

# LEAVE OF ABSENCE POLICY

Date of Issue	April 2020
Review Date	April 2022
Ratified by	F&P, Policy Sub Committee
Date	September 2020
Produced by	HfL
SLT responsible:	Business Manager
Signatures:  Chair of Governor   Headteacher	

This policy has been negotiated with the Professional Associations/Trade Unions by HfL.



FEARNHILL SCHOOL

## **Introduction**

There will be times during the school year when employees may request time off work. This Policy and associated documents set out the school's approach for dealing with these requests.

This Policy is designed to assist Headteachers and governing bodies to manage requests in a fair and consistent manner taking into account the educational, operational and budget needs to the school.

It recognises that the success of the school depends on the contribution of all employees and acknowledges that a fair and effective approach contributes to staff morale.

It is hoped that employees will not unreasonably apply for time off during term time, as they will recognise the disruption that can be caused to learning.

## **Scope**

This Policy applies to all teaching and support employees. It is non-contractual and may be amended at any time.

Statutory obligations are under the following:

- Time off for trade union duties in accordance with provisions in Section 61 and 62 of the Employment Rights Act 1996
- Time off with pay for safety representatives, appointed/elected by recognised trade unions both to carry out safety functions and to undergo relevant training
- Paid time off for maternity, paternity, adoption or shared parental leave
- Paid time off for ante-natal care under Section 55 of the Employment Rights Act 1996, as part of the provisions for maternity leave (as substituted or amended)
- Unpaid time off for ordinary parental leave, parental leave, dependants or domestic emergencies.

National provisions as detailed in the Conditions of Service for School Teachers in England and Wales (Burgundy Book) and the National Agreement on Pay and Conditions for Support Staff (Green Book) are incorporated into this guidance note and associated documents.

## **Roles & Responsibilities**

### ***The Governing body***

The Governing body is responsible for deciding whether to adopt this guidance and reviewing it regularly to ensure it remains fit for purpose. Its role is also to ensure it is being used fairly and consistently for employees whilst also supporting the educational needs of the school and sustainability against the school's budget.

### ***The Headteacher***

The Headteacher or relevant line manager will consider all time off requests and either approve or refuse in line with this guidance in a fair and consistent manner having regard for:

- The nature of the request
- Any statutory obligations
- Educational provisions
- Service needs
- Eligibility

- Any previous requests
- Consistency with other employee requests

Records of requests and decisions should be retained on employee files. Sometimes a meeting will need to be held with the employee to discuss their request.

If the Headteacher is making the request for time off, the request should be made to the Chair of Governors.

If time off is taken because of an emergency, the approval should be given and recorded retrospectively.

### ***The employee***

Unless there is an emergency, employees should submit any requests for time off in advance of the proposed leave dates to allow the Headteacher adequate time to consider it. This must be done by completing the School's Leave of Absence Forms available in the staff shared area – Appendix 7.

In an emergency, the employee must inform the Head teacher or relevant line manager as soon as possible by telephone and complete the form retrospectively on their return to work – Appendix 8.

If an employee takes time off which has not been authorised, they may be subject to disciplinary action under the school's disciplinary policy and procedures.

### ***Types of Leave***

There are many reasons that employees may ask for time off, these can fall into various categories. Guidance Notes are attached to this policy

- Annual Leave Entitlements for Support Staff – Appendix 1
- Time off for Medical Reasons – Appendix 2
- Career Breaks – Appendix 3
- Time off for Reservists – Appendix 4
- Time off for Trade Union Duties – Appendix 5
- Time off for Public Duties – Appendix 6

Requests outside of these categories are discretionary. Consideration should be given to these requests in line with operational requirements. Each individual situation is likely to be different so the circumstances surrounding each request should be taken into account.

Headteacher's have the discretion as to whether, if authorised, these requests are paid or unpaid.

Whilst taking into consideration individual circumstances the Headteacher will ensure a fair and consistent approach.

Examples given below are non-exhaustive and serve to give guidance only:

- Bad Weather Conditions
- Blood Donation
- Domestic Emergencies
- Funeral
- Graduation Ceremonies
- Moving house

- Religious Observance/Festivals
- Sporting and similar activities
- Volunteering
- Wedding - close family wedding

### ***Unpaid leave and pension deductions (Local Government Pension Scheme)***

Pension deductions will not automatically be made for any periods of unpaid leave. If an employee wishes to request to pay Additional Pension Contribution (APC) to cover the amount of pension 'lost' during a period of unpaid leave they should make an election to the Local Pensions Partnership within 30 days of returning to work.

Employees can visit [www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension](http://www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension) and click the 'Buy Lost Pension' option to calculate the cost to buy back lost pension. Contact the schools' payroll provider to find out the amount of lost pensionable pay to enter into the website.

After using the quote on the website above employees should, using the application form provided on this website, submit the application to your school's payroll provider and send a copy to the Local Pensions Partnership

#### **1. Annual Leave Entitlement for Employees covered by Local Government Terms and Conditions**

For support staff contracted to work for 52 weeks' per year, the leave entitlement is dependent on grade and continuous Local Government service. See Appendix 1. This leave will normally be taken during the school holidays and must be agreed with the Headteacher or nominated person in reasonable time, prior to the leave being taken. Only in exceptional circumstances and with the express consent of the Headteacher, can leave be taken at other times. Support staff may carry forward up to 5 days' to the next annual leave year, provided this is done with the Headteacher's consent and leave is taken prior to 31<sup>st</sup> May.

**Staff will not be permitted to take leave during the term unless express consent from the Headteacher has been given. If leave is granted, this will be unpaid for term-time only staff.**

The School expects employees who are covered by Local Government terms and conditions of employment to take their full entitlement of leave in each leave year, which runs from April to March. Where this is not possible, with the knowledge of and by arrangement with the Headteacher, employees may carry forward 5 days' to the next annual leave year, provided this is taken prior to 31 May.

All employees should make partners aware that as a rule time off in term time will not be granted to avoid costs incurred from the cancellation of surprise holidays for birthdays or anniversaries.

#### **2. 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 employees on either the Leadership or Leading Practitioner pay ranges or those acting up in such a role.

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

The School's policy as agreed by the Governing Body is:

#### **3.1 Disability Leave (*only applicable to support staff employed on the HCC Collective Agreement terms and conditions*)**

For support staff employees only who have declared to their employer a disability as defined by the Equalities Act 2010, up to 5 days' paid disability leave may be granted (pro rata for part time employees).

Reasons for using disability leave might include:

- Attending a doctor's or complementary medicine practitioner's appointments
- Assessment for conditions such as dyslexia
- Hearing aid tests
- Training with guide or hearing dog

Leave to attend funerals is limited to the funeral of an immediate family member of the employee only (parents, a spouse, sibling, grandparent or child).

An employee must notify their line manager as soon as practically possible in the event of an emergency. The Headteacher may approve up to five days' paid leave per leave year (pro rata for part timers) for emergency and discretionary leave.

For most cases, one or two days are reasonable to deal with a problem. The time off is to enable an employee to cope with a crisis, to deal with the immediate care and where necessary to make longer term care arrangements for the dependant. Where paid leave is granted only the first day of absence will usually be paid in any one period of absence, unless discretion is applied by the Headteacher.

#### **3.2 Other personal reasons**

Exceptionally, there may be other personal reasons for requesting leave of absence. Usually these will be one off events affecting family. An example might be attendance at a child's graduation ceremony. Such leave, where granted, will normally be unpaid and subject to adequate notice so that replacement staff can be employed if necessary.

Holidays to celebrate anniversaries, birthdays and such like are not considered to be one off.

#### **3.3 Time off for medical appointments**

Guidance on Time off for Medical Appointments is set out in Appendix 2.

#### **3.4 Moving House**

Up to 2 days unpaid leave will be granted.

#### **3.5 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 Governing Body will allow up to 2 days' leave. Staff taking such leave will be asked to make up this time at a later date or if this is not possible any leave granted should be unpaid.

### **3.6 Sporting Events**

Where staff can show they are representing their country they should write to the Headteacher so that arrangements can be made for paid or unpaid leave.

### **3.7 Career Break/Extended leave of absence**

Guidance on Career Breaks is set out in Appendix 3.

### **3.8 Service with Auxiliary Forces**

Guidance on Time off for Reservists is set out in Appendix 4.

### **3.9 Attendance at Court Proceedings**

Guidance on Time off for Public Duties is set out in Appendix 5.

### **3.10 Study/Examination Leave**

For employees who are sitting examinations relevant to their current post or career, providing the school is paying the fees, half a day study per examination plus half a day per examination will be paid.

### **3.11 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.

### **3.12 Time off for Trade Union duties**

Guidance on Time off for Trade Union duties is set out in Appendix 6.

### **3.13 Bad weather conditions**

There may be circumstances when the employee is unable to attend work due to bad weather, but the school remains open as usual. All reasonable effort should be made to attend work. Alternative arrangements may be agreed with the Headteacher, e.g. working from home or at a different location. Where this is not possible, non-attendance will normally be treated as unpaid leave.

## **4. Maternity, Paternity, Adoption Carers Leave and Antenatal care**

Policies available on staff shared area.

## **5. Interviews**

The Governing Body recognises the increasing tendency for prospective employers to require interviewees to attend for more than one day, especially for school 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 school and to minimise the burden on other staff, and to be fair to employees who will be seeking to further their career in the education sector, the Governing Body will grant leave of absence for interviews as follows:

- a) The Headteacher is empowered to approve up to a maximum of 5 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 5 days could be made up during holiday periods, instead of being on an unpaid basis, provided that their work can be carried out during holiday time.

## 6. Unauthorised Absence

If an employee takes leave of absence without the prior consent of the Headteacher this will be investigated and could be considered Gross Misconduct under the Disciplinary Policy and Procedure.

Type of Leave	Legal Requirement	No Legal Requirement	Paid	Unpaid	Paragraph
Annual Leave entitlement for Local Government staff	✓		✓		Appendix 1
Disability Leave – Collective Agreement support staff only	✓		✓		3.1
Time off for sick child	✓			✓	3.2
Compassionate, Emergency or Exceptional Leave	✓		✓		3.3
Other personal reasons		✓		✓	3.4
Career Breaks/Extended Leave of Absence		✓		✓	Appendix 3
Moving House		✓		✓	3.6
Service with Auxiliary Forces	✓		✓		Appendix 4
Mobilisation	✓		✓		Appendix 4
Carry over of annual leave		✓	✓		1
Religious festivals		✓		✓	3.7
Sporting Events		✓	✓		3.8
Attendance at Court Proceedings		✓	✓		Appendix 6
Public Duties	✓			✓	Appendix 6
Study/ Examination Leave		✓	✓		3.12
GCSE Duties & Activities		✓	✓	✓	3.13
Trade Union Duties	✓		✓		Appendix 6
Bad Weather Conditions		✓		✓	3.15
Time off for appointments (Doctor, Dentist etc.)		✓	✓		Appendix 2
Maternity, Paternity, Adoption, Carers leave & ante-natal care	✓		✓		Separate Policy
Interviews within HCC or another Local Authority		✓	✓		5

**ANNUAL LEAVE ENTITLEMENTS FOR SUPPORT STAFF**

The leave year runs from the 1 April to the following 31 March. For school-based staff working 52 weeks' per year leave will normally be taken during the school holidays. Only in exceptional circumstances and with the express consent of the headteacher can leave be taken at other times or carried forward to the next leave year. Any carry forward should be taken by the end of May and will usually be deleted if not used by then.

Annual leave entitlement for school-based staff working 52 weeks' per year is in accordance with the following table:

<b>TABLE A</b>			
<b>For employees covered by the HCC Collective Agreement with effect from 01.04.12</b>			
<b>Grade</b>	<b>Less than 5 Years continuous service</b>	<b>5 to 10 Years continuous service</b>	<b>10 or more years continuous service</b>
HB to H7	24	28	29
H8 to H9	26	28	29
M1 to M5	28	30	31
All entitlements incorporate the concessionary day			

Annual leave entitlements will be pro rata for part time staff working less than 52 weeks' per year and/or less than 37 hours per week .

Staff engaged on a term time only basis will not be permitted to take leave at any other time except during school holiday periods unless express consent from the Headteacher has been given.

**TIME OFF FOR MEDICAL REASONS*****Occupational Health (OH) Appointments***

When referred under the School's Sickness Absence management policy, there is an expectation that employees will attend any OH appointments once arranged. These will normally be in the employee's working time and are paid absences.

***Medical appointments***

Reasonable time-off for employees to attend medical appointments, which are unable to be arranged out of working hours. Before arranging non-urgent doctor's medical appointments, employees should seek the approval of their Headteacher and make every attempt to make these appointments at the beginning or end of the day or during lunch breaks to minimise the time they have to be absent from work.

Routine doctors or dentists appointments e.g. check-ups should not be taken during term time or working time for those working in holiday periods.

Elective procedures should be arranged during holiday periods and will usually be unpaid.

***Medical Screening***

Where possible, screening should be arranged outside of working time. If not possible, paid time off will be granted for medical screening (including cancer screening) where required by the employee's medical advisors.

**CAREER BREAKS****Scope and Objectives**

It is recognised that during an employees' working life there will be times when personal commitments may take priority over work e.g. bringing up children, longer term care for sick or dependent relatives, or pursuing a course of further education. The school may be able to accommodate such personal commitments, where operationally practicable, through career breaks. Employees should also consider flexible working requests depending on their individual needs.

Career breaks enable employees to take an unpaid break from work for personal reasons whilst maintaining continuity of service with the school. The employee should try to give as much notice as possible to commence a career break (ideally 3 months) but a shorter notice can be accepted at the Headteacher's discretion for example where a dependent needs care at short notice.

With the exception of continuity of service all other terms of the employment contract with the school will be suspended. On return, at an agreed date following the career break, the employee will be able to return to the same or similar post within the school without competitive selection. (See below regarding restructures whilst an employee is absent on a career break)

A career break may be considered appropriate for example:

- to extend a period of maternity/adoption leave
- to care for dependants
- to enter full time education
- extended foreign travel

These reasons are not all inclusive and others may be considered, with the exception of taking up other full time paid employment.

Employees who are on a career break may in exceptional circumstances take up a part time role for example to support a university course or extended travel. Permission must be sought from the school before taking this up.

**Eligibility**

All permanent employees with at least two years continuous service with the school regardless of the number of hours worked are eligible to apply for a career break.

**Length of career break**

The minimum length of break is 3 months, for teaching and classroom based staff the expectation would be for this to equate to a term, and the maximum is 1 year. There is no limit to the number of career breaks an employee can take, providing they return to work at the school for a minimum of 2 years between each break.

**Pensions Deductions**

Pension deductions will not automatically be made during a Career Break. If an employee wishes to request to pay Additional Pension Contributions (APCs) to cover the amount of pension 'lost' during this period, they should make an election to the Local Pensions Partnership (LPP) within 30 days of returning to work.

Employees can visit [www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension](http://www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension) and click the 'Buy Lost Pension' option to calculate the cost to buy back lost pension. Contact your school's payroll provider to find out the amount of lost pensionable pay to enter into the website.

After using the quote on the website above employees should, using the application form provided on this website, submit the application to your school's payroll provider and send a copy to the Local Pensions Partnership.

Contact the LPP on 01992 555 466 or [hertsc@localpensionspartnership.org.uk](mailto:hertsc@localpensionspartnership.org.uk) with any questions about the purchase of lost pension.

### **Organisational change**

Consideration of planned organisational change should be taken before a career break is authorised particularly where there is potential for a reduction in posts.

If an employee is on a career break when a restructure is being considered, every effort should be made to contact them in order for them to have input into any consultations or feedback processes. Employees may be given the opportunity to return to work early if they wish to if the temporary cover can be ended at no additional cost.

Employees on a career break must be included in selection processes even if the Headteacher is unable to make contact with them.

### **Extending the career break**

If the employee wishes to extend their career break, if the break taken was to be less than one year, they must do so in writing normally giving as much notice as possible. The Headteacher will consider the extension along the same lines as the original request and may grant up to 1 year in total.

### **Cutting short the career break**

There will be no automatic right to cut short a career break but the Headteacher will consider such requests from an employee if they can be accommodated.

If the employee does not return from the career break

If an employee does not wish to return from a career break, they should confirm this in writing at least 4 weeks' prior to their expected return date, for those employed under School Teachers Pay and Conditions of Service the appropriate notice must be given in accordance with those terms. If, on the school writing to the employee to confirm the return date, the employee does not respond, their contract will be terminated on that expected return date.

### **Conduct during a Career break**

Employees should be aware that they remain employees of the school during a career break. Whilst an employees' off duty hours are their personal concern they should not put themselves in a position where their duties and private interests conflict. The standards of the School's Code of Conduct should be maintained during a career break.

## **Returning to Work after a Career Break**

When an employee returns to work following a career break, they may need support in order to integrate back into the school. This should include:

- updating them on any changes that may have occurred in the school
- going through work plans and priorities
- setting up meetings with colleagues to update on work that has been done/is being done
- ensure the returnee undertakes any statutory update training specifically relating to safeguarding
- register the returnee on any relevant training and skills development courses

It is also important that the returnee review important documentation and policies to understand changes.

## TIME OFF FOR RESERVISTS

### *Reservists/auxiliary Forces*

Reservists are required to inform their Headteacher that they are a member of the Reserve Forces, and the specific force that they belong to. Reservist employees will also be required to grant permission for the Ministry of Defence (MoD) to write to the Headteacher to make sure the school are aware that the employee is a Reservist.

The MoD will issue written confirmation to the employer informing them the employee is a Member of the Reserve Forces. The letter will provide detail of mobilisation obligations and rights as an employee; rights as an employer; and details of the financial assistance available if an employee is mobilised. Where possible, it will also provide details of any annual training commitments. The MoD will also send a follow-up letter each year to confirm that the information held is still accurate.

### **Time off for training**

Reservist training normally takes place during evenings and weekends. Head Teachers may however grant up to 5 days leave at their discretion where training falls within an employee's normal working hours.

Additionally up to 2 weeks per year can be granted by the Head Teacher to attend the annual training camp (10 days). Employees are required to give as much notice as possible for this training period in order for the school to arrange appropriate cover.

Leave may be refused if it would have an unsustainable and detrimental impact on the running of the school. Paid leave should only be granted if the force's unit cannot arrange exercises during school holiday periods.

### **Mobilisation of Reservists**

Mobilisation is the process of calling Reservists into full-time service to serve alongside the Regular Armed Forces on operations. The MoD aims to give as much notice as possible of mobilisation, and will usually give at least 28 days' notice except in emergency situations. Employees will receive a notice of mobilisation from the MoD, and should then notify the school without delay. The MoD will also send employers a pack containing information on their rights and responsibilities during mobilisation.

### **Employee pay arrangements during mobilisation**

In circumstances where a reservist employee is mobilised they will not be paid by the school and should be placed on a Career break for payroll purposes to ensure their continuous service is not broken.

If an employee who is mobilised wishes to remain in the Local Government Pension Scheme (LGPS) the school's payroll provider should be informed and they will calculate the amount of contributions that the employee and the MoD must pay. For Teachers the relevant form must be completed, available online at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

### **Financial assistance for employers during mobilisation**

There is some financial assistance available to employers when an employee is mobilised to support with covering the employees absence. For full details of what can be claimed and how to submit a

claim please refer to the latest guidance from the Gov.uk website here:

<https://www.gov.uk/employee-reservist>

**Delaying or cancelling mobilisation**

Employees, and employers, can request to delay or cancel mobilisation if the period of absence is anticipated to have a significant impact on the service provision of the school or significant financial implications. For more advice on how to apply for a delay or cancellation of mobilisation please refer to the Gov.uk website here: <https://www.gov.uk/employee-reservist>

## TIME OFF FOR TRADE UNION DUTIES

### Scope

This guidance deals with the right to time off work in relation to the duties and activities undertaken by Trade Union Representatives (Union Rep), and activities undertaken by individual union members. The term Union Rep is used in this guidance to cover the interchangeable titles of Union Representative, Union Officer and Union Official.

This guidance applies to schools that have Union Reps from the following formally recognised trade unions:

- NASUWT (The National Association of Schoolmasters and Union of Women Teachers);
- NAHT (National Association of Headteachers);
- NEU (National Education Union);
- ASCL (Association of School and College Leaders);
- UNISON
- VOICE

### Duties and activities of Union Reps

Union Reps may undertake duties and or activities as part of their role. It is useful for schools to understand the difference between duties and activities, as the arrangements for pay differ between the two.

#### 1.1. Trade Union Duties

Union Reps have a statutory right to reasonable paid time off from employment to carry out trade union duties.

Union duties must relate to:

- Negotiations with their employer for the purposes of collective bargaining by their employer, and not for any associated employer except in certain pre-agreed circumstances;
- Negotiations related to redundancy that apply to employees of the employer;
- Duties relating to matters that fall under the Transfer of Undertakings (Protection of Employment) Regulations 2006, commonly known as TUPE;
- To represent a worker at a disciplinary or grievance hearing in the capacity of companion to that worker. The right to time off in this situation applies regardless of whether the Union Rep belongs to a recognised union of the employer or not.

#### 1.2. Trade Union Activities

Union Reps and individual members of recognised unions have the right to reasonable unpaid time off when taking part in trade union activities.

Relevant activities include:

- Attending workplace meetings to discuss and vote on the outcome of negotiations with the employer;

- Meeting full time officers to discuss issues relevant to the workplace;
- Voting in union elections;
- Having access to services provided by a Union Learning representative;
- Taking part in branch, area or regional meetings of the union where the business of the union is under discussion;
- Meetings of official policy making bodies such as the executive committee or annual conference.

There is no right to time off for trade union activities which themselves consist of industrial action.

## **Other forms of duties and activities**

### **1.3. Training for Union Reps**

Union Reps have the right to reasonable paid time off to undertake training on aspects of employee relations that enable them to carry out their duties related to:

- Collective bargaining;
- Negotiations related to redundancy;
- Duties that fall under TUPE regulations.

The training must be approved by the Trades Union Congress or by the independent trade union of which the employee is a union representative.

### **1.4. Union Learning Representatives**

Union Learning Representatives of a recognised union are entitled to take reasonable time off associated with this role.

To qualify for paid time off the Union Rep must be sufficiently trained to carry out duties as a learning representative under one of the following:

- either at the time when their trade union gives notice to their employer in writing that they are a learning representative of the trade union, or;
- within six months of that date. In these circumstances the trade union is required to give the employer notice in writing that the employee will be undergoing such training and when the employee has done so to give the employer notice of that fact.

During the six month period in which he or she is undergoing training, the Union Learning Representative must be allowed reasonable time off to perform their duties, but this does not need to be paid.

### **1.5. Health and Safety Reps**

If you have union-appointed Health and Safety Rep or representatives elected by employees in your workplace, then you have a duty to:

- let them have reasonable paid time off during their normal working hours as is necessary to carry out their functions;
- let them have paid time off to be trained to perform their functions, as reasonable in the circumstances.

For further guidance regarding the specific rights of Health and Safety Reps please contact the HR Services team directly.

### **1.6. Nominated County Union Reps**

The County Council has a Facilities Time agreement with the teaching Trade Unions and Professional Associations to provide paid time off for a limited number of county representatives. The nominated county representatives are allowed pre-agreed, time off each week to carry out their duties and the school is reimbursed from a council budget this pools resources delegated for this purpose. Further details of this agreement can be obtained from HR Services if required.

Academy trusts may contribute to the County Council's pooled facilities time budget, this allows the trust to be covered by a county union representative rather than requiring release time for an internal representative who would be entitled to paid time off without any reimbursement. Nominated county representatives may be based in either a maintained or academy setting.

County representatives may only be granted time off for this purpose where it is agreed with their employing school/trust, the union and there is sufficient resource available from the county council budget.

County representatives cover a range of duties including but not limited to supporting with disciplinary and grievance hearings and collective bargaining at a county level.

#### **Requests for time off**

When considering reasonableness schools should consider the whole circumstances of the request including:

- how much time off is required for the employee to perform the duties
- how much time off the employee has already been permitted to take for public duties or trade union duties and activities; and
- the effect that the employee's absence will have on the running of the School.

Union Reps should give as much notice as possible for any requests for time off, and should include a short summary detailing the purpose of the time off, the intended location and the timing and duration of the time off needed. In addition attempts should be made to schedule activities and duties to fall at times of minimal disruption for the school wherever possible.

#### **Access to Facilities**

Schools are not obliged to provide facilities for Union Reps, except when Union Reps are engaged in duties related to collective redundancies and TUPE negotiations, when appropriate facilities must be provided.

As such it is recommended that schools should, where practical, make available to Union Reps the facilities necessary for them to perform their duties efficiently.

The facilities should include:

- A confidential space where they can meet with employees, Union Learning Representatives and other union members and officers;

- Access to a telephone, email, intranet and internet that is ordinarily permitted in the workplace;
- The use of noticeboards;
- Where the volume of the Union Reps work justifies it, the use of dedicated office space.

## TIME OFF FOR PUBLIC DUTIES

### Jury Service

Employees will be notified of a requirement to carry out Jury Service by letter from the courts. A copy of this letter should be given to the Headteacher and a request made for time off.

Unless the absence would have a serious impact on the business then the school recognises that it must approve the time off.

Employees will receive normal pay during the period of Jury Service on the condition that they complete the Certificate of Loss of Earnings or Benefit form to receive reimbursement from HM Courts and Tribunals Service. Employees will be paid as normal until the reimbursement has been processed whereupon they will provide the School with the Remittance Advice Slip they receive and the School will make the appropriate deduction for equivalent monies from the employee's pay.

### Attending court as a witness

Employees can be asked to attend as a witness in proceedings under both the Criminal Courts and the Civil Courts.

In such circumstances an employee may be issued with one of the following:

- A court summons or subpoena, which requires their attendance and the need for them to give evidence;
- A witness warning letter by the Police requiring them to attend court;
- A court order requiring their attendance.

Schools must allow employees time off work to attend court proceedings if they have been issued with one of the above.

Schools should be aware that the notice given to a witness can vary from a couple of weeks to only a few days. It is also possible that the date is postponed or cancelled any time leading up to the planned date, and even on the day itself. As an employer, it means that your employee may not have the ability to give much notice and that the agreed arrangement may be changed.

### Pay arrangements

Schools are not legally required to pay employees for time off to attend court as a witness. However, schools should have regard to the role of court attendance in undertaking public duties, and as such may wish to pay employees for the time off in recognition that doing so can contribute to building trust and reflects good practice in employee relations.

In some cases it may be possible for an employee to claim loss of earnings from the Court, or claim for expenses for attending court. Advice for employees can be obtained from the Gov.uk website here: <https://www.gov.uk/going-to-court-victim-witness/expenses-for-going-to-court>, or from the Citizens Advice Bureau here: <https://www.citizensadvice.org.uk/law-and-courts/legal-system/going-to-court-as-a-witness1/>.

### Attending court on a voluntary basis

If your employee has been asked to attend a Court hearing as a potential witness voluntarily, and wishes to do so, you do not have to agree to time off work, but it is good practice to try and reach

mutual agreement on how this time off can be facilitated. For example, you can ask them to take this time as annual leave (where they have time to take), or you can agree to unpaid time off work.

### **Other Public Duties**

A school employee should be granted reasonable time off to undertake public duties associated with the following:

- A magistrate (also known as a justice of the peace);
- A local councillor;
- A school governor;
- A member of any statutory tribunal (for example an employment tribunal);
- A member of the managing or governing body of an educational establishment;
- A member of a health authority;
- A member of the Environment Agency ;
- A member of the prison independent monitoring boards;
- A member of a Water Customer Consultation Panel.

Whilst time off does not have to be paid it is not uncommon for schools to grant some paid time off to school governors to help support the wider education system.

It is important to note that Legislation does not define how much time off schools must give employees other than to specify that the amount of time off must be "reasonable in all the circumstances".

When considering reasonableness schools should consider the whole circumstances of the request including:

- how much time off is required for the employee to perform the duties
- how much time off the employee has already been permitted to take for public duties or trade union duties and activities; and
- the effect that the employee's absence will have on the running of the School.



**APPENDIX 7**

**LEAVE OF ABSENCE REQUEST FORM**

7 days' notice is required for all absence requests other than emergency circumstances/medical appointments. Please complete and submit to School Business Manager. Upon authorisation, a copy will be placed in your pigeon hole.

Surname						First Name						Payroll No.					
Post 1						Post 2(if applicable)											
	Mon	Tue	Wed	Thu	Fri							Mon	Tue	Wed	Thu	Fri	
Hours worked						Hours worked											

Leave Start Date				Time Out				Time Back				All day			
<b>Reason for Absence</b> <i>Please attach a copy of relevant documents, i.e. hospital letter, interview invitation etc.</i>															
Employee Signature:									Date:						

**Cover Required**

AM Reg	Pd1	Pd2	Pd3	Pd4	PM Reg	Pd5	Duty

Other Information eg detention/sports fixture/intervention

**TO BE AUTHORISED BY HEADTEACHER/DEPUTY HEAD OR BUSINESS MANAGER**

ABSENCE PAID				ABSENCE UNPAID			
Date/Period of absence				Date/Period of absence			
Signed:							



**EMERGENCY ABSENCE**

If an unexpected emergency arises and you are unable to come into School, complete the details below on the first day of your return and submit to School Business Manager.

<b>Surname</b>		<b>First Name</b>		<b>Payroll No.</b>	
<b>Post 1</b>			<b>Post 2(if applicable)</b>		

<b>Date</b>	<b>Time Out</b>	<b>Time Back</b>	<b>All day</b>
<b>Reason for Absence</b>			
<b>Employee Signature:</b>		<b>Date:</b>	

Name: .....

<b>ABSENCE/PAID</b>		<b>ABSENCE/UNPAID</b>	
<b>Date/Period of Absence</b>		<b>Date/Period of Absence</b>	
<b>Signed:</b>			