



Date: Summer 22

Model Policy – Leave Arrangements

Watcombe Primary School



Contents

Contents	2
1 Introduction	4
1.1 Note for Governors **Delete once considered**	4
1.2 Scope	4
1.3 Equality Statement	4
1.4 Background	4
Section 1 - Authorised Absences	6
2 Local Government Pension Arrangements for Authorised Unpaid Leave**Torbay Council Payroll Provider only**	6
2.1 Procedure for purchasing Additional Pension Contributions (APC"s).....	6
2.2 Timescales for submitting a request to purchase APC"s	6
3 Annual Leave	7
3.1 Teaching Staff	7
3.2 Support Staff	7
3.3 Entitlements to annual leave	7
3.4 Exceptions to taking Annual Leave during Term Time	8
4 Caring for Dependants	8
4.1 Frequently asked questions	8
Does an illness or injury need to be life-threatening?	8
5 Compassionate Leave	10
6 Fertility Treatment Support Scheme	10
6.1 Eligibility	11
6.2 Time Allowed	11
The following represents the maximum amount of time that will be granted during the course of employment. ...	11
7 Maternity, Adoption and Paternity (support) Leave.	11
8 Parental Leave	12
8.1 Return to work	12
8.2 Pay on return	12
8.3 Pension and continuity of service on return	12
8.4 Notice	13
8.5 Employer"s right to postpone leave.....	13
8.6 Taking Leave	13
9 Medical appointments / Treatment	14
9.1 Routine medical, dental or ophthalmic appointments	14
10 Counselling Sessions	14
11 Other Special Authorised Leave Arrangements	14
11.1 Court Appearance	14
11.2 Examination Study Leave	15
11.3 Inclement Weather	15
11.4 Fuel Crisis	15
11.5 Governing Body Duties	15

11.6 Interviews During Notice of Redundancy	16
11.7 Jury Service	16
11.8 Public Duties	17
11.9 Religious Observance	17
The School promotes equality and anti-discriminatory practice. In doing so it recognises that employees may need time off to meet their religious commitments.	17
12 Special Events / Other Leave	17
Section 2 – Unauthorised Absence	18
13 Legal Custody / Imprisonment	18
13.1 Unexplained / Uncertified Absence.....	19
14 Policy Feedback	19
14.1 History of Policy Changes	19
14.2 Appendix 1	20

For more information on obtaining this policy in an alternative format please contact 01803 207374

1 Introduction

The governing body acknowledge that there may be times that difficulties will be faced by staff in coming to work which will be given consideration. In all cases the Governing Body believe that keeping the School open to pupils must take priority. This policy contains information that may be more fully documented in a separate policy. Employees are encouraged to refer to the appropriate policy for more information.

1.1 Note for Governors ****Delete once considered****

This Leave Arrangements policy has been created to provide a model for Schools. However, it is recognised that each School may differ in its approach and views on how much leave both to offer for different situations and also whether any of the leave is paid.

It is important to note that there are different types of leave:

- Statutory Leave – This is a legal requirement to leave and the School cannot make any changes
- Guidelines for time off only – School to review the amount of time it is prepared to offer, paid or unpaid

As this is a model policy, the guidelines for time off mirror where appropriate those offered within Torbay Council Corporately. It is recommended that Governors along with the Headteacher, review each area and decide what is realistic for your School.

Where the leave is a fixed or statutory entitlement, this is noted within the policy. Where however, the leave is not statutory, this is highlighted in red, and the School will need to adapt it to suit its own requirements.

It is also recommended that each School further consult with Trade Union representatives on the actual detail of its own policy once amended, and negotiate at a School level where appropriate

1.2 Scope

This policy will apply to all School employees and also includes Governors and agency/supply teaching staff.

1.3 Equality Statement

This policy applies equally to all School employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

1.4 Background

It is in the interest of everyone within the School to maximise attendance levels. Not only does absence impact upon the teaching and learning within the School. The School have agreed this policy in light of the duty with regards to Rarely Cover.

The Governing Body of School monitors and reviews the attendance of all its employees and can arrange for occupational health support as part of its commitment to securing a supportive working environment. Although teachers and term time only staff are not entitled to take time off from work during the School term, the governing body understands that there may be occasions when employees unavoidably need to be absent from work. This policy therefore provides a protocol for treating requests in a fair and consistent manner.

All entitlements are pro rata for part time/job-share staff. Support staff who work less than 37 hours a week, or who are term time only are part-time.

Section 1 - Authorised Absences

Authorised absence occurs when an individual either obtains permission for, or is entitled to undertake a period of leave. This leave can be paid leave or unpaid leave and can be statutory or non statutory leave, dependent on the type. Authorised leave has been grouped into two sections:-

- **Family Related Leave Arrangements** - This includes all types of personal leave to cover personal or family related issues
- **Special Authorised Leave Arrangements** - This is all other types of authorised leave

2 Local Government Pension Arrangements for Authorised Unpaid Leave**Torbay Council Payroll Provider only**

Where an employee is in the Local Government Pension Scheme and wishes to take authorised unpaid leave other than for maternity, adoption or paternity reasons, where other forms are in place, they must complete an unpaid leave request form. This is because, under the Local Government Pension Scheme, from 1st April 2014, unpaid leave is not treated as pensionable and will reduce the amount of pension earned during the year if an employee does not **elect** to pay Additional Pension Contributions (APC"s).

Employees can elect to pay additional pension contributions to buy back the „lost“ pension during the period of authorised unpaid leave.

2.1 Procedure for purchasing Additional Pension Contributions (APC"s)

Where an employee wishes to purchase APC"s they should tick „YES“ on the Unpaid Leave Request Form (see appendix) and submit this to Payroll. The Pension"s Advisor will then contact the employee by email to notify them of the cost of purchasing the APC. Where the employee wishes to continue with their purchase of the APC, they must visit

<http://www.torbay.gov.uk/index/getinvolved/employment/workingfortorbay/torbaylgps.htm>

And complete an APC contract which must then be submitted to Payroll.

2.2 Timescales for submitting a request to purchase APC"s

Where an employee signs a contract wishing to pay Additional Pension Contributions (APC"s) **within 30 days of their return to work**, the contributions will be split 1/3rd to be paid by the employee and 2/3rds to be paid by the employer.

Where the employee fails to do this within the 30 day period after their return date, they can still purchase the APC, but they will bear the full cost of the „missed“ contributions. This 30 day window may be extended at the employer"s discretion.

3 Annual Leave

ALL employees have an entitlement to statutory Annual Leave **from day one of employment** and some employees may also have a right to Contractual Annual Leave.

3.1 Teaching Staff

Teaching staff including the Headteacher are not permitted to take annual leave during term time. Whilst teachers are entitled to statutory annual leave under the Working Time Directive (currently 28 days or 5.6 weeks including Bank Holidays for a full time employee), they are deemed to take this leave when the School is closed. As there are a greater number of School closure days than annual leave entitlement days, there should be no requirement for teachers to take their statutory entitlement to annual leave during term time. (see exceptions below).

3.2 Support Staff

Support staff employed on a term-time contract, are generally not permitted to take annual leave during term time. Whilst support staff are entitled to annual leave (as detailed below) they are also deemed to take this leave during periods of School closure. The details of how and when different support staff groups are expected to work or take annual leave during School closure periods may vary dependent on the type of work undertaken. For example, some employees may be required to work during some specific School closure periods to carry out essential maintenance, or may carry out essential administration tasks.

Support staff employed to work all year round (i.e. on a 52 week contract) may not incur the same restrictions as term time only staff surrounding when annual leave can be taken.

3.3 Entitlements to annual leave

{CHECK THAT THE FOLLOWING IS ACCURATE FOR YOUR SCHOOL OR INSERT LOCAL ARRANGEMENTS}

For support staff, basic annual leave entitlement (excluding bank holidays) is XXXX days (pro rata for part time employees).

In addition, employees will receive:

An extra day's leave for every completed year of continuous local government service . This is up to a maximum of 5 days (received on completion of the 5th year). The new annual leave entitlement will be factored into the employee's salary and the employee will be deemed to have taken the additional days during School closure periods.

An extra day's leave after 10 years' continuous local government service (this will accrue at the start of the leave year in which the 10th year of continuous local government service occurs). The School will notify Payroll each year about those employees who have reached their 10th year of

continuous local government service in order to ensure that employees receive payment for this additional day (as there is no payroll factor to automatically accommodate this). Term time only support staff will also be deemed to have taken this additional day during periods of School closure.

OR

INSERT LOCAL SCHOOL ENTITLEMENTS AS NEGOTIATED

3.4 Exceptions to taking Annual Leave during Term Time

There may be times when leave is permitted in term time, such as for those who have been on Maternity or Adoption leave for example, or for those who have been on long term sickness absence. For specific examples, please refer to the relevant policies or contact Human Resources for further advice. Please note that for teaching staff, the annual leave year in respect of sickness runs from April to March. However for the purposes of Maternity the annual leave year runs from 1st September.

4 Caring for Dependants

This is a right allowing employees to take a **reasonable amount of time off work to deal with certain unexpected or sudden emergencies** and to make any necessary longer term arrangements. The emergency must involve a **dependant** of the employee.

The right to time off applies to all employees including those on part-time and fixed-term contracts. Employees are entitled to this right from day one of starting their job.

The right enables employees to take action which is necessary e.g.:

- If a dependant falls ill, or has been injured or assaulted.
- When a dependant is having a baby.
- To make longer term care arrangements for a dependant who is ill or injured
To deal with the death of a dependant.
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant (for instance, if a childminder is sick).
- To deal with an unexpected incident involving the employee's child during School hours.
- Foreseen events, of a serious nature, where the presence of the employee is necessary, involving the need to care for a dependant. For instance, time off to settle an elderly relative into a care home or to attend a hospital appointment or planned operation, where compassionate leave is not relevant or exhausted.

4.1 Frequently asked questions

Does an illness or injury need to be life-threatening?

The illness or injury need not necessarily be serious or life-threatening and would include both mental and physical illness.

Who counts as dependant?

A dependant is the husband, wife or partner, child or parent of the employee. It also includes someone who lives in the same household as a member of the family. It does not include tenants or boarders living in the family home.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance, e.g. an aunt who lives nearby who the employee looks after, or an elderly neighbour living alone.

How much time off can an employee take?

The legislation does not specify the amount of time off which is reasonable, since this will vary with the differing circumstances of an emergency. For most cases one or two days should be sufficient to deal with the problem. The leave should be enough to help the employee cope with the crisis – to deal with the immediate care of the child, visiting the doctor if necessary and to make longer term care arrangements.

How frequently can an employee take time off?

The statutory right is intended to cover genuine emergencies only. Local Government also provides time off for foreseen events of a serious nature involving a dependant. No limit on the number of times an employee can be absent from work under this right has been set, however, a degree of reasonableness is expected.

What happens if the employee needs longer time off, or knows in advance that the problem is going to arise?

If employees know in advance that they are going to need time off they should inform their Headteacher or senior manager as soon as reasonably practical, for instance as soon as a hospital appointment is known. If the reason relates to their child, they may be entitled to take parental leave.

What are the notification requirements?

Employees must telephone..... (School to state who e.g. head teacher or line manager) before 8:00am** or as soon as reasonably practicable giving the reason for their absence and how long they expect to be away.

Is the time off paid?

Whilst there is no statutory right to receive payment, there is no limit to the number of times an employee can be off. ****However, the Governors of _____ School have agreed to pay _____ days per term / academic year to cover such time off. **(Schools are encouraged to make a decision about whether they wish to pay individuals, and should either delete or complete as appropriate)**

What happens if an emergency occurs which is not covered by the right, e.g. flooding at the employee's home?

Time off for emergencies not covered by the right will be at the discretion of the Headteacher or

Governors but will be considered sympathetically, taking account of the circumstances, including who else may be available to deal with the emergency.

What happens if it is considered that an employee is abusing this right?

If this occurs the situation should be dealt with under the disciplinary procedure. There is no statutory requirement for employees to produce evidence of either the incident or their relationship to the dependent.

What if the employee considers that they have been unreasonably refused time off?

Employees who think they have been unreasonably refused time off, or subjected to detriment (e.g. denial of promotion or training opportunities or dismissal) for exercising a statutory right should first raise their complaint as a formal grievance in the first instance.

5 Compassionate Leave

Headteachers and the Governors are expected to consider sympathetically any request from an employee who has lost a relative or where a member of an employee's family is ill. The illness would be of a serious or life-threatening nature.

The following guidelines will apply to the granting of compassionate leave:

**** this is not a statutory entitlement but is based upon the Compassionate leave as given by Torbay Council Corporately** (delete this note once considered or enter locally agreed allowance)**

- **Up to 5 days' paid leave** in the case of the **death** or **sickness** of a spouse/partner or immediate relative (parent, child, brother or sister – whether „blood“, „adopted“, „step“ or „in-law“).
- In all other cases, the Headteacher or Governors can apply up to these allowances in cases of death or illness of other relatives or individuals for whom an employee is responsible.

The Headteacher or Governors can also **grant up to 5 days' unpaid leave** in addition to the relevant compassionate leave allowance in the case of death/illness of a spouse/partner or an immediate relative.

6 Fertility Treatment Support Scheme

**** This is not a statutory entitlement, but is based on that given by Torbay Council Corporately** (Delete this note once considered or enter locally agreed scheme)**

This scheme is provided in addition to the Maternity Scheme. Therefore, employees participating in any fertility treatment Scheme will be entitled to the usual maternity/paternity (maternity support) benefits should they be successful in the treatment.

The leave applies to anyone requiring personal medical intervention in order to conceive a child for whom they will then either have or expect to have responsibility for its upbringing. The types of treatment that may be covered are as follows:-

- IVF (in-vitro fertilisation)

- ICSI (intracytoplasmic sperm injection)
- Insemination

This applies to **all employees**, regardless of whether they work full- or part- time, are „permanent“ or „temporary“ or are in a same-sex partnership.

The Scheme allows employees undergoing such personal medical treatment some paid time off work. The scheme may be used for NHS or private treatment and an appointment card must be produced. As much notice as reasonably possible should be provided for taking time off for treatment.

6.1 Eligibility

The Fertility Treatment Scheme applies to all School employees **with at least one year’s service**, whether they are full or part-time.

6.2 Time Allowed

The following represents the maximum amount of time that will be granted during the course of employment.

Employee	Total time allowed	How this time is allocated
All female employees	15 days	5 days are allocated for each cycle of fertility treatment, an employee is therefore allowed time off for up to 3 cycles of fertility treatment
All male employees	4.5 days	1.5 days are allocated for each cycle of treatment, an employee is allowed time off for up to 3 cycles of fertility treatment

Where an employee has exhausted their entitlement to paid time and still requires more time off, for example because they are having a fourth cycle of treatment, Headteachers may use their discretion to decide whether further paid time may be taken. Guidance is available from Human Resources if this situation arises.

Where an employee becomes unwell as a result of fertility treatment, any absence should be classed as sickness absence. Again, Headteachers will need to be mindful of the cause of absence and may need to use discretion as appropriate.

7 Maternity, Adoption and Paternity (support) Leave.

Maternity, Adoption and Paternity leave is governed by the law and the employee’s conditions of service. Any employee in this situation should refer to the Maternity, Adoption and Paternity (Support) policy which is available from the School or on the School’s policy pages of Torbay Council’s Human Resources Intranet.

8 Parental Leave

Parental Leave is the individual statutory right of a female or male employee to take up to 18 weeks" unpaid leave. Leave **must be taken for the purposes of caring for the child**.

From 5th April 2015, parental leave applies to eligible parents of children up to 18 years old.

All eligible employees who have completed one year"s qualifying service are entitled to take a period of **unpaid leave** to care for each child if they:

- a. Are the parent, foster parent or step parent of a child under the age of 18 years old;
- b. Are the grand-parent with a „significant parenting role" of a child under the age of 18 years old;
- c. Have adopted a child under the age of 18. The entitlement to parental leave lasts for 18 years from the date on which the child is placed for adoption or until the child"s 18th birthday – whichever is first.

Key Elements

- a. The amount of parental leave is 18 weeks in total for each child .
- b. The employee will not have a right to be paid during parental leave and therefore **parental leave is unpaid**.

During the leave period, the following terms of employment will still apply: implied duty of trust and confidence; implied duty of good faith; and terms and conditions, if any, relating to:

- Contractual notice.
- Redundancy terms.
- Disciplinary and grievance procedures.
- Confidentiality terms.

8.1 Return to work

Employees on parental leave shall have the same **right to return to their job** as provided to those on maternity leave. For employees who take leave for a period of more than 4 weeks in duration, consideration should be given to introducing the employee back to the workplace by providing any necessary training or updating.

8.2 Pay on return

The employee must be paid at the same rate they would have been entitled to had they not been absent from work because of parental leave.

8.3 Pension and continuity of service on return

Pension rights and continuity of service built up by an employee before taking leave are retained as if the employment prior to taking parental leave had been continuous with his/her employment following the return to work.

8.4 Notice

The employee needs to give as much notice as possible with a minimum of 21 days (3 weeks) notice in writing. If requested, an employee must confirm the age of the child and their relationship to them. Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the Headteacher or Governors. Such discretion shall not be unreasonably withheld.

8.5 Employer's right to postpone leave

The School will have the right to postpone the leave for up to three months from the date the employee wished to take the leave. In exceptional circumstances, this leave may be postponed for up to six months. This right arises if the School would be "unduly disrupted" by the employee's absence (for instance, where it is difficult to re-arrange staff cover or where the pupils would be disadvantaged). Consideration by the School and employee should be given to adjusting the length of leave, pattern of leave or date of leave in the case of postponement. The School will give notice of the postponement within seven days of the request for leave confirming the reasons for postponement and the period of rescheduled leave. Every attempt will be made by the School to avoid postponement.

Postponement may not be used where employees in the particular circumstances outlined below have requested parental leave:

- **Following Maternity/Adoption Support Leave.** The unpredictability of the timing of childbirth will also have implications for notice. It is recommended that employees expecting to take maternity support leave should discuss their likely requirements for parental leave.
- **Following Maternity Leave.** Where parental leave is taken as a full time block of leave following maternity leave, an employee should not be required to refund monies paid under this section, unless she does not return to employment for a period of at least three months after the end of the parental leave period.
- **At the time of Adoption.** At times prior to adoption where the parent is required to be at home by the adoption process, or following adoption leave.

8.6 Taking Leave

The School will be as flexible as possible in accommodating leave-taking arrangements by employees.

Under this School's scheme, Parental leave may be taken:

- As a single block, not exceeding 18 weeks in total.
- As a **number of shorter periods of a minimum of a half-day**, which may be taken over a specified period of time, not exceeding a period of 18 weeks.

The 18 weeks entitlement is the total entitlement for a parent, up to their child's 18th birthday, equivalent to 1 week per year.

9 Medical appointments / Treatment

Time off for medical appointments/treatment in a hospital or an emergency appointment associated with sickness or incapacity to work will **be treated as sickness** where the absence involves **half a day or more** and **may qualify for sick pay**.

NB:

- Headteachers / Managers should be **notified in advance** for such appointments
- Necessary paid time off will be granted for the purpose of cancer screening
- Attendance at pregnancy-related appointments will not be treated as sickness

9.1 Routine medical, dental or ophthalmic appointments

Routine medical, dental, ophthalmic appointments (including treatment) and complementary therapies (where this is recommended by a G.P or the Occupational Health Service) that are not at a hospital should, where possible, be arranged to take place outside normal working hours.

It is recognised that sometimes the appointments may need to be within working hours and where there are particular difficulties (e.g. employees who are unable to obtain an appointment outside working hours) the Headteacher will attempt to accommodate reasonable requests subject to School cover considerations.

Where the employee is referred for treatment by their GP at a hospital or other such clinic and the treatment lasts **for half a day or more**, the absence will be treated as sickness and may qualify **for sick pay**.

10 Counselling Sessions

****Governors to adopt or determine a locally agreed view ****

Paid time will be granted for appointments with the School's Service for Employee Counselling, but not with private counsellors, unless referred by the Employee Counsellor.

The School College expects that individuals booking session/s with the Employee Counsellor will ensure where possible that sessions take place at a time that causes minimal disruption. Employees must advise their Headteacher or Senior Manager in advance of such appointments, but other than the time, no other information will be sought.

11 Other Special Authorised Leave Arrangements

11.1 Court Appearance

An employee receiving notification that s/he is required to attend court as a witness or defendant, must report the fact to his/her head teacher, who will then initially authorise unpaid leave of absence. The employee should normally be able to claim his/her normal earnings for the period from the party requesting their attendance as a witness or through court costs. Where this is not possible the School will consider whether any payment should be made after considering the merits of each case (this will

include, for example, where a teacher is required to attend court to represent the School). In any case where paid leave is agreed this will usually be for a maximum of three days.

11.2 Examination Study Leave

Examination and study leave within this School provides a leave of absence of half a day per exam that will be granted for final revision prior to sitting a recognised relevant examination.

11.3 Inclement Weather

Employees have a duty to attend work and it is his/her responsibility to get to work, and on time. Nevertheless, during bad weather, difficulties of time-keeping through travel problems may occur. Where this is the case employees must make every effort to get to work and should keep the School informed of their progress if they are likely to be late or absent.

In the event that an employee cannot get to work s/he should keep the School informed of the position and, in agreement with the head teacher, the absence must be regarded as

- Unpaid leave (e.g. teachers), or
- Flexi where it is possible to operate this
- Working from home where that is a possibility and agreed with the head teacher (all time must be accounted for)
- Or exceptionally if the head teacher 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 should be made up at a later date if possible..

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

In an emergency situation (for example because of a flu pandemic) where a decision is taken by the Governors or other authorised agency to close the School, all employees will continue to be paid as usual, and should ensure that they are available to undertake work on their normal working days as required.

11.4 Fuel Crisis

In the case of fuel shortages the same rules will apply as for inclement weather.

Additionally the head teacher should ensure that wherever possible employees re-schedule their outside visits to avoid unnecessary travel e.g. meetings at different locations could be re-scheduled or dealt with in another way (e.g. telephone conferencing, video conferencing, enhanced use of electronic mail etc).

11.5 Governing Body Duties

Where either a teacher or member of the support staff is also a Governor **in their own School** the will

be given necessary time with pay to attend meetings etc.

Where either a teacher or member of the support staff is a Governor **at either a different School/ school or college** to their place of work or other educational establishment, they will be permitted a maximum of **4 half days in any period of 12 months** to support the carrying out of these duties. This provision is in addition to any special leave an employee has taken under the arrangements set out elsewhere in this section.

The same arrangements will apply to **part-time employees on a pro-rata basis**

11.6 Interviews During Notice of Redundancy

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

11.7 Jury Service

An employee receiving a summons to serve on a jury must report the fact to his/her Headteacher or senior manager 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 his/her normal earnings for the period of jury service from the court concerned, this amount will then be deducted from their weekly/monthly earnings. Up-to-date details of any additional expenses which a Juror may claim should be obtained from the usher at the court.

Where an employee is called up for jury service, they must submit a request for leave to their Headteacher / line manager (a Jury Service Declaration Form, is available from the HR intranet page.) A copy of the Court Summons must also be provided by the employee. Paid time off work will be given for attending Jury Service on the understanding that the employee receives reimbursement from the court (subject to the maximum daily allowance) for the earnings paid by the School, for the full period of Jury service. Monies reimbursed by the Court must be repaid to the School. The employee should complete the Jury Service Declaration in relation to this, authorising the deduction from their salary and return the completed form to the School who will then submit this to their Payroll department.

If on any day the employee's services are not required at the Court, they will be required to return to work for that day.

Process of Reclaiming Loss of Earnings

The School's Payroll department will need to complete the Certificate of Loss of Earnings (which the employee will get with the letter confirming their jury service).

****Where the School purchases Torbay Council Payroll Services Include the following – or insert details here of your payroll provider****

Please forward to: **Payroll@torbay.gov.uk** or Payroll
Lower Ground Floor
Town Hall
Castle Circus
Torquay

Once complete the Certificate of Loss of Earnings will be returned to the employee who will then need to send the Certificate of Loss of Earnings to the relevant Court, as part of their claim for expenses once jury service is complete.

11.8 Public Duties

Additional leave with or without pay may be granted for Public Duties at the discretion of the Headteacher or Governing Body in line with the guidelines below:

Up to a **maximum of 12 days' leave with pay in any 12 month period** may be granted in order to undertake the following public duties:

- Serving as a member of a Local Authority.
- Serving as a member of a statutory tribunal or as a Magistrate. •
- Assisting with Parliamentary and local elections.
- As an elected or nominated representative of a joint negotiating body e.g. the Provincial Council.
- Attending annual training as a member of the non-regular forces.

Employees holding **more than one of the duties** listed above are entitled to **no more than 12 days in total** in any period of 12 months.

11.9 Religious Observance

The School promotes equality and anti-discriminatory practice. In doing so it recognises that employees may need time off to meet their religious commitments.

Time off may include:

- short breaks throughout the day for prayer (which are not counted as work time)
- time off to celebrate religious festivals
- longer time away from the workplace to participate in religious pilgrimages
- time off to accommodate longer periods of mourning, according to the tradition/faith, when a relative dies (when the compassionate leave entitlement has been exhausted)

Employees seeking time off or should first approach the Headteacher or senior manager. Requests do not need to be in writing.

All requests must be treated with the utmost respect; under no circumstances will the domination or devaluing of others beliefs be acceptable.

12 Special Events / Other Leave

(Including leave during the School term for teachers and term time only support staff)

Employees should avoid requesting leave during term time wherever possible. However, there may be a number of situations requiring an employee to request time off for special events or other types of leave which are of an exceptional nature such as Weddings / funerals of immediate relatives, house removal, graduation ceremonies for immediate relatives etc.

Requests for time off during School terms, of up to two days, should be made in writing to the Headteacher.

Requests for a leave of absence lasting longer than two days should be made, in writing, to the chair of governors. Requests to governors must be made at least three months in advance of the proposed leave, and longer if the leave is for more than one month.

1. All requests should explain why the leave is needed. A reply will be given in writing, and if the leave is agreed it will detail the terms and conditions of that leave. In each case, consideration will be given as to whether the leave should be paid or unpaid.

As extended leave without pay constitutes a temporary alteration to the contract of employment a formal agreement must be drawn up. Human Resources will be able to advise on the process required in these circumstances.

Section 2 – Unauthorised Absence

Unauthorised absence is categorised as leave which has been taken either without permission, without choice, or without any explanation.

13 Legal Custody / Imprisonment

If an employee is detained in legal custody or imprisoned, a decision will be made by the 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

An employee will not necessarily be dismissed because of his/her conviction for a criminal offence, but the employee's position will be considered on its merits. An acquittal of criminal charge shall not of itself preclude disciplinary action where such action would otherwise be appropriate, subject to the terms of the disciplinary procedure.

Where a long term sentence is passed, this can be grounds for dismissal. (It is advised that advice is sought from your Human Resources Provider in these circumstances.)

13.1 Unexplained / Uncertified Absence

As soon as it becomes apparent that an employee is absent without an acceptable explanation or medical certificate, the Headteacher / Senior Manager 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 his/her obligations and say he/she will not be paid beyond the last date at which he/she was either present at work or absent with an explanation. Human Resources should be notified in this situation, as failure to receive either a satisfactory reason for the absence, or to respond to the School may result in disciplinary action and even dismissal.

14 Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox – HRpolicy@torbay.gov.uk

14.1 History of Policy Changes

Date	Page	Details of Change	Agreed by:
May 2014	All	Model School policy created	
	6	New unpaid leave request process in line with Pension changes *Torbay Payroll only*	
	16	Changes to Jury Service process for payment	
	all	Minor amendments to policy to ensure that it is current with legislation.	
	Appendix	New unpaid leave request form	
April 2015	12+13	Legislation change – Increase in child's age limit for taking parental leave	
December 2015	6	Inclusion of extension to 30-day window for Additional Pensions Contributions	

UNPAID LEAVE REQUEST FORM

This form is to be used by the employee to request to take a period of unpaid leave other than for maternity, adoption or paternity reasons, where other forms are in place. Unpaid Leave can only be agreed in exceptional circumstances, please see the Leave Arrangements Policy for further guidance.

Business Unit/School:		Department:	
Contact Tel Number:		Email Address:	
Employee Number:			
Line Manager's Name:		Job Title:	Contact Details:
Purpose of unpaid leave:			
Dates of leave requested:			
First date of Leave:		Last date of Leave:	
<p>IF YOU ARE A MEMBER OF THE LOCAL GOVERNMENT PENSION SCHEME, PLEASE BE AWARE THAT YOU CAN PAY ADDITIONAL PENSION CONTRIBUTIONS (APC's) TO BUY THE 'LOST' PENSION DURING YOUR PERIOD OF AUTHORISED UNPAID LEAVE.</p> <p>Unpaid leave is not treated as pensionable and will reduce the amount of pension you earn during the year if you do not elect to pay Additional Pension Contributions.</p>			
<p>Pension Contributions – The 30 day window: If you sign a contract wishing to pay Additional Pension Contributions (APC's) within 30 days of your return to work, the contributions will be split 1/3rd to be paid by you, 2/3rd to be paid by your employer. If choosing to do this after 30 days of your return date, you will bear the full cost of the 'missed' contributions. This 30 day window may be extended at your employer's discretion.</p>		<p>Are you interested in paying Additional Pension Contributions to cover your period of unpaid leave? Yes <input type="checkbox"/> No <input type="checkbox"/> If you tick 'Yes', the Pensions Advisor will contact you by email with the cost of paying APC's. If you then wish to enter into a contract to pay the APC's once you know the cost, please visit the following website to obtain the contract which you will need to complete and submit to Payroll. http://www.torbay.gov.uk/index/getinvolved/employment/workingfortorbay/torbaylgps.htm If you require more information about LGPS 2014, please visit the Peninsula Pensions website www.peninsulapensions.org.uk/lgps or the LGPS 2014 website www.lgps2014.org/ .</p>	

Signed:

Printed:

Date:

(Employee)

Signed:

Printed:

Date:

(Executive Head/Headteacher)

Please return this form to:- Human Resources, Lower Ground Floor, Town Hall, Castle Circus
