

# **ABSENCE ENTITLEMENT GUIDELINES**

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# Guidelines for Absence Entitlement

## 1. Introduction

This policy covers family leave and miscellaneous leave.

The policy applies to:

- all employees of SECAT
- staff employed in units or bases that are attached to the Trust

The procedure does not apply to:

- employees of external contractors and providers of services. (Such staff are covered by the relevant procedures of their employing body)

## 2. PURPOSE SCOPE & PRINCIPLES

- The Trust recognises and values the contribution of each member of staff to the education of the children within the Trust.
- Occupational sick leave will be in accordance with the relevant conditions of service for teaching and support staff
- Other leave of absence will normally be on an unpaid basis, unless otherwise specified
- The operational needs of each School or Trust site will be paramount and, except in emergency circumstances, adequate notice of a request for leave of absence must be given.
- The responsibility for exercising discretion within each School or Trust site location, lies with the Headteacher/CEO, and in the case of the teaching staff, in accordance with the professional duties defined in the School Teachers Pay and Conditions Document where relevant.
- Any dispute or grievance about a request for leave of absence or payment during leave of absence will be dealt with through the Trust's Grievance Procedure.
- A principal purpose in setting out this Policy is to ensure that requests are dealt with fairly and consistently.
- All staff within the Trust will be required to follow the relevant procedures for requesting leave of absence and for reporting absence where they are primarily based.

### **3. Annual Leave Entitlement for Employees Covered by Local Government Terms & Conditions**

For support staff that have a contract for 52 weeks per year, the leave entitlement is dependent on continuous Local Government service. Term time only staff must take their leave during the School holidays. Only in exceptional circumstances and with the express consent of the Headteacher/CEO, can leave be taken at other times and this would be unpaid. Full time staff must follow the procedure for request of holiday leave.

The Trust is entitled to direct an employee to take annual leave to meet the needs of the Trust and will provide a minimum of 14 days' notice.

### **4. Teachers' Working Time**

A Teacher employed full-time must be available for work for 195 days in any School year.

190 of those days must be days of which he/she may be required to teach pupils and perform other duties and 5 days must be days on which he/she may only be required to perform other duties. The same applies for a Teacher employed part-time, except the number of hours he/she must be available for work must be a proportion of full-time hours.

In addition to the hours a teacher is required to be available for work, he/she must work such reasonable additional hours as may be necessary to enable him/her to discharge effectively his/her professional duties.

These provisions do not apply to Deputy Headteachers, Assistant Headteachers or Teachers in receipt of an acting allowance for carrying out the duties of a Headteacher, Deputy Headteacher or Assistant Headteacher.

### **5. Special Occasional Leave of Absence**

The entitlement applies to each occasion. However, if an employee puts in a number of applications within a year the line manager/Headteacher/CEO may be justified in making a judgement on whether the amount of leave requested was excessive. An employee must be capable of performing the job they are employed to do and, like excessive sickness absence, an excessive amount of special leave, is not acceptable.

The Trust's policy as agreed by the board of Trustees is:

Each request for leave must be considered on its merits. The type of circumstances that are covered, and the maximum leave that is advised to be approved by either the relevant Headteacher or CEO, include:

## 5.1 Time off for a sick child

The first day within a term is normally paid to allow the employee to make arrangements for childcare. Any further absence should be unpaid except in exceptional circumstances e.g. hospitalisation.

## 5.2 Compassionate, Domestic Emergency or Exceptional Leave

Staff can be granted leave in compassionate, emergency or exceptional circumstances, such as the death or serious illness of a close relative or equivalent. The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. In some cases, a longer period of absence may be approved on an unpaid basis.

### (a) Bereavement

- (i) Dependent or immediate family member e.g. parents (in law), sister/brother (in law), (step) parent, foster parent, (step) child, (step) brother, (step) sister, (step) grandparent.

Headteachers may approve:	up to 5 days	Pay at discretion of Headteacher
CEO may approve:	up to 15 days	Pay at discretion of CEO

- (ii) Other relatives

Headteachers may approve:	up to 3 days	Pay at discretion of Headteacher
CEO may approve:	up to 10 days	Pay at discretion of CEO

Leave is to be taken at the time of bereavement only (i.e. if bereavement takes place during a School closure the leave of absence permitted when the School re-opens will be calculated from the actual date of bereavement). Additional unpaid leave may be granted at the Headteachers/Governors discretion.

### (b) Serious Illness (including urgent hospital/dental/medical treatment)

- (i) Dependent or immediate family member (e.g. Husband, Wife, Son, Daughter, Father, Mother)

Headteachers may approve:	up to 5 days	Pay at discretion of Headteacher
CEO may approve:	up to 15 days	Pay at discretion of CEO

- (ii) Other relatives

Headteachers may approve:	up to 3 days	Pay at discretion of Headteacher
CEO may approve:	up to 10 days	Pay at discretion of CEO

Absence of staff must be shown to be necessary and unavoidable for leave of absence with pay to be granted. Additional unpaid leave may be granted at the relevant Headteacher/CEO discretion

### **(c) Attendance at a funeral**

Paid leave of absence will be granted for attendance at a funeral in a representative capacity. Leave of absence for attendance at a funeral of any other relative (other than those listed above) or friend may be granted at the discretion of the Headteacher/CEO but would normally be unpaid.

It should be noted that no leave of absence will be granted for holidays, attendance at weddings or because of the need for special travel arrangements or anything similar **except in the direst circumstances** and then it will be unpaid.

### **(d) Domestic Emergency leave**

Each application must be considered on its own merits. Unpaid time off may be granted to allow an employee to deal with a domestic emergency where it involves. In exceptional circumstances paid time off may be granted:

- Damage to the fabric of the home, which needs immediate repair, e.g. burst water pipe,
- Compromised security of the home, e.g. broken window or door, outcome of any breaking and entry into the home, or
- Threat to safety or welfare within the home, e.g. gas leak.

4.2 Leave in these cases will only be granted where it is the responsibility of the employee to deal with the issue them and where it will not or could not be addressed by another party such as a landlord/spouse/civil partner etc.

4.3 The leave to be granted in the first instance will cover the time taken to make the situation immediately safe and to affect immediate repairs.

## **5.3 Other personal reasons**

Exceptionally, there may be other personal reasons for requesting leave of absence. Examples might be attendance at a child's graduation ceremony - pay for one day, or accompanying a partner on official engagement – leave without pay, or "once in a lifetime" visit to relatives overseas. Such leave, where granted, will normally be unpaid and subject to adequate notice so that replacement staff can be employed if necessary.

## **5.4 Extended leave of absence**

Requests for longer periods of leave will be considered on an unpaid basis, for example, in the case of a lengthy period of caring for a chronically sick, disabled, or terminally ill, dependent relative. Extended leave can be for up to a year's duration. Sufficient notice that allows the appointment of a replacement should be given wherever possible.

## **5.5 Moving house**

Up to 1 day paid leave (during your employment at the Trust) will be granted.

## **5.6 Service with Auxiliary Forces**

Volunteer members of UK Armed Forces are allowed two weeks paid leave to attend an annual summer camp. Teaching staff are only granted paid leave if the force's unit cannot arrange exercises during holiday periods.

## **5.7 Mobilisation**

When reservists are needed to fulfil their part of the UK's defence strategy, they are 'mobilised' or 'called out' into full time service with the regular forces or military operations. While the reservist is mobilised, the Trust does not have to continue to pay them, the Ministry of Defence (MOD) will pay their salary. For further information on mobilisation, please refer to the SaBRE (Supporting Britain's Reservists and Employers) website: [www.sabre.mod.uk](http://www.sabre.mod.uk)

## **5.8 Carryover of annual leave**

SECAT expects all support staff employees to take their full entitlement of leave in each leave year, which runs from April to March. In exceptional circumstances an element can be carried over by arrangement with the relevant Headteacher. Carry forward must be taken prior to 31 May.

## **5.9 Religious Festivals**

Where staff can show that they are bona fide adherents of any organised religion and that they require leave for the purpose of an official holy day, the Board of Trustees will allow up to 2 days. Staff taking such leave are asked to make up this time at a later date or take unpaid leave.

## **5.10 Doctors, hospital and dental appointments**

Routine appointments should be made outside working hours (for urgent treatment see 5.2 serious illness). In exceptional circumstances staff may be granted permission to attend appointments during working hours. For Teaching staff, this will be during non-contact time.

## **5.11 Attendance at Court Proceedings**

### **5.12.1 Jury Service**

Staff required to attend for jury service should arrange for the loss of earnings certificate to be forwarded to the School Office/HR department for the payroll service provider to process. The certificate will be returned to the member of staff and completed to show to

what extent the salary will be stopped during their absence. The amount will then be claimed by the staff from the court.

#### 5.12.2 Witness summonses and subpoenas

Staff subject to a witness summons or subpoena – leave without pay. Claim should be submitted to court for loss of earnings as appropriate.

### 5.12 Public Duties

Employees of the Trust may be granted up to 10 days per annum paid leave to carry out the duties of the office of Leader, Mayor, JP or Chairman of Local Authorities.

For employees who are members of the Academy Committees, up to 3 days per annum will be paid. In addition to this, unpaid leave can be granted for employees carrying out public duties.

### 5.13 Study/Examination Leave

Employees who are sitting examinations relevant to their current post or career, (providing the employer is paying the fees), will be entitled to half a day study per examination plus the examination paid.

### 5.14 GCSE Duties & Activities

For Teachers who are engaged in activities for examining groups, please refer to appendix II of the Burgundy Book, Memorandum of Agreement for the Release of Teachers.

### 5.15 Time off for Trade Union duties

The Trust recognises the legal requirement for employers to allow reasonable time off work for elected representatives of recognised trade unions to carry out their duties. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work;
- consultation on recruitment and selection policies, redundancy and dismissal arrangements;
- meetings with School management or LEA officers on matters of joint concern;
- representing a union member at grievance, capability or disciplinary interview;
- attendance at relevant training courses organised by the trade union.

### 5.16 Bad weather conditions

There may be circumstances when the employee is unable to attend work due to bad weather, but the relevant School/Trust site remains open as usual. All reasonable effort

should be made to attend work. Alternative arrangements may be agreed with the Headteacher/CEO, e.g. working from home or at a different location. Where this is not possible, non-attendance will normally be treated as unpaid leave, but exceptional circumstances may warrant paid leave.

## **6 Maternity, Paternity, Adoption, Carers Leave & Antenatal Care**

There are specific entitlements for maternity, paternity, adoption, carer's leave and antenatal care contained in the Carers Guide for Schools, a copy of which can be obtained from the SECAT website.

## **7 Interviews**

The Trust recognises the increasing tendency for prospective employers to require interviewees to attend for more than one day, especially for management posts. There is also a growing tendency to expect prospective candidates to undertake a preliminary visit before the formal interviews.

In order to maintain a fair balance between the operational needs of the business and to minimise the burden on other staff, and to be fair to employees who will be seeking to further their career, the Headteacher/CEO will grant leave of absence for interviews as follows:

- a) The relevant Headteacher/CEO is empowered to approve up to a maximum of 6 days paid leave of absence for interviews, to cover both formal and informal stages of the process, during any one academic year.
- b) Further leave of absence for this purpose will normally be agreed and will be on an unpaid basis.
- c) For support staff any days beyond the initial 6 days could be made up during holiday periods, instead of being on an unpaid basis, provided their work can be carried out during holiday time.

## **8. Conditions of leave**

- 8.1 The employee must advise their line manager of the full circumstances surrounding their request. This will assist the Headteacher/CEO in making a reasonable decision on the request.
- 8.2 In circumstances of extreme emergency an employee may not be able to request the leave before the start of the working day. In such cases the request must be made at the earliest possible time. In all cases where the employee has to leave their place of work urgently to deal with an emergency, they must advise either their immediate line manager or in their absence, another senior officer before leaving their place of work.

## **9 Unauthorised Absence**

- 8.1 Employees who take time off without approval by their Headteacher/CEO will be

classed as absent without authorisation and pay will be withheld. They may also be subject to disciplinary action.

- 8.2 Employees who are found to have abused this guideline by providing false or misleading information will be subject to disciplinary action.

## APPENDIX 1

Type of Leave	Legal Requirement	No Legal Requirement	Paid	Unpaid	Paragraph
Annual Leave entitlement for Local Government staff	✓		✓		3
Time off for sick child		✓	✓		5.1 (one day per term)
Compassionate, Emergency or Exceptional Leave	✓		✓		5.2
Other personal reasons		✓		✓	5.3
Extended Leave of Absence		✓		✓	5.4
Moving House		✓	✓		5.6
Service with Auxiliary Forces	✓		✓		5.7
Mobilisation	✓		✓		5.8
Carry over of annual leave		✓	✓		5.9
Religious festivals		✓		✓	5.10
Sporting Events – work related		✓	✓		5.11
Attendance at Court Proceedings - work related		✓	✓		5.12

Type of Leave	Legal Requirement	No Legal Requirement	Paid	Unpaid	Paragraph
Public Duties	✓			✓	5.13
Study/ Examination Leave		✓	✓		5.14
GCSE Duties & Activities		✓	✓	✓	5.15
Trade Union Duties	✓		✓		5.16
Bad Weather Conditions		✓		✓	5.17
Time off for appointments (Doctor, Dentist etc.) See relevant section for detailed explanation		✓	✓		5.18
Maternity, Paternity, Adoption, Carers leave & ante-natal care	✓		✓		6
Interviews		✓	✓		7

*\* These definitions are given for guidance only. Judgement will have to be exercised by the line manager as to the category applicable*

*\*\*All stated leave is the overall maximum to be taken in one calendar/school year. Where both parents or carers work for the Trust, then only one of them is eligible or alternatively it may be shared.*