

Leave of Absence

Guidance for Headteachers



Please think before printing this document.

Where printing is necessary, please ensure that it is printed double sided and in greyscale.

Contents

1	Introduction	2
2	Conditions for Granting Leave of Absence	2
3	Leave of Absence not covered by this Guidance	2
4	Leave of Absence Covered by this Guidance	2
4.1	Trade Union Duties and Activities	3
4.2	Public Duties.....	4
4.3	Examiners/Moderators (GCSE)	4
4.4	Non-Political Organisations.....	5
4.5	Advancement of Religious Education.....	5
4.6	Redundancy	5
4.7	Safety Representatives and Safety Committee Regulations 1979	5
4.8	Jury Service.....	5
4.9	Attendance at Court.....	5
4.10	Elections	5
4.11	Examiners for Boards	6
4.12	Interview for Posts	6
4.13	Religious Bodies	6
4.14	Political Organisations	6
4.15	Other Requests.....	6
5	Application and Approval Requirements.....	6
5.1	Annual Leave of Absence Approval Form.....	6
5.2	Request for Leave of Absence.....	7
6	Pension implications	7
7	Supporting documents	7
8	Further information	8

1 Introduction

The school is committed to ensuring fair and reasonable practice in relation to employee leave of absence. This guidance document aims to provide a framework for headteachers to consider leave of absence requests. The entitlements to leave of absence are set out in national and local agreements, as well as in statutory requirements covered in legislation such as the Trade Union and Labour Relations (Consolidation) Act 1992, the Employment Relations Act 1999, the Employment Act 2002 and the Work and Families Act 2006.

2 Conditions for Granting Leave of Absence

It is a condition of granting leave of absence that it will not in the opinion of the headteacher disorganise the work of the school. Reasonable advance notice should be given when making a request for leave. Headteachers must consider the needs and commitments of the school when considering leave of absence requests.

It is the responsibility of employees to consult their headteacher prior to seeking or accepting extraneous commitments which will involve a significant amount of time away from work. The employee must follow the necessary application and approval process for the leave request they are making, please see section 5.

3 Leave of Absence not covered by this Guidance

Leave of absence is not restricted to the areas identified in this guidance document; if there is any doubt as to whether leave should be granted or whether it should be with or without pay, then advice should be sought from the HR Advice and Support Team.

The following leave of absence is covered by other school policies and are not within this guidance document:

- Maternity, Adoption and Paternity Leave - Maternity, Adoption and Paternity Leave Policy, Procedure and Toolkit.
- Maternity Support Leave - Maternity, Adoption and Paternity Leave Policy, Procedure and Toolkit.
- Time off for Ante-Natal Care – Maternity, Adoption and Paternity Leave Policy, Procedure and Toolkit.
- Time off for Medical Appointments (including hospital appointments and cancer screening) – Sickness Absence Management Policy, Procedure and Toolkit.
- Dependant Leave (to care for dependents) – Family Leave and Flexible Working Policy, Procedure and Toolkit.
- Compassionate Leave (to deal with an emergency situation) - Family Leave and Flexible Working Policy, Procedure and Toolkit.
- Inclement Weather – Inclement Weather Guidance.
- Volunteer Reserve Leave - Reserve Forces Policy

4 Leave of Absence Covered by this Guidance

4.1 Trade Union Duties and Activities

An employee who is an official of an independent trade union, which is recognised by the employer, must be allowed reasonable time off WITH PAY during working hours for the following:

- collective bargaining with the appropriate level of management;
- informing constituents about negotiations or consultations with management (assistance can be given with this for normal day to day business, e.g. by using internal mail systems, notice boards, etc available which could minimise time off);
- meetings with other lay officials or with full-time union officers on matters which are concerned with industrial relations between his or her employer and any associated employer and their employees (this would normally apply to meetings held prior to or after joint meetings with management);
- interviews with and on behalf of constituents on grievance and discipline matters concerning them and their employer;
- explanations to new employees whom he or she will represent, of the role of the union in the workplace industrial relations structure (this refers to the induction of new members, not recruitment);
- training in aspects of industrial relations.

Trade unions that are currently recognised by Durham County Council are as follows:

- Non teaching: GMB, UNISON, UNITE.
- Teaching: ASCL, ATL, NAHT, NASUWT, NUT, Voice.

It is school policy to grant up to 22 half days leave with pay, for the aforementioned purposes, in any academic year i.e. 1 September to 31 August. This can be approved by headteachers. For leave beyond 22 half days, approval must be sought from the Governing Body on the recommendation of the headteacher. Normally, any leave requested beyond 48 half days per annum would be granted without pay and any such leave would only be granted in the most exceptional circumstances.

An employee who is a member of an appropriate trade union, which is recognised by the employer, is entitled to reasonable time off for certain trade union activities, for which the employer IS NOT OBLIGED TO PAY. Examples of time off that might be granted under this provision include branch meetings, political or annual TUC conferences or national meetings to which the TUC appoint representatives. HR Advice and Support Team can provide advice as to what activities would fall into this category.

4.2 Public Duties

These provisions apply to employees who are:

- Justices of the Peace;
- Members of a Local Authority;
- Members of a Statutory Tribunal;
- Members of a Regional or Area Health Authority;

It is school policy to grant up to a maximum of 48 half days, WITH PAY, per annum, to employees who are included in one or more of the above four categories.

In those cases where the employee has the option of taking leave with either attendance or financial loss allowance (e.g. in the case of Members of Local Authorities or Magistrates) or of taking leave with pay the following rules shall apply:

- I. Where an employee elects to take leave with pay the total number of half days would, apart from in the most exceptional circumstances, be restricted to 48.
- II. Where an employee elects to take leave without pay they may be permitted to take unlimited leave.

Leave of absence with pay will be granted only if the employee concerned does not claim an attendance allowance/financial loss allowance. If the employee does claim such an allowance, leave of absence (if granted) will be with pay less the allowance claimed. Some local authorities pay an annual lump sum to councillors. These payments are neither an attendance allowance nor loss of earnings as such and therefore the County Council cannot make deductions from pay in relation to these sums.

- School Governing Body Members

Leave of absence to attend meetings of school governing bodies is dealt with on the following basis:

Governing Body	Leave Recommended
Primary Schools (inc. Nursery Schools)	Up to 6 half days per academic year
Comprehensive Schools	Up to 8 half days per academic year

Where employees are members of several governing bodies, time off WITH PAY is subject to a maximum of 22 half days per academic year (including Academies).

4.3 Examiners/Moderators (GCSE)

Headteachers are empowered to grant leave of absence WITH PAY (up to a maximum of 22 half days per annum) for both purposes, to employees who are appointed as examiners or moderators for examinations in connection with GCSE for the purpose of:

- I. attending meetings of examiners and moderators called by appropriate Examining Bodies;
- II. making such visits to other schools in connection with these duties as may be required by the appropriate examining boards.

Leave of absence for the purpose of marking scripts is not granted.

4.4 Non-Political Organisations

Members of organisations whose principal objectives include the improvement of the standard of local government services (but whose objectives do not include the improvement of the status and conditions of employment of employees) may be granted up to 48 half days leave WITH PAY to attend meetings at which any question affecting local government services is to be discussed.

4.5 Advancement of Religious Education

Appointees to organisations whose objectives include the advancement of religious education in primary and secondary schools may be granted leave of absence WITH PAY for up to 48 half days per academic year.

4.6 Redundancy

An employee who is given notice of dismissal because of redundancy is entitled to reasonable time off work WITH PAY during working hours to look for another job or make arrangements for training.

4.7 Safety Representatives and Safety Committee Regulations 1979

These regulations provide for recognised trade unions to appoint safety representatives from among the employees at an establishment. The school must permit safety representatives to take time off work WITH PAY when they carry out inspections of the workplace, either on a regular basis or following an accident, complaint or dangerous occurrence.

It is school policy that leave of absence WITH PAY be granted to safety representatives attending the 10 day TUC training courses. It is the responsibility of the trade unions to agree amongst themselves the nominees for such courses.

4.8 Jury Service

There is no statutory provision entitling an employee to time off for jury service, however preventing a person from attending as a juror is both a crime and contempt of court. School policy is to allow leave of absence and the school will deduct from the employee's pay an amount equal to the loss of earnings allowance received by the employee from the Court.

4.9 Attendance at Court

- I. Where employees are giving evidence in court, leave should be granted WITH PAY less attendance allowance from the court.
- II. Where employees are acting as defendants in a criminal cases, leave should be granted WITH OR WITHOUT PAY, depending on whether the charge is proven.
- III. Where employees are involved directly in a court case, leave of absence should be granted WITHOUT PAY.

4.10 Elections

Leave of absence WITH PAY should be granted to staff employed on Polling Day and at the count, in connection with County Council, Parliamentary and European Elections.

4.11 Examiners for Boards

Leave of absence for employees appointed as Examiners for University, Physical Training and similar examination Boards, or occasional lectures can be granted WITHOUT PAY.

4.12 Interview for Posts

Leave of absence can be granted to allow employees to attend interviews with other Local Authority schools or with Government Departments WITH PAY.

Leave of absence can be granted to attend interviews with other bodies WITHOUT PAY.

4.13 Religious Bodies

Leave of absence WITHOUT PAY can be granted up to a maximum of 11 half days per annum, for employees who represent religious bodies at local and national meetings of such bodies.

4.14 Political Organisations

Leave of absence WITHOUT PAY can be granted up to a maximum of 11 half days per annum, for employees who represent political organisations at political conferences.

4.15 Other Requests

- Should you have any queries with regard to leave of absence applications, please forward these in the first instance to hrschoools@durham.gov.uk who will endeavour to respond to your query within 7 working days of receipt of the e mail.

5 Application and Approval Requirements

5.1 Annual Leave of Absence Approval Form

Employees who wish to apply for Leave of Absence covered in sections 4.1 to 4.5 above should complete an Annual Approval for Leave of Absence (form A). The Extraneous Duties Leave year runs from 1 September to 31 August and approval forms need to be completed and submitted prior to the beginning of the leave year.

- The form must be completed by the employee, who should then submit it to their headteacher for consideration. Should the headteacher agree in principle to the application, they should countersign the form and record the absence through the MYVIEW system. No leave of absence commitment covered in sections 4.1 to 4.5 can be undertaken until agreement is received from the headteacher.

This initial approval relates to the agreement of the undertaking of leave of absence, however each individual episode of leave taken out of the allowance will be subject to approval by the headteacher through the completion of the relevant form.

5.2 Request for Leave of Absence

For each occasion that the employee wishes to take leave from their approved entitlement (for leave of absence relating to 4.1 to 4.5) or in relation to other leave of absence covered in sections 4.6 to 4.15, they must give reasonable notice to their headteacher, and complete the Request for Leave of Absence Form (form B). School should record leave of absence taken by employees through the MYVIEW system.

All requests for leave will be considered on an individual basis, taking into account the needs of the school and available resources. If the date requested falls on an employee's rest day/non-working day, an alternative rest day or time off in lieu will not be given.

Requests for unpaid leave of up to four weeks are dealt with by the headteacher. Requests for unpaid leave of more than four weeks should be dealt with by the Governing Body.

6 Pension implications

Employees who contribute to the Local Government Pension Scheme (LGPS) will continue to have contributions deducted and earn pensionable service as normal during a **paid** period of absence. However, if an employee in the LGPS has an **unpaid** absence from work they will not earn any pensionable service during the period of unpaid absence, unless they choose to pay contributions to buy back the pension they lose during their period of unpaid absence.

The cost of buying back the lost pension will depend on the age and sex of the individual, the amount of pension they need to buy back and the period over which they make the payments. If an individual chooses to buy back any lost pension within 30 days of their return to work after a period of employer-approved unpaid absence the Council will pay 2/3^{rds} of the cost. If the period of absence is not employer-approved (such as absence due to industrial action) or the individual makes the decision to buy back the pension more than 30 days after the end of the absence, they will have to pay the full cost of buying the pension themselves.

Once an individual knows how much pay they are losing due to their unpaid absence, they can use the calculator at the following link: <https://apc.lgps2014.org/> to see how much it will cost them to buy the missing pension. They will need to choose the "Buy Lost Pension" option if the Council is meeting 2/3^{rds} of the cost or "Buy Extra Pension" if they are paying the full cost themselves. Alternatively, individuals can contact the Pension Team on 03000 264 322 or email pensions@durham.gov.uk for information.

If an individual in the LGPS with pensionable service before April 2014 takes unpaid leave and does not choose to buy back any lost pension, this can have an impact on the final salary pension benefits they have in the LGPS. This can happen if the period of absence is in their final year of pensionable service, or an earlier year if that year that is being used to determine their final salary benefits on retirement or leaving. Anyone who believes this may apply to them can contact the Pension Team on 03000 264 322 or email pensions@durham.gov.uk for more information.

Employees who are in the Teachers' Pension Scheme and take leave of absence have that leave treated as pensionable if it is paid and non-pensionable if it is unpaid.

7 Supporting documents

A	Annual Approval for Leave of Absence
B	Leave of Absence Request Form


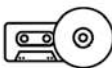

8 Further information

If you would like any further advice or would like the document in an alternative format, please contact HR Advice and Support Team using the contact details below.

Please ask us if you would like this document summarised in another language or format.

العربية (Arabic) (中文 (繁體字)) (Chinese) اردو (Urdu)
 polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)
 বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)
 Français (French) Türkçe (Turkish) Melayu (Malay)

HRAdviceandSupport@durham.gov.uk
03000 266688

 Braille  Audio  Large Print

Form A

Annual Approval for Leave of Absence

This application should be completed when leave of absence is required in order to undertake duties during working hours covered by sections 4.1 to 4.5 of the Leave of Absence Guidance document.

LEAVE PERIOD: 1 September 20__ to 31 August 20__

<p><i>TO BE COMPLETED BY THE APPLICANT</i></p> <p>Forename (s): _____</p> <p>Surname: _____</p> <p>Place of employment: _____</p> <p>Payroll ref: _____</p> <p>Post held: _____</p> <p>Service: _____</p> <p>Service Grouping: _____</p>
--

<p>REASON FOR REQUEST:</p> <ul style="list-style-type: none">• Trade Union Duties and Activities <input type="checkbox"/>• Public Duties <input type="checkbox"/> <p>Please provide details</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none">• Examiners/Moderators (GCSE) <input type="checkbox"/>• Non Political Organisations <input type="checkbox"/>• Advancement of Religious Education <input type="checkbox"/>
--

I ***do/do** not intend to claim an attendance allowance or financial loss allowance from the authority of which I am a member on those occasions when I am granted leave of absence to undertake extraneous duties during working hours in the period 1 September 20__ to 31 August 20__. *please delete as appropriate

Important notes:

- Applicants who claim an attendance or financial loss allowance will not be eligible for salary for relevant absences during the year;
- If this application is made in retrospect details must be shown of any occasion where leave has been taken and a claim has been made for an attendance allowance or financial loss allowance);
- If your request for leave of absence is granted, you will be required to apply to your line headteacher on each occasion that you wish to take part of the leave granted;
- Applications will expire on 31 August each year and will require renewal through the completion of a new application each year.

Signed (by applicant):

.....

Agreed by headteacher:

.....

Please return forms to HR Operations and Data Team

All absences should be recorded through the MYVIEW system

Form B

Leave of Absence Request Form

TO BE COMPLETED BY THE APPLICANT FOR EACH PERIOD OF LEAVE

Forename (s): _____

Surname: _____

School: _____

Payroll ref: _____

Post held: _____

DATES OF LEAVE REQUESTED

FROM: _____ am / _____ pm on

TO: _____ am / _____ pm on

REASON FOR REQUEST (please refer to Leave of Absence Guidance document)

TO BE COMPLETED BY HEADTEACHER

Outcomes/Approved:

WITH PAY

WITHOUT PAY

(Please circle as appropriate)

Employee Signature: _____ **Date:** _____

Signature of Headteacher: _____

Please note applications for leave should be approved subject to the needs of the service. If the date requested falls on an employee's rest day/non-working day, an alternative rest day or time off in lieu will not be given.

- Please ensure all absences are recorded on the MYVIEW system