



SUTTON COLDFIELD GRAMMAR SCHOOL FOR GIRLS

POLICY FOR DISCRETIONARY LEAVE OF ABSENCE

DATE: March 2018

REVISION DATE: March 2021

1. Introduction.

- 1.1 The Governing Body recognises that the success of Sutton Coldfield Grammar School for Girls depends upon the contribution of all member of staff and gives full acknowledgement that a fair and effective policy on Discretionary Leave of Absence contributes to the maintenance of staff morale and thereby our success.
- 1.2 This policy sets out the Discretionary Leave of Absence provisions to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of the School are the priority and therefore there will be times when the Headteacher has to refuse a request for leave. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy, the Headteacher has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.
- 1.3 This policy also sets out what members of staff must do in the event that they must take leave of absence due to a personal emergency.
- 1.4 The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence. If clarification is needed on whether the leave of absence is statutory or discretionary then members of staff must speak to their line manager.
- 1.5 This policy does not cover leave which is included in the policies and procedures listed below:
- Annual leave
 - Maternity/Paternity/Parental/adoption leave
 - Flexible working-see separate policy
 - Sickness absence-see separate policy
 - Redundancy
 - Training and Study leave
- 1.6 This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.
- 1.7 Staff absence due to illness is dealt with under the Management of Sickness Absence Policy

2. Procedure and Decision Making

- 2.1 Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher as soon as the need for the leave is known using the 'Application for Leave of Absence' (see Appendix 1). Where the leave of absence request is made by the Headteacher, the request should be made to the Chair of Governors.
- 2.2 Requests for leave of absence and approval /refusal of such will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, and the context of any previous requests, students' educational provision, service needs, eligibility, and the degree of flexibility already in the member of staff's current working arrangements. Non-emergency leave of absence must not be taken unless and until it has been approved on the form at Appendix 1.
- 2.3 Where an emergency arises, the Deputy Business Manager must be notified by telephone (ext. 211) as soon as is reasonably practicable, giving the reason for the absence and how long the absence from work may be to deal personally with the emergency which cannot be dealt with by anyone else. Teaching staff must forward all cover work to their Head of Department and copy the Deputy Business Manager into the e-mail.
- 2.4 Where a leave of absence request is refused, there is right of appeal. Any appeal must be made on the form at Appendix 2 within 5 days of receipt of the leave of absence decision. The appeal will be considered by the Chair of the Personnel Committee and Chair of the Governing Body whose decision is final.
- 2.5 A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. Members of the LGPS and TPA scheme will be informed about the impact of taking unpaid leave on their pensionable service.

3. Discretionary Leave of Absence

3.1 Examples of discretionary time off work that may be granted with pay. Where reference is made to a 'significant other person', this includes parent, husband, wife, brother, sister, child or a person standing in special relationship to the employee.

Summary of non-exhaustive examples of leave normally granted with pay	Days per annum / Rolling 12 month period
<u>Compassionate leave</u> Illness or injury of a significant other person giving rise to serious domestic difficulties	Period reasonably necessary but not normally more than 3 days.
<u>Bereavement leave</u> death (including funeral) of a significant other person	Period reasonably necessary but not normally more than 5 days
Moving house where it cannot be arranged for a non-working time	1 day
Personal events or emergencies i.e. an event which, if response were to be delayed, would result in significant personal loss to the employee such as fire or flood	1 day
Accepted impossible travel because of weather or other public crisis.	Period reasonably necessary but not normally more than 2 days
Job interview	1-2 days for the interview depending on the duration of the interview process. Up to 2 further days may be granted depending on the travel implications.
Dependent care leave. Employees may only take paid time off to provide personal care for a dependent where there is an immediate crisis. There is a statutory right to take unpaid leave see 6.1 below)	In normal circumstances not more than 1 day on each occasion. Up to 3 days.
Leave of absence for unavoidable religious observance	Up to two days
Attendance at approved in-service training and professional development activities.	As reasonable, dependent on career stage and development needs of the individual and the school.
Attendance at Exam Board Meetings / Role of examiner or moderator.	As may be reasonable, subject to the agreement of the Headteacher. Paid (with the Board reimbursing the school).

3.2 Examples of discretionary leave that may be granted without pay

Summary of non-exhaustive examples of absence normally granted without pay	Days Per Annum - All Staff
Any personal reason other than those above which it was not possible to schedule for a non-working day or time or within annual leave e.g. important one-off family occasions.	Maximum of 3 days
Attendance as witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as witness not representing the school	Period of attendance necessary.

Leave of absence without pay will affect pension entitlement.

3.2.1 Medical appointments:

Upon production of a medical appointment letter/card, up to half a day paid leave may be granted to attend an appointment at hospital (to include medical screening and blood donation but excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. You should liaise with your line manager to agree a provisional mutually convenient time so that the operational requirements of the school are met and then request leave using the form at Appendix 1.

3.2.2 Attendance in court as a witness

If you are subpoenaed or summoned to attend a Court (including an Employment Tribunal), as a witness and you are not representing the school then, on production of proof of required attendance, you must request leave using the form at Appendix 1 and you will be granted unpaid leave to attend. If you wish to attend Court as a witness on a voluntary basis then you should request leave of absence from the Headteacher as soon as the need for the leave is known using the form at Appendix 1 and a decision will be made on a case by case basis.

3.2.3 Leave of absence for religious observance

You may request unpaid time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the school, students and surrounding circumstances. You should request time off at the beginning of the school year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

4 Statutory Leave of Absence for Public Duties

4.1 Employees are entitled to a reasonable amount of **unpaid** time off work by law to carry out certain public duties. Public duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School governor

4.2 As soon as you are aware that you will require time off for performance of a public service you should request leave of absence using the form at Appendix 1.

4.3 The school will agree to requests for paid time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy.

4.4 Each request for time off will be considered on its merits, in the circumstances in which it is made including:

- Whether the activity is reasonable in relation to your employment
- How much time off is reasonably required for the duty in question
- How much time off you have already taken for the public duty in question
- How your absence will affect the School.

5. Jury Service

5.1 You must inform your line manager as soon as you are summonsed for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for jury service raises significant teaching or operational problems, assistance will be provided to the employee in order to appeal to the court to re-arrange or cancel the dates of service.

5.2 Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. We will make up the Loss of Earnings allowances to your normal level of earnings. We must complete the Loss of Earnings form and you must give the completed form to the Clerk of the Court on your first day of Jury Service.

5.3 Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide a remittance advice. This advice **MUST** be forwarded to the School Business Manager within 3 days of your return to work.

5.4 Your salary will be reduced by the "Juror's Loss" paid by the Court. Pension contributions are not affected. An Employee cannot be paid twice by the Court and the school for the same days.

5.5 Where jury service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your line manager regularly informed about how long you are likely to be away from work.

5.6 Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

6. Statutory Dependent Care Leave

6.1 Employees have a right to take a reasonable amount of **unpaid** time off work when it is necessary to:

- (a) provide assistance when a dependent falls ill, gives birth, is injured or assaulted;
- (b) make longer-term care arrangements for a dependent who is ill or injured;
- (c) take action required in consequence of the death of a dependent;
- (d) deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependent; and/or
- (e) deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

6.2 A **dependent** for the purposes of this paragraph 6.1 is:

- (a) an employee's spouse, civil partner, parent or child;
- (b) a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or
- (c) anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

APPENDIX 1 OF DISCRETIONARY LEAVE OF ABSENCE POLICY

APPLICATION FOR LEAVE OF ABSENCE/OR UNAVAILABLE FOR COVER

Please complete and return to pigeon hole in Staff Room

Finance

Cover	
SIMS	
EPM	
Absence Form	
Paid	
Unpaid	

1. Name :
2. Date of requested absence :
3. Times unavailable - All day/Specific times From..... To
4. Reason for request: (Please attach details if appropriate):

5. *Please make arrangements to swap duties if you will be absent on a duty day.

RESPONSE TO APPLICATION FOR DISCRETIONARY LEAVE OF ABSENCE

AS PER THE DISCRETIONARY LEAVE OF ABSENCE POLICY

Decision for	
Your application has been approved/declined from..... to will be paid/unpaid.	Your application has been declined. If you wish to appeal please complete the appeal form (Discretionary Leave of Absence Policy, Appendix 2) and return to the Headteacher within 5 days of the date of the decision being communicated to you.

Signed by

Claire Flannery (Deputy Headteacher)/Carolyn Gudmunsen (Deputy School Business Manager)

Date:

APPENDIX 2 OF DISCRETIONARY LEAVE OF ABSENCE POLICY

APPEAL AGAINST LEAVE OF ABSENCE DECISION

If you wish to appeal against a refusal to grant discretionary leave of absence please explain your reasons below and return this form to the Headteacher within 5 days of the date of the decision being communicated to you. Your appeal will be considered by the Chair of the Personnel Committee and the Chair of the Governing Body.

Signed:

Date:

INITIAL EQUALITY IMPACT ASSESSMENT FORM

Name of policy/activity/project:

Policy for Discretionary Leave of Absence

Is this a new or an existing policy/activity/project?

Existing policy review

Scope/timescales for project or activity (including review date):

To be reviewed in March 2021

Policy/project lead and Author of Equality Impact Assessment:

Mrs L. Long

Outline of main aims of this activity/policy/project:

To provide guidelines for all members of the school staff regarding the policy and procedures related to requests for discretionary leave of absence

Who will benefit/be affected by this policy/activity?

Staff of Sutton Coldfield Grammar School for Girls

If an existing policy/activity, do you have any data of use by or impact on different groups which may raise concerns over an equality impact?

No concerns

Does the activity have the potential to impact differently on groups due to a protected characteristic (eg race/ethnicity, gender, transgender, disability, religion & belief, age, sexual orientation, maternity/paternity) for:

(a) Students and members of the community? (eg The Governing Body, students, contractors, visitors, hirers of the premises, agency staff, suppliers etc). Which groups are likely to be affected?

No

(b) Employees?

No

Does this activity make a positive contribution to the School's general or specific duties under the Equality Act 2010? If yes, please detail.

Yes – the Policy applies to all staff equally

Having reviewed the potential impact of the policy/activity listed above, **I believe a full impact assessment is required / NOT required** (delete as applicable with justification below)

Full impact assessment is not required

Justification: The policy applies to all staff equally, and does not cover leave included in policies and procedures linked to sickness, flexible working, maternity/paternity/adoption leave etc.

Signed :

Name : Mrs L. Long.....

Date :27.2.18.....