STAFF LEAVE AND ABSENCE POLICY

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| Person(s) responsible for updating the policy: | HR Department |
| Dates consulted on with recognised unions: | From: 17/07/2023 To: 18/08/2023  Copy provided for information March 2024 incorporating statutory Carer’s Leave |
| Date approved by Trustees: |  |
| Date of next review: | September 2025 |

## Mission, Vision and Values

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**WeST Core Values**

WeST holds four core values which underpin the engagement, motivation and retention of employees, no matter what their role in the organisation.

* **Collaboration**

Creating a shared vision and working effectively across boundaries in an equitable and inclusive way to skilfully influence and engage others. Building and securing value from relationships, developing self and others to achieve positive outcomes.

* **Aspiration**

Having high expectations, modelling the delivery of high quality outcomes. Showing passion, persistence and resilience in seeking creative solutions to strive for continuous improvement and excellence.

* **Integrity**

Acting always with the interests of children and young people at our heart, and with a consistent and uncompromising adherence to strong moral and ethical principles.  Communicating with transparency and respect, creating a working environment based on trust and honesty.

* **Compassion**

Recognising need in others and acting with positive intention to promote well-being and improve outcomes.

**Providing Accessible Formats**

If you are unable to use this document and require it in a different format please contact Human Resources.

**WeST Policy Suite**

All Trust HR Policies are accessible via the WeST Staff Portal. Please contact your local administrative office or Human Resources for log-in details.

HR Helpline: 01752 891754 ext. 1765

HR Email: [HR@westst.org.uk](mailto:HR@westst.org.uk)

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PLEASE NOTE: This policy applies to WeST colleagues. In circumstances where the colleague commenced employment with the school prior to the school transferring (TUPE) into the Trust, there may be a different staff leave and absence policy applicable.

## Introduction and Purpose

Westcountry Schools’ Trust recognises and values the contribution of each member of staff to the education of the children in the school.

High levels of absence among teaching and support staff pose a serious problem for a school in terms of disruption to teaching programmes, pupils' learning and other areas of the school's work. Absence of any staff employed in schools during term time means some impact on the children’s education. Therefore, requests from any member of staff for absence to be taken during term time must be regarded by all as the exception. Requests for an exceptional leave of absence during term time will be at the discretion of the Headteacher/Principal and in accordance with the relevant terms and conditions of the staff member.

This policy gives details of entitlements of employees in relation to absence. The number of days entitlement given in the table below are days per occasion of absence.

This policy provides information regarding the entitlements of employees to annual leave and to leave of absence, both paid and unpaid.

* This procedure applies to all school employees.
* All specific time off provisions (in days) detailed in this document will be provided on a pro-rata basis for part-time/job-share employees.
* ‘Close relatives’ or ‘immediate family’ are normally defined as spouse, civil partner, partner, children, parents, grandparents, siblings, parents- in-law or nominated next of kin. This also includes step children, foster and adopted children/parents.
* Definition of dependant: a dependant is the partner, child or parent of the employee, or someone who lives as part of their family. For example this could be a grandparent. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee.
* This policy does not cover maternity/adoption leave or time off for IVF and fertility treatment.
* All employees will be required to follow the school/college’s procedures for requesting leave of absence and for reporting absence.
* Authorised paid and unpaid leave of absence from work for the reasons in this policy requires prior approval.

The Managing Sickness Absence Policy assists managers in taking action to arrange any appropriate support that may prevent maximum attendance of employees. This Staff Leave and Absence Policy will therefore be used in conjunction with the Managing Sickness Absence Policy if the amount of absence taken under this Staff Leave and Absence Policy is not considered reasonable.

## 2. .Definition for this Policy

In this policy the Line Manager refers to the direct reporting line manager for the employee. In the majority of cases this would be the Principal/Headteacher.

## 3. Procedure

All employees will be required to follow Westcountry Schools’ Trust procedures for requesting leave of absence (other than Holiday for employees on 52 weeks) and for reporting absence.

Authorised paid and unpaid absence from work for the reasons given in this policy requires prior approval unless in exceptional circumstances where this has not been possible.

Requests for paid or unpaid leave must be made to the employee’s Line Manager (using the local procedures in place) for initial approval. Once approved, the request will be forward to the local Human Resources for recording. If a request is not approved, you will be notified.

The request should be made as soon as it is known that it will be required, and in any case not less than one full week in advance of the proposed absence, except in exceptional circumstances such as the death or sudden illness of a family member.

The Line Manager is initially approving the time away from the employee’s duties and ensuring there is sufficient cover in place.

The Headteacher or nominated manager will be responsible for determining if the request is unpaid or paid in line with this policy.

The Trustees have given delegated authority to the Principal/Headteacher to approve leave absence requests up to 10 days. For longer periods of leave of absence the Principal/Headteacher must discuss each case with the CEO and seek approval from the Trustees.

Requests for leave of absence will be considered taking into account

* the principles of this policy,
* the best interests of the pupils and the school,
* treating employees in a fair, reasonable and consistent way,
* national and local terms and conditions of employment.

## 4. Employees contracted on 52 weeks

Those employees who are contracted to work year round should ideally take their annual leave during school closure. Annual leave granted during term time will be at the discretion of their Line Manager.

# 5. Dental and medical appointments

It is expected that dental and medical appointments will be made out of school hours wherever possible. It is recognised that in some circumstance, such as an appointment being expected from a hospital, that this may not always be possible. However, appointments in work time should be kept to a minimum and cause as little disruption as possible.

In any event, prior approval to attend an appointment during school hours will need to be sought and agreed. Time off to attend dental and medical appointments will be treated as unpaid, if the employee is unable to work the time back.

# 6. Emergencies involving dependants

All employees have the right to take a reasonable period of unpaid time off during working hours to deal with an emergency involving a dependant. A dependant is defined as the partner, child or parent of the employee, or someone who lives as part of their family. For example this could be a grandparent. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee. In the case of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

# 7

# 8. Carer’s Leave (applicable from 6th April 2024)

# Carer’s leave is unpaid and intended to allow employees to provide or arrange care for a dependant with a long-term care need. The entitlement is for one week’s leave within a 12-month rolling period, irrespective of how many dependants an employee has.

# A dependant includes a spouse, civil partner, child, parent, a person who lives in the same household as the employee (other than by reason of them being their employee, tenant, lodger or boarder), or the wider catch-all provision, of a person who reasonably relies on the employee for care.

# A “long-term care need” is defined as an illness or injury (either physical or mental) that requires or is likely to require care for more than three months, a disability under the Equality Act 2010, or issues related to old age.

# The focus on a long-term care need is deliberate because other types of leave should be used for dealing with “short-term care needs”, such as time off for dependants or annual leave.

# The leave is a “day one” right, meaning there is no minimum service requirement to take advantage of it.

# The key procedural requirements are:

# Employees using the leave must take a minimum of half a working day at a time; a working day meaning the employee’s usual working pattern. There is no need for the leave to be used on consecutive days either. Employees could therefore take five separate days over a 12-month rolling period.

# Employees are required to provide notice, although this does not need to be in writing. The notice must include the fact that the employee is entitled to take carer’s leave and the day(s) or part of a day that will be taken.

# Employees will be required to give notice which is either twice the length of time being requested, or three days, whichever is the longest. The Trust will exercise discretion related to the notice requirement in exceptional circumstances provided the employee is otherwise eligible to take carer’s leave.

# Requests will not be denied, but can be postponed if it is reasonably considered that the operation of the school or Trust would be unduly disrupted if the leave was approved. If the school or trust does postpone the leave, a written counter notice must be provided within seven days of the request, explaining the reason for the postponement and providing revised dates for the leave to be taken. The employee must be allowed to take the requested leave within a month of their original request.

# Employees are also entitled to return to the same job they were doing immediately before they took carer’s leave.

# 9. Other types of leave

Requests for other types of leave will be managed in accordance with the information in the table on the following pages.

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## REASONS FOR LEAVE WITH PAY

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| Reasons for leave with pay | Teachers | | Support staff | |
| **Sickness** | During 1st year of service  During 2nd year of service  During 3rd year of service  During 4th year of service  and thereafter | 25 working days' full pay and (after four months' service) 50 working days’ half pay.  50 working days' full pay and 50 working days' half pay.    75 working days' full pay and 75 working days' half pay.  100 working days' full pay and 100 working days' half pay. 100 working days' half pay. | During first year of service  During second year of service  During third year of service  During fourth and fifth  years of service\*  After five years' service\*  \*Maximum entitlement for term time manual employees (after three years' service) | one month’s full pay and (after four months' service) two months’ half pay.  two months’ full pay and two months’ half pay.  four months' full pay and four months' half pay.  five months' full pay and  five months' half pay.  six months' full pay and six months' half pay.  twenty working weeks’ full pay and twenty working weeks' half pay. |
| A year is deemed as 1st April to 31st March - see Managing Sickness Absence Policy for further details | | Figures are based on a rolling year - see Managing Sickness Absence Policy for further details | |

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| **Annual Leave** | Teaching staff are not entitled to annual leave.  Teaching staff are contracted to work 195 days / 1265 hours per annum (pro rata for part-time staff).  **Teachers will not be granted leave of absence for holidays in term time,** with the exception of circumstances covered elsewhere in this table. | Please see table below for a summary of provisions.  The minimum paid annual leave entitlement is 22 working days, pro-rata for part-time staff. Bank and public holidays are additional to this entitlement (pro-rata). Three additional closure days at Christmas are also granted.  For term time staff, pay is adjusted to incorporate payment for leave entitlement (as indicated in the table below), public holidays and locally scheduled holidays. **Staff who work term time will not be granted leave for holidays in term time,** with the exception of the additional day granted from 1st April 2023 and long service days (as indicated in the table below).  For staff who work all year round, annual leave is to be taken (thus not incorporated into pay), they may be expected to take leave during school closure periods and leave may only be granted in exceptional circumstances during term time. All year round staff using Employee Self Service are required to book the three defined Christmas closure days (falling between Christmas an New Year) to ensure these are deducted from the total leave allocation shown below.  For all support staff - After 5 years’ continuous service, an additional 5 days of leave is added to initial leave entitlement (pro-rata). For term time staff this additional entitlement is incorporated in staff pay.  **Long Service Days**  An extra day of annual leave allowed after 10, 15 and 20 years' continuous Local Government Service. As these extra days are not calculated into pay for Term Time Staff, they may be taken as leave during term time, at a time agreeable with your Line Manager. For staff who work all year round, this is incorporated into the annual leave allowance.  The holiday year is 1st April to 31st March. |

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| **Annual Leave for Support Staff – Summary Table**   |  |  |  |  |  | | --- | --- | --- | --- | --- | | Employee Groups | Annual Leave Entitlement from 1st April 2023  (52wk staff) | Status of Days for Term Time Only Staff | Christmas Closure Days | Total | | NJC < 5 years’ Service | 23 | X22 factored into pay  X1 taken during term time to be mutually agreed | 3 | 26 | | NJC 5-9 years’ service | 28 | X27 factored into pay  X1 taken during term time to be mutually agreed | 3 | 31 | | NJC 10-14 years’ service | 29 | X27 Factored into pay  X2 taken during term time to be mutually agreed | 3 | 32 | | NJC 15-19 years’ service | 30 | X27 factored into pay  X3 taken during term time to be mutually agreed | 3 | 33 | | NJC 20+ years’ service | 31 | X27 factored into pay  X4 taken during term time to be mutually agreed | 3 | 34 | | JNC Chief Officer | 31 | n/a | 3 | 34 | | | |
| **For officials of Trade Unions to perform I.R. duties/undertake approved training** | i) Regular release, and/or  ii) Occasional release and/or  iii) Consultative meetings convened by the LA | WeST shall provide the necessary facilities to Trades Unions including paid leave of absence to carry out their duties in accordance with the Model Agreement. |
| **For Safety Representatives to perform duties and undertake associated training** | i) Regular release, and/or  ii) Occasional release and/or  iii) Consultative meetings convened by the LA | In accordance with the Model Agreement |
| **Ante-natal care for the expectant birth parent** | The right to paid off time to attend ante-natal care on production of evidence of appointments (if requested). | The right to paid off time to attend ante-natal care on production of evidence of appointments (if requested) |

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| **Attendance as elected members at local authority meetings and properly established committees** | Up to 20 days per year or equivalent. | Up to 144 working hours |
| **For members of another school’s Governing Body** | Up to a maximum of 4 half-days per annum depending upon the reasonableness of the request. | Up to a maximum of 4 half-days per annum depending upon the reasonableness of the request. |
| **Magisterial duties** | Minimum attendance required by appointment including training and membership of a statutory tribunal not exceeding 20 working days a year | Minimum attendance required by appointment including training. |
| **Candidates for Parliamentary Elections** | Normally not more than 5 working days | Up to 3 weeks’ paid leave of absence during period up to and including polling day. |
| **Lecturing in professional capacity on condition that all fees to be paid to school** | At the discretion of the Principal/Headteacher | At the discretion of the Headteacher/Principal up to a maximum of 12 working days |
| **Duties in connection with external examinations** | Dependant on role and subject - Refer to the Burgundy Book - Appendix 2. | At the discretion of the Headteacher/Principal |
| **Sitting examinations relating to professional development** | Employees are entitled to be paid leave of absence for the purpose of sitting for examinations concerned with the teacher’s professional development to the benefit of the school. | Employees are entitled to be paid leave of absence for sitting for approved examinations. Additional leave may be granted for final revision for approved examinations. |
| **Attendance at approved conferences** | At the discretion of the Principal/Headteacher and subject to conference being of benefit to school and the teacher’s professional development. | Up to 12 working days in any one year, where the conference is a benefit to the school.  (Grey Pages 4.6(b)) |
| **Weddings of ‘Close relatives’ are normally defined as children, parents, grandparents, siblings, parents-in-law or nominated next of kin (includes step children, foster and adopted children/parents)** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Times of severe weather** | Permission to leave early should not be unreasonably refused. Principal/Headteacher to ascertain whether possible for teachers to undertake work activities at home in order to fulfil their statutory obligation to work for 195 days 1265 hours in the school year. | Permission to leave early should not be unreasonably refused.  Lost hours should be made up where annual leave cannot be taken |
| **Jury Service or attendance as a witness in Court proceedings** | For the required period subject to the employee claiming for loss of earnings | For the required period subject to the employee claiming for loss of earnings. |
| **Screening for cancer** | For reasonable periods where attendance in school time cannot be avoided. | Necessary paid time off will be granted for purpose of cancer screening |
| **Members of non-regular forces – annual training** | Up to two weeks – the second of which is to be unpaid. | Up to two weeks (Grey Pages paragraph 4.6(g)) |
| **Potential redundancy** | Reasonable time to seek alternative employment | Reasonable time to seek alternative employment |
| **Interviews / selection processes for other posts** | Paid leave for time off to attend an interview and/or other selection processes will be granted where the vacancy is at a Local Authority maintained school and/or public body to which the redundancy payment (modification) order applies. This would include interviews at an academy school.  Applications for leave to attend interviews / selection processes with other organisations will be at the discretion of the Principal/Headteacher and may be granted as unpaid.  Notwithstanding the above, paid time off for this purpose is limited to no more than **2 days** in any one academic year. Anything in excess of this will be at the discretion of the Principal/Headteacher and may be granted as unpaid leave. | Paid leave for time off to attend an interview and other selection processes will be granted where the vacancy is at a Local Authority maintained school and/or public body to which the redundancy payment (modification) order applies. This would include interviews at an academy school. [Grey Pages 4.6(k)]  Applications for leave to attend interviews / selection processes with other organisations will be at the discretion of the Headteacher/Principal and may be granted as unpaid or taken as annual leave. |
| **Serious/critical illness of a close relative i.e. spouse, civil partner, partner, children, parents, grandparents, sibling, parents- in-law or nominated next of kin. This also includes step children, foster and adopted children/parents.** | In cases of critical/serious illness of close relatives, up to one week paid leave in 12 months rolling. | In cases of critical/serious illness of close relatives, up to one week paid leave in 12 months rolling. |
| **Death or close relative i.e. spouse, civil partner, partner, children, parents, grandparents, sibling, parents- in-law or nominated next of kin. This also includes step children, foster and adopted children/parents.** | Up to five working days. | Up to five working days. |
| **Non-serious illness of an employee’s dependant (falls under the Trust’s contractual provision for Emergency Time Off for Dependants)** | In the case of a sick dependant with a non-critical illness, after the first day it will be assumed that alternative arrangements for care will be made.  Employees will be granted up to five days per academic year.  Any additional time off will fall under the Emergency Time Off for Dependants provisions and will be unpaid. | In the case of a sick dependant with a non-critical illness, after the first day it will be assumed that alternative arrangements for care will be made.  Employees will be granted up to five days per academic year.  Any additional time off will fall under the Emergency Time Off for Dependants provisions and will be unpaid. |
| **House removal** | One working day to cover actual day of moving, with as much advance notice as possible in any one academic year. | One working day to cover actual day of moving, with as much advance notice as possible in any one academic year. |
| **Sports representation as competitor at national/ international level** | At the discretion of the Principal/Headteacher. | At the discretion of the Headteacher/Principal |
| **Election duties** | One day leave of absence for employees appointed by the returning officer to assist at parliamentary or local elections. | One day leave of absence for employees appointed by the returning officer to assist at parliamentary or local elections. |

***Additional leave with pay may be granted in special circumstances by the Principal/Headteacher or appropriate Core Services Director.***

**REASONS FOR LEAVE WITHOUT PAY**

|  |  |  |
| --- | --- | --- |
| Reasons for leave  without pay | *Teachers* | Support staff |
| **Carer’s leave to provide or arrange care for a dependant with a long-term care need (see section 8 above)** | Up to one week, booked advance, to be taken in one block or in half or whole days | Up to one week, booked in advance, to be taken in one block or in half or whole days |
| **An unexpected or sudden problem involving someone who depends on your help or care (falls under the statutory provision of Emergency Time Off for Dependants).** | Up to two days to deal with the initial emergency and make any arrangements that are needed.  Provision will be in line with the statutory emergency time off for dependents and needs to be reasonable. | Up to two days to deal with the initial emergency and make any arrangements that are needed.  Provision will be in line with the statutory emergency time off for dependents and needs to be reasonable. |
| **Graduation ceremony – employee’s own partner, child, or close relative** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Court hearings – other than those covered under “With Pay” sections – including divorce proceedings, custody of children, maintenance payments and other Court appearance where the employee is a defendant or involved in non-criminal proceedings** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Religious devotion days** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Funerals – other than close relatives as in “With Pay” section** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **House removals – in excess of one day** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Sporting representations below national level** | At the discretion of Principal/Headteacher or their delegate.  Normally not more than ten school days in a year. | At the discretion of Principal/Headteacher or their delegate.  Normally not more than ten school days in a year. |
| **Delays on return to school caused by industrial disputes** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Special family flights where spouse or civil partner is in the armed forces** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Hospital appointments for children where both parents wish to attend.** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Visits overseas other than for professional development** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Attendance on courses for personal development not considered beneficial to the school** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Weddings – Employees own wedding and for those other than relatives first degree** | At the discretion of the Headteacher/Principal or their delegate. | At the discretion of the Headteacher/Principal or their delegate. |
| **Accompanying a pregnant individual, with whom they are having a child, at ante-natal appointments** | Up to two ante-natal appointments. See relevant policy. | Up to two ante-natal appointments. See relevant policy. |

***Additional unpaid leave may be granted in special circumstances by the Principal/Headteacher or appropriate Core Services Director.***

## POLICY HISTORY

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| --- | --- | --- | --- | --- |
| **Policy Date** | **Summary of change** | **Contact** | **Version/ Implementation**  **Date** | **Review Date** |
| March 2015 | Revised Policy to reflect updated format as well as revisions to the following sections:   * parental leave from April 2015 * Interviews / selection processes * time off for teachers in the case of non-serious illness of close relative. * Time off to attend antenatal appointments | HR ONE | March 2015 |  |
| March 2017 | Revised Policy to reflect updated format as well as revisions to the following sections:   * Defining ‘close relatives’ and ‘dependants’ * approval structure of requesting leave and legislation changes * Changes to paid time off for non-serious child illness * Harmonise teaching & support staff leave entitlements * Adding the annual leave and sickness absence details * Change to MAT name | WeST | TBC |  |
| September 2017 | Publication | WeST | September 2017 | Annually |
| April 2023 | Additional national award added | WeST HR | September 2023 | Bi-Annually |
| September 2023 | Revised formatting | WeST HR | September 2023 | September 2025 |
| June 2024 | Amended to incorporate Carers Leave provisions and remove Parental Leave in favour of separate policy | WeST HR |  | As required |