



ST PAUL'S CATHOLIC PRIMARY SCHOOL AND NURSERY

DISCRETIONARY LEAVE POLICY FOR SCHOOLS

Our Mission Statement

"Do everything with love."

(St Paul's first letter to the Corinthians 16:14)

This means that we will...

- *Show our love for Jesus in everything we say and do*
- *Respect everyone by recognising that God made us all different but equally valued.*
- *Strive for excellence and find ways to share, develop and celebrate our talents.*
- *Promote a safe, happy and enjoyable environment.*
- *Actively support our school, parish and the wider community.*

Adopted on

Date_15.02.17

Signed_____

Review date_February 2020

**MODEL -
DISCRETIONARY LEAVE POLICY FOR SCHOOLS**

1. INTRODUCTION

- 1.1. The Governors of the School recognise the importance of consistency, openness and equality in responding to requests from employees for leave of absence for family and personal reasons.
- 1.2. This policy has been adopted by the Governing Board and applies to all employees. It should be read in conjunction with other relevant documents (e.g. the Conditions of service for school teachers in England and Wales, the National agreement on pay and conditions of service for local government services) where applicable.
- 1.3. It does not relate to maternity, adoption, paternity, maternity support leave or participation in training.

2. GENERAL PRINCIPLES

- 2.1. The Head of School and the Governing Board are responsible for decisions in relation to whether to grant time off and whether it should be paid or unpaid. Each application for leave will be considered on its merits and in accordance with this policy.
- 2.2. Where the leave of absence relates to the Head of School, the role of the Head of School in respect of decisions made should be undertaken by the Executive Headteacher.
- 2.3. The Governing Board has the discretion to authorise beyond the maximums stated in exceptional circumstances.
- 2.4. Further guidance is available from the Schools HR Team.
- 2.5. It is intended that this policy will provide a clear framework to enable requests for leave of absence for employees to be reasonably and fairly handled. It is a general principle throughout the policy that no application for leave should be unreasonably refused.
- 2.6. This policy recognises that the operational needs of the school are a priority and there may be times when the Head of School will need to refuse a request for leave. This will be done with full consideration of the law.
- 2.7. There may be occasions when circumstances arise not identified in this policy. In such circumstances, the decision regarding leave of absence remains within the discretion of the Head of School.

- 2.8. Formal appeals against any decision may be made using the Grievance procedure where necessary.
- 2.9. Any abuse of the policy will be dealt with under the school's disciplinary policy and procedure.
- 2.10. Employees must fully consider any effect the leave will have on their pension.

3. APPROVAL

The employee should apply to the Head of School (or Executive Headteacher for requests from the Head of School and the Chair of Governors for requests from the Executive Headteacher) at the earliest opportunity to request any leave of absence.

Any decision made will be communicated to the employee as soon as the decision has been made. Further guidance is available from the Schools HR Team.

4. TIME OFF FOR DEPENDANTS

4.1. Legal Entitlement

Under the Employment Rights Act 1996, employees have the right to take a reasonable amount of unpaid time off work to take action that is necessary in relation to an emergency involving a dependant:

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for a dependant who is ill or injured;
- in consequence of the death of a dependant;
- because of the unexpected disruption or termination of arrangements for the care of a dependant; or
- to deal with an incident involving a child of the employee that occurs unexpectedly during a period when the child is attending school.

A "dependant" for these purposes is:

- the employee's spouse or civil partner, child or parent;
- any person who lives in the same household as the employee other than as an employee, tenant, lodger or boarder;
- any other person who would reasonably rely on the employee for assistance if he or she falls ill or is injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or

- in relation to the disruption or termination of care for a dependant, any other person who reasonably relies on the employee to make arrangements for the provision of care.

Employees taking time off under this right must notify the Head of School of their absence on the day they take time off and where ever possible to give notification in advance.

4.2. Time off for dependants - children who are unwell

- 4.2.1. Employees have a statutory right to unpaid time off to make arrangements for the care of a dependant child as described in 4.1 above.

The Head of School has the discretion to authorise the leave in 4.1 above in relation to a child who is unwell as paid leave rather than unpaid leave for a maximum of 1 day (3 days paid maximum per year) to look after the sick child and make arrangements. This will be dependent on the individual circumstances.

- 4.2.2. If it is impossible to make appropriate arrangements for the care of a sick child, the Head of School may authorise the employee to take reasonable unpaid leave to care for the sick child. Full consideration will be taken including consideration of the steps the employee has taken to try to make alternative arrangements. For seriously ill children, see compassionate leave.

- 4.2.3. Please see Section 10 and 11 for pension implications during authorised unpaid leave.

4.3. Governing Board discretion

The Governing Board has the discretion to authorise beyond the maximums stated in exceptional circumstances. The Schools HR Team may be contacted for guidance.

5. COMPASSIONATE LEAVE

- 5.1. Paid compassionate leave may be granted in the following circumstances:

- Death or serious illness of a close relative – up to 3 days paid leave.
- Funeral of a close relative – 1 day of paid leave.
- Employees wishing to attend the funeral of other relatives, friends or colleagues may take unpaid leave.

- 5.2. The Governing Board has the discretion to authorise beyond the maximums stated in exceptional circumstances. This would not normally be more than a further 3 days paid leave and a period of unpaid leave. The Schools HR Team may be contacted for guidance.
- 5.3. The term close relative would normally include a spouse, partner, parent, sibling or child but it may be appropriate to include another relative or relative of the spouse or partner who has had a very close association with the employee.
- 5.4. There may be circumstances where it is valid for an employee to attend to matters relating to the death or serious illness of a non relative, any leave granted is subject to the Head of Schools discretion but is subject to the same maximum paid leave periods quoted in paragraph 7.
- 5.5. Please see Section 10 and 11 for pension implications during authorised unpaid leave.

6. LEAVE FOR OTHER CIRCUMSTANCES

The Governing Board has the discretion to authorise beyond the maximums stated in exceptional circumstances. The Schools HR Team may be contacted for guidance.

6.1. Weddings

The Head of School may authorise paid leave for a maximum of one day to enable an employee to attend the wedding of a close relative.

6.2. Removals

The Head of School may authorise paid leave normally for a maximum of one day, to enable an employee to move house if it is not reasonably practicable for the removal to take place outside the employee's normal working hours.

6.3. Interviews

The Head of School shall authorise paid leave to enable an employee to attend an interview for another post within local government service.

6.4. Inability to get to the normal place of work

If, because of transport difficulties which could not reasonably have been foreseen or overcome (caused, for example, by deep snow or a strike), an employee is unable to get to his/her normal place of work, he or she should immediately telephone the Head of School. Absence for the first day shall be with pay provided the Head of School is satisfied that reasonable attempts have been made to attend for duty. Absence after the first day will be unpaid.

6.5. Leave for Religious Festivals and Holy days

Regulations do not require employers to provide time for religious or belief observance. However, a request for time off will be treated fairly and will not be unreasonably refused. The operational needs of the school will be considered and any refusal will be reasonably justified. The Head of School may authorise unpaid leave for a maximum of one day.

6.6. Time off to accompany a fellow employee in a disciplinary or grievance situation

Reasonable paid time off will be granted to accompany a work colleague at a disciplinary or grievance hearing.

6.7. Examination and graduation ceremony

The Head of School may authorise paid leave to enable an employee to attend an examination that is relevant to the employee's professional development.

Paid leave may be authorised by the Head of School to help an employee to undertake final revision immediately prior to a relevant examination on the basis of a maximum of half a day's leave for each half-day examination and a maximum total of five days per academic year.

The Head of School may also authorise one day's paid leave to enable an employee to attend his/her graduation ceremony.

6.8. Transfer visits

The Head of School shall authorise paid leave to enable an employee to visit an education establishment to which he or she is to transfer, and such leave must be arranged by mutual agreement between the Head of Schools concerned.

6.9. Sports and cultural events

The Head of School may authorise paid leave for employees where they are representing as an amateur at an advanced level in a sporting or cultural event, where it will be a benefit for both the employee and the school.

6.10. Miscellaneous reasons

The Head of School may authorise unpaid leave for a maximum of one day per academic year to enable an employee to be absent from duty for any other reasonable purpose.

6.11. Please see Section 10 and 11 for pension implications during authorised unpaid leave.

7. MAXIMUM TIME OFF IN RELATION TO PARAGRAPHS 4 TO 6

In relation to paragraphs 4-6 (time off for dependants/ compassionate leave/leave for other circumstances), the maximum the Head of School may authorise is 10 days with pay and 10 days without pay in any 12 month period.

If the time off exceeds a combined total of 5 days in one term, depending on the circumstances, the Head of School may need to report the details to the Executive Headteacher/Governing Board.

The Governing Board has the discretion to authorise beyond the maximums stated in exceptional circumstances. The Schools HR Team may be contacted for guidance.

8. LEAVE FOR DUTIES

8.1. Claiming Allowances

If an employee is granted paid leave to undertake duties (in 8.2 to 8.9 below), all allowances (eg loss of earnings allowance) should be claimed relating to this duty (where appropriate). It is the employee's responsibility to notify the Head of School of the allowance. A deduction will then be made by payroll for this amount. Any allowances for travel or subsistence will not be deducted.

8.2. Public Duties

The Employment Rights Act 1996 states that employees who hold certain public positions have a right to reasonable unpaid time off during working hours.

The Head of School may authorise paid leave for a maximum of eighteen days (pro rata for part time staff) in any twelve month period to enable an employee to perform a public duty. Employees who hold a public duty position should advise the Head of School at the time of their appointment. Before agreeing to a public duty, the employee should discuss the possible implications of the duty with the Head of School.

These include the following:

Justice of the Peace (also known as a magistrate).

A member of:

- a local authority;
- a statutory tribunal;
- a police authority established under the Police Act 1996 or the Metropolitan Police Authority;
- an independent monitoring board for a prison or a visiting committee;
- a relevant health body;
- a relevant education body;
- the Environment Agency.

The Governing Board has the discretion to authorise beyond the maximum of 18 days in exceptional circumstances. In these cases, the Schools HR Team may be contacted for guidance.

8.3. Candidates and Agents in Elections

The Head of School shall authorise unpaid leave, from the date of proclamation of the dissolution of Parliament to the day following the declaration of the result, for an employee who stands as a candidate or who acts as an agent in a parliamentary election.

The Head of School shall authorise unpaid leave on the polling day for an employee who stands as a candidate or who functions as a presiding officer, in a local government election.

8.4. Political Party Conferences

The Head of School may authorise unpaid leave to enable an employee to attend an annual conference of a political party as an official nominee of a local branch of the party.

8.5. Court Service

The Head of School shall (or, if the attendance is discretionary, may), authorise paid leave to enable an employee to serve as a

witness in a court. Where an employee is attending court for some other purpose, pay shall be subject to consultation with the Governing Board. The Schools HR Team may be contacted for guidance.

8.6. Jury service

Employees may take paid leave to undertake jury service. They are required to claim the allowance for loss of earnings from the Court and an equivalent amount will be deducted from the employee's salary. Please see the jury service policy for further details.

8.7. Time off for members of Volunteer Reserve Forces

It is the responsibility of the volunteer member to notify the Head of School of the duty on appointment or when an existing employee becomes a reservist.

Volunteer members may be granted paid leave of up to 2 weeks to attend training where this cannot be arranged during a school holiday period. Proof of attendance may be required. Employees should notify their Head of School as soon as they are made aware of any time off needed.

If mobilised, a reservist has a right to reinstatement on return. The Reserve Forces (Safeguard of Employment) Act 1985 provides a legal right to reinstate the reservist to their former job, subject to certain conditions.

Further advice is available at www.sabre.mod.uk or by contacting the Schools HR Team.

8.8. Trade union duties

Employees who are accredited trade union representatives undertaking recognised Trade Union duties are provided paid time off as defined in the facilities agreement.

8.9. Examination duties

Teaching employees undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained in Appendix II of the Conditions of Service for School Teachers in England and Wales.

Before agreeing to undertake duties the employee should discuss the implications of the duties with the Head of School.

9. MEDICAL LEAVE

9.1. Medical and dental Appointments

Employees are expected to make appointments outside normal working hours wherever possible. Where this is not possible, an employee attending such appointments must seek the permission of the Head of School before attending. The Head of School has the right to request to see an appointment card. The appointment will be recorded as sickness absence if for half a day or more.

9.2. Cancer Screening

Necessary paid time off will be authorised for the purpose of cancer screening.

9.3. Fertility treatment

Employees requesting time off for fertility treatment will be supported. The specific needs will need to be addressed, and the various provisions for discretionary leave will be used to enable this to happen wherever reasonable. The situation will be treated with sensitivity.

9.4. Time off to attend ante-natal appointments

The Maternity Regulations provide the right for all women to take paid time off to attend antenatal care. Employees must produce evidence of appointments if requested to do so by the Head of School. Further details are available in the maternity policy.

10. UNPAID LEAVE

10.1. Where other leave provisions do not apply, at the discretion of the Head of School in discussion with the Executive Headteacher/Chair of Governors, unpaid leave of up to and including 4 weeks may be authorised, where this would not be detrimental to the needs of the school.

10.2. The Head of School may recommend to the Governing Board that an application for unpaid leave exceeding 4 weeks should be authorised. In order to make this recommendation, the Head of School should gain HR and Financial advice from PCC to ensure that the school and the employee understand the implications with regards to pension. The school should contact the Schools HR Team and payroll for advice.

10.3. The School should clearly state to the employee what deductions will

be made for the period of unpaid leave. Further information is available from payroll.

10.4. If unpaid leave is agreed, it should be drawn to the employee's attention that pension and NI contributions will be affected during unpaid leave.

10.5. Unpaid leave for teachers is not pensionable.

10.6. Section 11 below must be read with regards to Local Government Pension Scheme (LGPS) members.

11. LGPS PENSION IMPLICATIONS DURING AUTHORISED UNPAID LEAVE

11.1. LGPS Pension Implications

The LGPS pension implications relate to any length period of authorised unpaid leave.

With effect from April 2014, authorised unpaid leave is no longer pensionable unless an employee elects to cover the period as pensionable.

If an employee elects to cover a period of authorised unpaid leave as pensionable they must do so within 30 days of returning to contractual pay after the period of authorised unpaid leave. The pension contributions will then be paid under a shared cost arrangement where the regulations require the employer to pay 2/3rds of the cost and the employee pays 1/3rd (A Shared Cost Additional Pension Contribution (SCAPC)).

Elections that are made after the 30 day deadline will be at full cost to the employee.

Buying lost pension is important if an employee has pre 2014 membership and they wish to protect their benefits in a number of different circumstances (including if they are a member to whom the underpin or Rule of 85 apply). Full information is available on the Hampshire Pension website <http://www3.hants.gov.uk/pensions/lgps.htm>

The maximum period of absence an employee can elect to buy back by a SCAPC is a period of 3 years.

11.2. Procedure for LGPS members:

- If the period of unpaid leave is authorised, the school should input the unpaid leave onto the system. The unpaid leave must be

input in hours. It is very important that this is completed in a timely manner.

- The school informs the employee of the pension implications and the employee considers the statement in bold above.
- Following their return to contractual pay, if the employee wishes to gain further information regarding an election to buy lost pension they will need to ask PCC Pension Section for the lost pensionable pay figure by completing the LGPS Lost Pensionable Pay Form (Appendix 1). The employee must send or email the form (Appendix 1) to PCC Pension Section in order to do this. The completion of this form does not mean that the employee is obliged at this stage to make the election.
- On receipt of the completed form, PCC Pension Section will provide the employee with a statement of the lost pensionable pay figure. They will provide further information to the employee regarding how to elect to buy lost pension via the Additional Pension Contribution (APC) calculator and associated application form. This application form will then need to be returned to the PCC Pension Section.
- PCC Pension Section will complete the process of election and will inform the employee that their application was successful or not.
- In making the election, the employee is agreeing to make the payment for the election in a 1 month period. If this causes financial difficulties, the employee should contact the PCC Pension Manager to discuss.

- 11.3. Please note, the process of contacting PCC Pension Section, receiving the lost pensionable pay figure, the employee completing the APC calculator and associated application form and returning to PCC Pension Section must all be completed within 30 days of returning to contractual pay after the period of authorised unpaid leave, otherwise the election will be at full cost to the employee.

An election to buy lost pension will mean that if employment is terminated prior to deduction being made, full payment will be recovered from final pay in the normal way.

If there is a retrospective pay adjustment(s) relating to this period of unpaid leave, the final deduction and lost pensionable pay figure used for the election may be affected.

Further information is available from PCC Pension Section.