale Employees' Time off for Governance Duties

Context

All school governors are volunteers and give a great deal of their own time to support our schools. In order to fulfil the role they are encouraged to be well-informed about the school and to become involved on several levels. These include the full governing body meetings (minimum of 3 per year, however, the majority of schools now have 6 per year), committee meetings, staff appointments and visits to the school during the working day to learn more about the curriculum and the life of staff and pupils.

This latter point is now an Ofsted expectation. Governors are required to “find out for themselves”. The Ofsted Framework 2009 clearly requires governors to provide “evidence from link governor visits, actions arising and impacts of these.” Ofsted will be judging, among other things, “how knowledgeable governors are of the work of the school, including its strengths and weaknesses, through their monitoring and evaluation of the school’s performance”

Entitlements

Employers are required in law to allow “reasonable time off” to conduct their duties. However, there is no requirement in law for this to be with pay. Some of our governors are fortunate to have employers who allow them time off with pay. Some, however, use their holiday entitlement to do this. Calderdale is proud of its reputation as a good employer and, as such, it would seem only proper that Calderdale employees are afforded the entitlements that we expect from other employers.

It is recommended that, during the course of an academic year and after negotiation with line managers, the following time off with pay should be allowed:

- A maximum of one day* per year for visiting the school for information gathering.
- Flexibility towards the end of a limited number of working days (6) to allow participation in committees / working parties?
- For a limited number of governors, particularly chairs, a maximum of three days per year for staff appointments.

Any other commitments should be met through other strategies such as holiday entitlement, flexitime or time off without pay. As governor training sessions are always offered in the evening, it is expected that Calderdale employees will be able to attend training without it affecting their paid employment.

Guidance and a model policy on the payment of governors' expenses is available from Pam Reynolds, Governor Support on 01422 394084. It is stressed that this does not include the facility to cover for loss of earnings or an attendance allowance.

*One day may be taken in 2 half days, or several parts of days.