

Leave of Absence Policy

CONTENTS

SECTION 1 - AUTHORISED ABSENCE

1.	Annual leave	4
2.	Adoption leave	4
3.	Adverse weather	4
4.	Compassionate leave	5
5.	Court appearance	5
6.	Election duties	5
7.	Emergency care leave	5
8.	Fertility treatment	6
9.	Impairment related leave	6
10.	Jury service	7
11.	Maternity leave	7
12.	Maternity support leave including paternity / partner leave and paternity / partner adoption leave	7
13.	Medical appointments	7
14.	Moving house	8
15.	Other leave	8
16.	Parental leave	9
17.	Public duties	10
18.	Redundancy	10
19.	Religious festivals	10
20.	Sickness absence	10
21.	Sport – international representation	10
22.	Suspended employees – annual leave	10
23.	Territorial and auxiliary forces	11
24.	Training, examinations, studying	11

SECTION 2 - UNAUTHORISED ABSENCE

1.	Legal Custody/Imprisonment	11
2.	Unexplained/Uncertified Absence	11

LEAVE OF ABSENCE POLICY

The purpose of the Leave of Absence Policy is to provide an over-arching framework for dealing with a variety of leave and absence situations and aims to ensure fair and consistent treatment of employees on such matters.

All entitlements are pro rata for part-time / job-share staff

(this includes support staff who work fewer than 37 hours a week, or who are term-time only).

SECTION 1 - AUTHORISED ABSENCE

1. Annual Leave

Support Staff: All Year Round

An employee's leave year will commence on their start date.

For staff who work five days a week, 52 weeks a year the annual leave entitlement is 25 working days per annum, increasing by 1 day per completed year of continuous service until a maximum leave entitlement of 30 days per annum is achieved.

All year round employees may be expected to take leave in the school holidays. This will be discussed as part of the annual leave agreement process.

When leave is taken it must be agreed between the employee and their manager in advance, with at least 5 working days' notice. A minimum of 28 days (including public holidays) must be taken in each leave year (pro rata for part-time employees). In exceptional circumstances the manager may agree that untaken leave of up to five days (pro rata for part-time employees) may be carried forward to the next leave year. This must be agreed before the end of the employee's leave year and should be taken in the first 3 months of the following leave year. Payment for untaken annual leave may be made in exceptional circumstances and as agreed in advance with the Executive Headteacher.

The annual leave entitlement of an employee leaving the school is proportionate to their completed months of service during the year. Where there is outstanding leave this should be discussed with the manager to determine whether it should be taken during the notice period or paid to the employee as a lump sum. Any annual leave taken in excess of the pro-rata entitlement will be deducted from the employee's final salary payment.

Teachers and term-time only support staff

There is no entitlement to time off in term-time for teachers or term-time only employees as an element of pay is made to cover their holiday entitlement. (See Section 15, Other Leave).

2. Adoption Leave

Qualifying employees adopting children up to the age of 18 may take up to 52 weeks adoption leave. Advice can be sought from the Schools HR Officer (Dawn Saunders).

3. Adverse Weather

Employees have a duty to attend work and it is their responsibility to get to work and on time. Should weather conditions make travel more difficult, employees must make reasonable efforts to get to work, but without compromising their safety. If this is not possible the employee should contact the Juniors site on 0117 3532651 and keep the school informed of their progress if they are likely to be absent or late.

Where an employee cannot get to work, with the agreement of the Executive Headteacher, the absence may be regarded as:

- Unpaid leave (e.g. teachers and term-time only staff); or
- Non Term-Time Annual leave (support staff who work all year round and have sufficient leave left, or if insufficient leave left can take a day from the next year's leave entitlement); or
- Working from home where that is a possibility and agreed with the Executive Headteacher (all time must be accounted for); or
- Exceptionally, if the Executive Headteacher is satisfied with the employee's explanation for lateness, and it is possible to organise, it can be agreed that the time can be made up.

In the event of bad weather starting or continuing throughout the day employees may be permitted to leave early, where this is operationally possible, to ease travel difficulties. Time will be made up at a later date if possible, or pay/annual leave will be deducted for time lost.

In cases of extended bad weather the Executive Headteacher may be able to agree for some work to be completed at home providing all time undertaken at home is accounted for in writing.

If the Executive Headteacher takes the decision to close the school, employees will be paid.

4. Compassionate Leave

In the event of the prolonged illness or death of a close member of an employee's family (spouse, partner, parent, grandparent, child, sibling), or other dependent (adult who normally relies on the employee for care), up to 3 days' paid leave will be allowed. The leave should be requested of the Head of School or HR Officer, in writing via a leave of absence form (available on the website), as soon as is reasonably practicable. If at a time of great stress an employee is unable to write requesting compassionate leave, a phone call will be acceptable but this must be recorded in writing on the employees return to work.

Extensions to the 3 days (to a maximum of 7 unpaid) may be granted by the Executive Headteacher on written request. The Executive Headteacher will confirm their decision in writing stating whether or not unpaid leave has been granted, the length of unpaid leave which has been granted and any review date.

5. Court Appearance

An employee receiving notification that they are required to attend court as a witness or defendant must report this to the Head of School or HR Officer, with accompanying evidence. This will then be authorised as an unpaid leave of absence. The employee is required to claim their normal earnings for the period out of school from the party requesting their attendance as a witness or through costs.

6. Election Duties

Employees undertaking formal election duties for the City Council, in general/by-elections for Bristol City Council, or European elections, will be granted unpaid leave of absence on the Election Day. A formal letter of appointment from the returning officer must be provided.

7. Emergency Care Leave

For urgent and unplanned **emergencies**, an employee is allowed time off to deal with an emergency involving a dependant. A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care.

What's an emergency?

You could get time off when a dependant is involved in the following emergencies.

Illness, injury or assault

This includes mental or physical illnesses that do not have to be life-threatening or need full-time care - it could be an existing condition that has worsened. For example, if a dependant is mugged without being physically hurt, you could take time off to comfort or help them. You can also take time off to arrange longer term care for a dependant.

Having a baby

You could take time off if a dependant goes into labour unexpectedly and they rely on you to take them to the hospital. You cannot take time off for dependants after the birth to care for the child, unless it's an emergency. However, if you're the child's parent you could be entitled to paternity or parental leave.

Disruption of care arrangements

You could get time off if:

- a child minder or carer does not turn up to look after a dependant
- a nursing home or nursery closes unexpectedly

If your child is involved in an incident during school time

You could get time off if your child has been:

- involved in a fight
- injured on a school trip
- suspended from school

Employees are entitled to take up to 3 days' paid leave each academic year (pro rata). This enables carers to make alternative and longer term care arrangements; it is not intended to provide time for employees to undertake caring responsibilities. Each period of emergency care leave granted will be a maximum of one day from their paid entitlement (3 individual days per year).

If additional leave is required to deal with urgent and unplanned emergencies, the Executive Headteacher may agree reasonable unpaid time-off. We may need to talk to you if we think time off is affecting your work.

Employees must follow the sickness absence reporting procedure and telephone the Junior site 0117 3532651 before 7.30 a.m. on the day of the child/dependent's sickness.

8. Fertility Treatment

Unpaid time off for fertility treatment will be granted to both partners (including same sex partners) who are employees of the school, to attend one programme of treatment. Evidence of appointments must be provided.

9. Impairment Related Leave for disabled employees

This is time off for treatment, rehabilitation or assessment related to an impairment that a disabled employee may have. It is not sickness absence and should not be recorded or treated as such.

It will be mainly for one-off instances but an employee may have a series of treatments. Generally, absence will be short-term, usually of one day. Examples may include hospital check-up or hospital treatment as an outpatient. We will support up to 6 paid sessions if the appointment is taken either in the morning or afternoon and is agreed 5

working days in advance. All other leave will be unpaid. This type of absence will not require self-certificates / fit notes, but an employee must provide evidence of appointments.

10. Jury Service

An employee receiving a summons to serve on a jury must report this to the HR Officer who will then authorise leave of absence unless an exemption from jury service is granted by the Lord Chancellor's Office. An employee is required to claim their normal earnings for the period of jury service from the court concerned, this amount will then be deducted from the employee's monthly earnings. Up-to-date details of any additional expenses which a Juror may claim should be obtained from the usher at the court.

11. Maternity Leave

All pregnant employees are entitled to take up to 52 weeks' statutory maternity leave. Any pregnant employee should inform the HR Officer / Executive Headteacher as soon as possible.

Advice can be sought from the Schools HR Officer (Dawn Saunders).

12. Maternity Support Leave Including Paternity / Partner Support Leave And Adoption Partner / Support Leave

Eligible employees may take paternity leave as a single block or two separate one week periods during the 12 months following the birth or date of placement. It cannot be taken as odd days.

The first week is paid at full basic pay. The next weeks will be unpaid, unless you are eligible for Statutory Paternity Pay. Advice can be sought from the Schools HR Officer (Dawn Saunders).

Neonatal Care Pay and Leave

Neonatal Care is the name given to care for newborn babies which starts in the first 28 days after birth. This may be for:

- hospital care
- medical care after leaving hospital – this must be under a consultant and include ongoing visits for checks or arranged by the hospital where your baby was treated
- palliative or end of life care.

You may be entitled to Neonatal Care Leave, Statutory Neonatal Care Pay or both.

You can get one week's leave for every 7 full and continuous days your baby is in neonatal care, for up to 12 weeks.

This leave is in addition to maternity, adoption or shared parental leave.

13. Medical Appointments

Routine appointments e.g. dentist/doctor

Such appointments should wherever possible, be made outside of the employee's working hours. Where an employee has no alternative but to be released from work during their normal working day to attend a routine appointment leave should be discussed with the Head of School and requested with at least 5 working days' notice. All leave will be unpaid. Emergency appointments do not require 5 days notice. You will be expected to work before and after the appointment.

Medical screening

Unpaid time off shall be granted to employees for the purposes of routine health screening; e.g. routine NHS screening (breast examination etc.) but staff are expected to book appointments which will minimise the disruption to the school day or in the school holidays. The leave must be requested with 5 working days' notice. Evidence of appointments must be provided. You will be expected to work before and after the appointment.

Antenatal care

All pregnant employees are entitled to reasonable paid time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife or health visitor. This may include relaxation and parentcraft classes. Employees are expected to book appointments which will minimise the disruption to the school day and should provide evidence of appointments where possible. 'Reasonable' time off for an antenatal appointment includes:

- the length of the appointment or class
- travel to and from it

A partner has the right to time off work to attend up to 2 antenatal appointments. This time off is unpaid.

Hospital appointments

Employees will be allowed reasonable (up to 6 sessions) paid time off for non-routine appointments for treatment or diagnostic purposes; whether at a hospital, clinic or the doctor's surgery (the list is not exhaustive). Treatment may include physiotherapy or minor surgery, the definition depending on the nature of the procedure and the anticipated recovery time. You will be expected to work before and after the appointment.

Wherever possible, employees are expected to book appointments which will minimise the disruption to the school day. The employee should give as much notice as possible of the requested time off, providing a minimum of 5 working days' notice. Evidence confirming appointments, such as an appointment card, must be provided. You will be expected to work before and after the appointment.

If the treatment is extensive or frequent, we will support up to 6 paid sessions if the appointment is taken either in the morning or afternoon and is agreed 5 working days in advance. All other leave will be unpaid. There is no legal entitlement to paid time off, it is at the discretion of the employer and will be granted within the broad framework taking account of business and operational need.

14. Moving House

There is no entitlement to time off to move house. Teachers / term-time only staff may apply for unpaid leave. If unpaid leave is granted this will be limited to one day in an academic year.

15. OTHER LEAVE (Including Leave During The School Term For Teachers And Term-Time Only Support Staff)

Term Time Leave:

Leave requests made by term time only staff during term time will not be granted (exceptions listed below).

If an employee wishes to appeal against this, they can do so by writing to the Chair of Governors providing the Governors with 3 months' notice in advance of the proposed leave. Appeals should state the reason why leave is required during term time. Governors will respond within one month of receiving the appeal request detailing terms and conditions of leave.

Funeral Attendance:

Time off to attend the funeral of a close relative, dependent or close personal friend will be granted. The leave should be requested of the Head of School, in writing, as soon as is reasonably practicable. All leave will be unpaid.

Wedding Attendance:

1 day unpaid leave will be granted to attend the wedding of a close family member (parent, child, sibling, aunt, uncle, niece, nephew, cousin) or if you are part of the Wedding Party as the bridesmaid or best man.

Graduation Ceremonies:

1 day unpaid leave will be granted to attend either your own Graduation Ceremony or the Graduation Ceremony of a close family member (spouse, partner, parent, child, sibling). This will be limited to 1 day per academic year.

Family Events:

Leave will not be granted for birthdays, naming ceremonies, school events etc.

Job Seeking:

Unpaid leave will be granted for employees to attend interviews and pre-application visits to other schools. Employees will need to request unpaid leave from the Head of School, in writing with at least 5 working day notice. Employees will be granted 3 unpaid leave days per academic year. You will be expected to work before and after the appointment.

Dependents Leave:

Unpaid leave will be granted for employees to accompany dependents over the age of 18 to attend hospital appointments. Wherever possible, appointments are expected to be booked to minimise the disruption to the school day. The employee should give as much notice as possible of the requested time off, providing a minimum of 5 working days' notice. Evidence confirming the appointment must be provided, such as an appointment card. All leave will be unpaid and a maximum of 3 days leave will be granted per academic year. You will be expected to work before and after the appointment.

Fostering Leave:

Briarwood School values and support employees fostering children by giving paid time off in any 12 month period of up to five days paid leave and 15 days unpaid leave (pro rata for part timers). This is to attend training or meetings during the fostering assessment and approval process and at the start of a long term foster placement.

16. Parental Leave

Eligible employees can take unpaid parental leave to look after a child's welfare or to accompany a child to medical appointments. It is available for each child up to their 18th birthday. Up to 18 weeks can be taken for each child (born or adopted), but no more than 4 weeks can be taken in a year. The leave is unpaid.

Eligibility:

- Employed for more than a year
- Named on the child's birth or adoption certificate or have parental responsibility
- Not a foster parent (unless parental responsibility is secured through the courts)
- the child is under 18

Employees have to provide child's birth / adoption certificate or parental responsibility award as evidence.

The limit on how much parental leave each parent can take in a year is 4 weeks (pro-rata) for each child up to their 18th birthday. Employees must take parental leave as whole weeks rather than individual days (unless agreed in advance with the Executive Headteacher), the exception to this is to accompany your child to medical appointments or if your child is disabled.

Employees must give 21 days' written notice before their intended start date; employees must confirm the start and end dates.

17. Public Duties

Staff who are elected to undertake public duties must write to the Head of School informing them of their election, and request time off to carry out these duties.

Once authorised by the Head of School time off will be as follows:

Employee undertaking public duties are entitled to the following	Paid leave entitlement	Unpaid Leave entitlement
Justices of the peace or elected members of local authorities	1 day per month	1 day per month
Tribunals, or educational governing bodies, or board of visitors for prisons, remand centres or young offenders institutions	1 day per month	1 day per month
Chairs of Governors	3 days per academic year	3 days per academic year
Employee standing as an election candidate	1 day per election	

Employees are not permitted to serve as councillors on Bristol City Council.

18. Redundancy

Employees who have been selected for redundancy, or are under notice of termination due to redundancy of their posts, will be allowed reasonable time off with pay for job seeking.

19. Religious Festivals

Where employees wish to have time off to participate in religious festivals requests should be made in writing to the Head of School. A minimum of 5 working days' notice should be given or as soon as is reasonably practicable. The leave will be unpaid and may not be granted depending on operational demand and cover arrangements; there is no legal obligation to grant leave requests to participate in religious festivals.

20. Sickness Absence

Employees with an annual leave entitlement may be able to carry forward some of their untaken leave, where they were unable to take it due to sickness absence.

21. Sport- International Representation

An employee who has been selected to represent their country in a recognised sporting activity should apply for leave of absence to the chair of governors, at least six weeks before the date of absence. The leave will be unpaid.

In the event of any employee receiving remuneration as a result of participation in an international sporting activity, this must be declared to the school's governing body.

22. Suspended Employees – Annual Leave

Support staff employees working all year round only

Employees may take annual leave whilst suspended from work. If the annual leave entitlement concludes during the suspension period any outstanding leave cannot be carried forward.

23. Territorial And Auxiliary Forces

Teachers and term-time only staff should attend camp in the school holidays. All year round staff should request unpaid leave, in writing, from the Executive Headteacher (for up to five days), or chair of governors (for more than five days) to attend camp in the summer holidays. The Executive Headteacher may refuse time off if the notice provided is insufficient and/or service requirements dictate.

Unpaid leave may also be granted where there is a requirement to undertake training in addition to summer camps, but only where it is proved impossible to arrange such training on days when the person would not normally be working.

24. Training, Examinations, Studying

Half a day's revision time per final exam will be granted prior to sitting a recognised relevant examination up to a maximum of 2 days in any academic year. Evidence will need to be provided and the course will have to be approved by the Head of Education and Skills. Paid time off for each exam no more than half a day will be granted, if more time is required it will be unpaid, to a maximum of 4 exams in any academic year. Attendance at training sessions, if approved, will be paid.

SECTION 2 - UNAUTHORISED ABSENCE

1. Legal Custody/Imprisonment

1.1 If an employee is detained in legal custody or imprisoned, a decision will be made by the Executive Headteacher/Chair of Governors as to whether the employee will be granted a period of unpaid leave of absence. The decision will be based on:-

- the length of the sentence
- the job done by the employee
- his/her length of service
- the circumstances underlying the reasons for the sentence.

1.2 An employee will not necessarily be dismissed because of their conviction for a criminal offence, but the employee's position will be considered on its merits. An acquittal of criminal charge may not of itself preclude disciplinary action should such action otherwise be appropriate.

1.3 A long term sentence can be grounds for dismissal for frustration of contract (Following the procedure for the termination on the grounds of Some Other Substantial Reason).

2. Unexplained/Uncertified Absence

2.1 As soon as it becomes clear that an employee is absent without an acceptable explanation or medical certificate, the HR Officer should write to the employee. The letter should note the date from which the employee was absent and that no medical certificate or satisfactory explanation has been received. It should remind the employee of their obligations and say they will not be paid beyond the last date at which they were either present at work or absent with an explanation.

Ask the employee to reply by return of post. The letter should also invite the employee to a meeting and give the date and time.

2.2 If, within a week, there is no response or no acceptable mitigating circumstances, a further letter should be sent by recorded delivery. It should refer to the earlier letter, state the lack of response and explain

that unless the employee returns by a specified date (e.g. a week later) or unless a medical certificate or acceptable explanation covering the whole period of absence is received by that date, a hearing will be convened. The letter should state that if the employee fails to attend the hearing on the date and time provided, this will result in a decision being considered in their absence, which is likely to result in dismissal for breach of contract of employment.

- 2.3 If there has been no acceptable response by the specified date, the Executive Headteacher should invite the employee to a hearing where the employee's dismissal is considered. The letter should state that if the employee does not attend the hearing (or send a written statement or have a trade union / work colleague represent them) a decision may be taken in their absence.
- 2.4 Should the employee be dismissed at the hearing, irrespective of whether they attended the hearing, they have a right of appeal to governors. The employee should be informed of this in writing.
- 2.5 Employees returning to work within the above time periods, who are unable to give satisfactory reasons for their absence will be subject to disciplinary action in accordance with the disciplinary procedure and will not be paid for the period of unauthorised absence. Employees who return to work and provide medical confirmation of their absence may also be subject to disciplinary for failing to follow the school's sickness reporting procedure.