



**LEAVE OF ABSENCE PROCEDURE FOR
SCHOOL BASED STAFF**

June 2017

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FOREWORD

The following regulations shall govern leave of absence for reasons other than Illness, injury, or disability for those employees of the County Council appointed by the Governing Body.

1. Schools are open for 195 days per annum and it is therefore expected that employees will be able to make necessary arrangements to take time off in periods of school closure. However, it is recognised that some absences from school may be unavoidable and may fall within these guidelines.
2. Staff appointed by the Governing Body are employees of Pembrokeshire County Council and as such are subject to Equal Opportunities legislation which enables employees to compare themselves with staff in other parts of the Authority. It is therefore important that Governing Bodies adopt and adhere to the guidelines contained in this policy which has been the subject of consultation with the Teaching Unions and Unison so as to ensure fairness and equality of treatment for all school based employees. In the event of Governing bodies adopting an alternative policy then any employment, equality, financial or resource implication arising therefore is the responsibility of the Governing Body
3. In term-time, leave of absence should only be agreed in accordance with the terms of this policy and requests for any recreational pursuits and holidays during term-time **should not** be permitted. Requests for other reasons in exceptional circumstances should only be agreed after discussions with the Authority to ensure equality of treatment.
4. Employees cannot assume that all requests will be granted by the Governing Body. Requests should therefore be made in writing to the Head Teacher in sufficient time to allow consultation with the Governors and personal arrangements should not be made until the decision of the Governors has been received.

Whilst recognising that leave under this policy may be necessary in exceptional circumstances, this policy recognises the importance of staff presence on a continuous basis in the interests of pupil learning.

1 Public Duties

Section 50 of the Employment Rights Act 1996 gives employees who hold certain public positions the right to reasonable time off work to perform the duties of their public offices or as members of public bodies.

| Reason | Detail | Provision | Authority |
|--|--|--|--------------|
| Elections | Employee who is a candidate at Parliamentary, European, Assembly or Local Authority Elections. * | Leave without pay | Head Teacher |
| * If an employee wishes to stand for election with Pembrokeshire County Council, as against any other Local Authority then s/he must resign. | | | |
| | Employees approved by the County Council to be engaged in activities relating to such elections, e.g. poll clerks, presiding officers, etc. | Leave with pay on the election day | Head Teacher |
| Justices of the Peace | The Director (or equivalent) is required to be informed before an employee's name is put forward. | | Director |
| | Employee who is appointed as a Magistrate http://www.direct.gov.uk/en/Employment/Employees/Timeoffandholidays/DG_10028529 | <ul style="list-style-type: none"> • Leave with pay • Up to 18 days per annum • Employees to claim allowances for travel and subsistence directly from the Court. | Head Teacher |
| Elected Staff Governor | Employees who are elected as a staff governor representative on a Governing Body | Paid leave | Head Teacher |
| Elected Parent Governor | Employees who are elected as a parent governor representative on a Governing Body | <ul style="list-style-type: none"> • Leave without pay • Normally duties to be undertaken outside "core" working hours • Otherwise [where able] flexi leave to be used to cover absence, and/or compensatory working may be taken with approval | Head Teacher |
| Mayor of Town Council/ Chairperson of Community Councils | The Director (or equivalent) should be informed whenever possible should an employee's name be likely to be put forward. | | Director |
| | Employees who are elected to such a position | <ul style="list-style-type: none"> • Leave without pay • Normally duties to be undertaken outside "core" working hours • Otherwise [where able] flexi leave to be used to cover absence, and/or | Head Teacher |

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| | | <ul style="list-style-type: none"> Compensatory working may be taken with approval | |
| | Employees serving on Town and Community Councils | Time off would not be expected to be requested during working hours | |

2 Court Appearances

| Reason | Detail | Provision | Authority |
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| Jury Service | <p>An employee receiving a summons to serve on a Jury must report the fact to his/her Head Teacher who will approve leave of absence unless an exemption is secured from the Court.</p> <p>http://www.hmcourts-service.gov.uk/docs/infoabout/jury/service/faq_employers.pdf</p> <p>http://juror.cjonline.gov.uk/guide/assets/downloads/LOE_certificate_en.pdf</p> | <ul style="list-style-type: none"> The allowance for loss of earnings must be claimed by the employee from the Court under the Juror's Allowance Regulations by forwarding the form confirming loss of earnings and period of jury service to HR for completion The Council will then deduct from the employee's pay an amount equal to the allowance received. Out of pocket expenses which may be payable by the Court may be retained and should not be included in the figure notified. | Head Teacher to inform HR |
| Court Appearances | Where employees are required to attend court as a representative of the School/Authority the Director (or equivalent) and the Head of Legal Services are required to be informed and approve attendance | <ul style="list-style-type: none"> Leave with pay Where an allowance is claimable for loss of earnings – this to be claimed and repaid to the Authority | Head Teacher to inform HR/Payroll |
| | Employees are required to attend as witness for Police or other person. In such instances the employee needs to receive a witness notice, or be summoned or subpoenaed to attend | <ul style="list-style-type: none"> Leave with pay Where an allowance is claimable for loss of earnings – this to be claimed and repaid to the Authority | Head Teacher to inform HR/Payroll |
| | Employees attending as a private individual | <ul style="list-style-type: none"> Leave without pay, or Annual leave (where applicable) to be taken | Head Teacher to inform HR/Payroll |

3 Volunteer Reservists

Whilst there is no legal right for volunteer reservists to have time off for work for military training, Pembrokeshire County Council provides for paid leave in some instances (see

below) ; there are legal safeguards, for example the right to return to work, if they are mobilised.

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| Fire Service | Employees seeking to be part retained fire-fighters. | Leave without pay No adverse impact on operational services | Head Teacher |
| Army Reserve | Employees undertaking Army Reserve duties, e.g. volunteer members of the non-regular armed forces Army Reserves can be called up with 28 days notice for up to 12 months | <ul style="list-style-type: none"> • For ongoing training annual leave to be taken [where applicable], which will not be unreasonably withheld • Otherwise unpaid leave • 5 days additional leave to be used for 'annual camp' | Head Teacher |
| Special Constable | http://www.policespicals.com/index.html The initial training stages will be regular evenings and weekends and once through that stage employees must give at least 4 hours a week to the Specials | <ul style="list-style-type: none"> • Time off arrangements will only affect staff who work weekends / evenings shifts • Consideration will be given to alternative shift arrangements for initial training stages. • Specials can claim travelling and out of pocket expenses. | Head Teacher |
| Lifeboat/Coast guard | | <ul style="list-style-type: none"> • Time off with pay, but time to be made up. • Leave without pay where this is not possible | Head Teacher |

<http://www.sabre.mod.uk/>

<http://www.legislation.gov.uk/ukxi/2014/2410/contents/made>

4. Employee Volunteering

Full detail and eligibility is contained in the **Employee Volunteering Scheme** Section 2 of the Employee Handbook

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| Employee Voluntary Work | The scheme releases employees from normal duties to undertake volunteering activities | <ul style="list-style-type: none"> • 3 days (22.2 hours) per year (pro-rata) | Head Teacher Heads of Service to set operational ground rules for release in their respective services |
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5. National Representation – Sport

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| Sport – National Representation | When employees have been selected to represent their country at sport, as a competitor, coach or official, absence to be covered by annual leave. | <ul style="list-style-type: none"> Annual leave or Leave without pay | Heads of Service can authorise “carry-over” of annual leave into a new year if it facilitates such arrangement. |
| | School-based employees | <ul style="list-style-type: none"> Release during term can be authorised by a school within the delegated powers Employees will be expected to contribute towards any time-off provision provided by undertaking duties in periods of school shutdown. or in the alternative unpaid leave of absence can be authorised. | Governing Body |

6 Personal and Domestic Leave

| Reason | Detail | Days Allowable | Authority |
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| Bereavement | Immediate family | The standard is 2 day’s paid leave.* | Head Teacher |
| | Close friend or other relative | The standard is 1 day’s paid leave. | Head Teacher |
| | Other | Unpaid leave for day of funeral subject to operational feasibility | Head Teacher |
| <p>* Head Teachers will have the discretion to increase paid leave to 5 days, dependent on circumstance i.e. dealing with funeral arrangements, executor of the will duties.</p> <p>Any leave in excess of 5 days to be sanctioned by Director for Children & Schools Director who should in turn inform the Head of HR</p> | | | |
| Domestic / Personal Emergencies | <p>Leave in order to deal with certain unexpected or sudden emergencies that are immediate, severe and or tragic and to make necessary long-term arrangements.</p> <p>Some examples of where leave may be approved under these circumstances are:</p> <ul style="list-style-type: none"> to arrange care of | <p>The right is to take a 'reasonable' amount of time off, in order to take action that is 'necessary'. In determining whether action is 'necessary', the following factors should be taken into account:</p> <p>(i)the nature of the incident that has occurred;</p> | <p>Statutory Entitlement ERA 1996 section 57A</p> <p>Approved by Head Teacher</p> |

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| | dependants; <ul style="list-style-type: none"> critical illness of family; fire; theft; floods; child-care arrangements. | (ii) the closeness of the relationship between the employee and the particular dependant; and (iii) the extent to which anyone else was available to help out. <ul style="list-style-type: none"> <u>Unpaid</u> leave for each circumstance, each being dealt with on its own merits. | |
| Compassionate Leave | Leave of absence may be granted to an employee when an immediate family member is seriously ill. The extent will depend on the circumstances of each case, and the degree of personal responsibility and involvement. | Each case will be considered on its merit. Paid Leave of absence beyond 5 days to be referred to the Head of HR or Director for Children & Schools as appropriate | Head Teacher |
| <p><i>Note</i> The Personal and Domestic Leave Guidelines cannot cover all eventualities and there undoubtedly will be exceptional circumstances where it would be appropriate to grant leave. Where this is the case Head Teachers should consult with HR to ensure consistency.</p> | | | |

7 Medical Appointments

| Reason | Detail | Days Allowable | Authority |
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| Personal Medical Appointments | Routine medical appointments, doctor, dentist, optician, physiotherapy, investigative follow-up hospital appointments | Unpaid leave. If under the flexi scheme appointments should be arranged outside core hours, where possible / or at the beginning or end of the working day. Where not possible employee to make up time. | Head Teacher |
| Medical Treatment | Paid time off will be given for medical treatment, cancer screening, antenatal care, hospital appointments and appointments with Doctors for minor operations, emergency dental procedures. Appointment cards should be shown to the manager, in advance of the appointment, in order that the reasonableness | Paid Leave up to a maximum of one day (i.e. if the resultant necessary absence is for a full day) | Head Teacher |

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| | of the time of the non-attendance at work may be assessed i.e. consideration as to whether it is possible to arrange outside working hours | | |
| Fertility Treatment | <ul style="list-style-type: none"> ▪ An employee who wishes to take time off for fertility treatment should inform the Head Teacher as early as possible that he or she will be seeking paid time off for this purpose. ▪ The employee should also consult the manager as early as possible regarding the scheduling of such time off and give as much notice as possible of the specific dates on which time off will be required. ▪ Any information provided to the manager will be kept strictly confidential ▪ Head Teachers should consider a flexible approach to time off and / or temporary voluntary reduced hours arrangements. | A total of 5 day's paid leave for an employee to undergo fertility treatment. Such days off may be taken together in one block or as separate days. | Head Teacher |

8 Parental, Paternity, Maternity and Adoption Leave

| Reason | Detail | Days Allowable | Authority |
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| Antenatal care: | Pregnant employees may take time off work for antenatal care | <ul style="list-style-type: none"> • The Head Teacher may ask to see an appointment card after the first appointment • Time off is with pay | Head Teacher |
| Antenatal care: for partners | Partners' of pregnant women have the right to accompany their expectant partner to two antenatal appointments of up to six and a half hours unpaid leave for each appointment | There is no qualifying service and the right is unpaid. | Head Teacher |
| Parental Leave | Parental Leave is available to those employees who expect to have responsibility for the upbringing of the child | <ul style="list-style-type: none"> • 18 weeks unpaid leave can be taken until the child is 18 years old | Statutory Entitlement approved by Head Teacher |
| Paternity | Paternity Leave is granted to | <ul style="list-style-type: none"> • 2 week's paid leave | Paternity is a |

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| Leave | the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. | <ul style="list-style-type: none"> Dependent on qualifying service of 26 weeks a statutory right @ £140.983 (April 2017/18) with employer uplift to full pay Employee to provide self-certificate to payroll | statutory entitlement. Approved by Head Teacher. |
| Maternity Leave | Maternity Leave of up to 52 weeks is available dependent on service | Please refer to detailed guidance | Statutory Entitlement approved by Head Teacher |
| Shared Parental Leave (SPL) | Up to 50 weeks SPL can be taken by either parent | Please refer to detailed guidance | Statutory Entitlement approved by Head Teacher |
| Adoption Leave | Adoption Leave of up to 52 weeks is available dependent on service | Please refer to detailed guidance | Statutory Entitlement approved by Head Teacher |

9 Educational Leave

| Reason | Detail | Days Allowable | Authority |
|---|--|---|-----------------|
| Education Leave - Day Release Block Release/ Apprentices | <ul style="list-style-type: none"> The training being related to the objectives of the Authority; It being recognised that employees on Day Release will have already benefited in excess of this allowance Training log to be maintained | In addition to tutor led attendance - 2 days paid leave granted for the purpose of final revision for an approved examination | Head of Service |
| Correspondence/ Distance Learning | Study Leave relating only to candidates undertaking approved courses who have signed a training contract and are studying through a correspondence/distance learning method of study. A training log to be maintained. | Up to a maximum of 10 days per annum, the timing of which to be at Head of Service discretion. | Head of Service |

10 Interviews

| Reason | Detail | Days Allowable | Authority |
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| Interviews | Interviews for education posts within Pembrokeshire County Council or other local authority Interviews for non-education posts | <ul style="list-style-type: none"> Paid Leave not normally exceeding two days per interview Unpaid Leave | Head Teacher |

11 Trade Union Duties and Activities

Please refer to detailed guidance in Agreement on Time off Arrangements and Facilities for Trade Union Officials

| Reason | Detail | Days Allowable | Authority |
|-----------------|--|---|--|
| Unions Stewards | <p>Pembrokeshire County Council recognise UNISON, UNITE and GMB for all employees covered under Green Book</p> <p>Teaching Unions, NUT, NASUWT, UCAC, ASCL, NAHT, ATL are recognised for all employees under the Burgundy Book</p> | Employees who are officials of an independent trade union are permitted reasonable time off during working hours to carry out certain trade union duties. | Statutory Entitlement 178 (2) TULR(C)A Line Manager to agree |

12 Remunerative Activities

| Reason | Detail | Days Allowable | Authority |
|-------------------------------|--|--|--|
| Examination moderation | <p>Servicing approved examination panels, moderating of examinations and examining for external examinations will be in accordance with the Conditions of Service for School Teachers in England and Wales</p> <p>Teachers need to be aware that this is not an automatic right. An annual application should be made and Head Teacher approval given for release time prior to accepting any offer of a contract.</p> | <ul style="list-style-type: none"> Chairman of Examiners and Chief Moderator a maximum of 15 school days in one year from 1st April each year For Assistant Examiners and Assistant Moderators a maximum of 3 school days from 1st April each year | <p>Head Teacher</p> <p>Head Teacher</p> |
| Other remunerative activities | Applications in respect of activities as approved lecturing, broadcasting to schools etc. | Employee can request paid or unpaid leave. If paid leave is granted all fees must be paid to the Authority to be credited back to the school budget, except examination moderation as listed above | Governing Body after consultation with Director for Children & Schools |

13 Unpaid Leave

| Reason | Detail | Days Allowable | Authority |
|--------------|--|---|----------------|
| Unpaid leave | Requests to take unpaid leave (other than those listed below) after employees' leave allowance has been exhausted [where applicable], and in the appropriate circumstances | <ul style="list-style-type: none"> Dependent on operational/service requirements unpaid leave may be authorised for up to 3 terms at the discretion of the Governing Body. This is not a statutory or contractual entitlement. | Governing Body |
| | Specific requests: <ul style="list-style-type: none"> Attendance at weddings during term-time for those personal to the member of staff, of their children | <ul style="list-style-type: none"> Unpaid leave granted for the purpose of attending the ceremony and any travelling involved therewith subject to maximum of 3 school days | Head Teacher |
| | <ul style="list-style-type: none"> For the purpose of transacting private business e.g. divorce proceedings | <ul style="list-style-type: none"> Unpaid leave only where absolutely necessary | Head Teacher |
| | <ul style="list-style-type: none"> Relocation, where a change of address has been brought about by a new appointment from outside the county | <ul style="list-style-type: none"> Unpaid leave subject to maximum of 2 days | Head Teacher |
| | <ul style="list-style-type: none"> Attendance at employee's own (or child's) degree ceremony | <ul style="list-style-type: none"> Unpaid leave subject to maximum of 1 day | Head Teacher |
| | <ul style="list-style-type: none"> Attendance as a representative of a religious body at religious ceremonies or conferences | <ul style="list-style-type: none"> Unpaid leave at the discretion of the Head Teacher | Head Teacher |

14 Leave of Absence not allowed unless specifically granted by the Director for Children & Schools

| Reason | Detail | Days Allowable | Authority |
|---------------|--------|--|-------------------------|
| Visits abroad | | At the discretion of the Director for Children & Schools | Director for Children & |

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| Attendance at political meetings or conferences | | | Schools |
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Notes:

- (i) Any appeal of a management decision taken within these guidelines to be addressed through the Grievance Procedure.
- (ii) Any abuse of the provisions authorised under these guidelines to be addressed through the Disciplinary Procedures.

