



CHILDREN AND YOUNG PEOPLE SERVICE

SPECIAL LEAVE OF ABSENCE & TIME OFF ARRANGEMENTS (TEACHERS ONLY)

GUIDELINES FOR HEADTEACHERS

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KIRKLEES COUNCIL

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SPECIAL LEAVE AND TIME OFF ARRANGEMENTS FOR TEACHING STAFF

GUIDELINES FOR HEAD TEACHERS

1. INTRODUCTION

In addition to being away from work because of illness, there are other occasions when Teachers require time off work. These occasions are generally infrequent and will only apply to a minority of employees at any one time. The following guidelines should help you to respond. It is important that you know how to respond to requests for time off for special reasons or, indeed, know when to suggest time off yourself to an employee.

It is important to be aware that a Teacher who is not supported during a period of crisis may end up taking sick leave at a later date.

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.

Rarely cover will also have implications for leave of absence, this guidance will support headteachers to respond to requests for leave of absence in a fair and consistent way.

There appears to some confusion in some schools over the LA Policy. In community and voluntary controlled schools, the approval for leave of absence is not a power delegated to the Governing Body under Local Management of Schools. **Schools should not write their own special leave of absence or time off arrangement policies for teachers.** The Headteacher's leave of absence should be assessed by the Chair of Governors, where appropriate in consultation with the Authority. Aided and Foundation Schools should ensure the LA policy is adapted or adopted or alternative school policies are agreed by the Governing Body.

This means that in practice, the administration of the policy for leave of absence is managed by Headteachers. Whilst the approval for leave of absence remains with the LA, further guidance and clarification should be sought from colleagues from PAPU. The responsibility to receive appeals rests with the Director for Children and Young People or her nominated representative, Julie Bowdidge, Principal Improvement Manager.

It is recommended that all Headteachers should ensure that staff and governors are aware of the 'Special Leave and Time off arrangements' and their responsibilities. The policy and guidance should be included in a file of information for staff.

1.1 Purpose of the Guidelines

To detail the main areas under which you are likely to receive requests from Teachers for Special Leave or Time Off.

To help you to decide how to respond to requests for Special Leave and Time Off.

To provide a reporting and monitoring framework for requests for leave of absence.

2. APPROVAL ARRANGEMENTS

2.1 Approval for paid leave of absence is not one of the powers delegated to the Governing Body under Local Management of Schools. The Local Management of Schools (LMS) arrangements for the financing of schools were first introduced in 1991 and allow for the delegation of financial and managerial responsibilities to schools. This resource has been centrally retained.

2.2 In emergencies it will not be possible to make a written application and if this happens notification should be made to the Head Teacher requesting absence at the earliest opportunity by telephone and followed up with a written explanation. If the Teacher works in more than one school they will need to contact all the relevant Head Teachers.

2.3 Records of Special Leave of absence will be kept by the Head Teacher on personal files in the school.

2.4 *The Personnel & Payroll Unit must also be notified about all leave of absences whether paid or unpaid. Please use the attached form (Appendix 1)*

2.5 The reasons for which leave of absence (other than through personal sickness) may be allowed are set out in the following paragraphs. An employee wishing to request special leave should normally make a written application including details of the reasons to allow the Head Teacher to make an informed decision. If extensions of leave are sought beyond the limits set out in these paragraphs, approval must be sought from the Director of Children & Young People who has discretion to decide based on the merits of the application. The Director of Children & Young People or their nominated representative will be the final arbiter of decisions made under the leave of absence provisions.

2.6 APPEALS PROCEDURE

When a Head Teacher confirms a decision to a teacher, they must advise the teacher that they have the right of appeal.

Where a teacher believes that the Head Teacher has acted unreasonably by not allowing leave, with or without pay, to be granted or where the time allowed has not

been considered to be sufficient, they may raise the matter in writing with the Director of Children & Young People or their nominated representative.

There is no right of Appeal to the Governing Body.

The Director of Children & Young People or nominated representative will normally review all the circumstances of the request and determine the appropriate action.

The Director of Children & Young People or nominated representative will inform the Head Teacher and the Teacher making the request of the outcome.

Contact details are at the back of this document.

This Appeal Procedure does not affect the Teacher's statutory rights.

3. PROFESSIONAL & PUBLIC DUTIES

Any Teacher who reports to you who is a member of another local Council, Regional or Public Authority is entitled to paid leave where such duties fall within the normal working day. This provision covers, for example, Teachers who are Councillors with another authority and School Governors. (Contact Human Resources for information on the total number of hours employees who are Councillors or are campaigning to become a Councillor during any election are entitled to time off). Teachers who have public duty commitments should give you sufficient advance notice of their time off requirements.

3.1 Jury Service, Tribunal Duties

Time off with pay is allowed. A Teacher who is called for service will receive a claim form for loss of earnings from the Court. This form should immediately be submitted to the Personnel & Payroll Unit for authorisation and record purposes and it will then be returned. At the end of the proceedings the court will issue a certificate confirming the amount paid for loss of earnings to the Teacher who should send this to the Personnel & Payroll Unit, who will make the necessary adjustments to salary.

3.2 Territorial and Auxiliary Forces

Leave entitlement:

Applications for leave of absence to attend Non-Regular Forces' summer camps or for additional training sessions must be submitted in writing to the Head Teacher.

Applicants should give as much notice as possible of the proposed absence, but in any event, not less than 28 days prior notice.

On return to work following a period of paid leave of absence the employee must provide the Head teacher with a 'Certificate of Attendance' or some other suitable documentation supporting the attendance at summer camp or training session.

Subject to complying with the above conditions, an employee, who is a member of the Non-Regular Forces, will be allowed paid leave of absence to attend summer camp and any additional training sessions which the employee has been unable to arrange outside working hours.

3.3 Trade Union Duties and Membership on National / Regional Bodies

Within Kirklees there is a facility for Teachers to take reasonable time off to undertake Trade Union duties including attendance at conferences. Such arrangements are covered by agreements between the Council and recognised Trade Unions separate to this document. Claim forms are available from the appropriate full time Trade Union Representative who will co-ordinate such activities and Head Teacher approval must be sought prior to the activity taking place. Claim forms are to be submitted to the Personnel & Payroll Unit on the completion of the activity.

3.4 Blood Donation and Other Medical Screening

Reasonable paid time off to make a blood donation or similar donations including travel time. Arrangements for time off will be made in discussion with and at the discretion of the Head Teacher and will be granted subject to the needs of the school.

In the case of granting paid time off for other medical donations. Head Teachers will be required to consider the individual circumstances of the case and the needs of the school.

3.6 Interviews or Professional Courses

Reasonable absence for work related interviews or for professional courses related to career development.

3.7 Examinations

Reasonable absence for sitting an approved examination or for attendance at panel or examiners' meetings connected with public examinations – 10 days for chief examiners and moderators and 5 days for assistant examiners and moderators.

3.8 Approved Visits to Other Establishments

Approved visits to other education establishments – normally up to 2 days annually.

3.9 Governing Body Duties

For attendance as a member of a full Governing Body or committee established by the local authority; or if elected a member of another authority or its committee or sub-committee – leave as necessary to attend meetings e.g. Interview Panel

3.10 Duties under Law

For a Teacher appointed a Justice of the Peace or a member of an Employee Tribunal – leave as may be agreed less any loss of earnings allowances which are claimable.

For attendance as a witness or for Jury Service at a Court of Law – less any loss of earnings allowances which are claimable.

4. RELIGIOUS OBSERVANCE

Attendance at a religious ceremony or observance of a religious festival which the Teacher is under a moral obligation to attend or observe by reason of his or her membership of, or office in, church or religious order.

It is recommended that leave of absence of up to 3 days with pay and the remainder taken as unpaid leave.

For further guidance please refer to Ednet and the Guides entitled "Time off for Hajj" and the "Religious Leave and belief Guidance on avoiding discrimination".

<http://www.kirklees-ednet.org.uk/management/HR/Teachers/HAJJ.pdf>

<http://www.kirklees-ednet.org.uk/management/HR/RELIGION-&BELIEF-GUIDANCE-ON-AVOIDING-DISCRIMINAT.pdf>

5. ABSENCE FOR FAMILY AND PERSONAL REASONS

Leave will be given within the parameters outlined below:-

The total amount of paid leave that may normally be granted under the Compassionate Leave Policy to any Teacher under this section will be limited to 12 working days or 24 half days in any given year. This year runs from 1 April to 31 March each year and is linked to the Insurance Cover scheme.

Part-time Teachers will be based on a pro-portionate basis.

5.1 Time Off for Dependants

5.1.1 Introduction

These guidelines deal with employees' entitlements to leave, as a result of domestic problems. The entitlements are a result both of Dependants' Leave legislation, and the Council's conditions of service for compassionate leave and domestic violence. The major difference is that legislation gives the right to unpaid time off – whereas our conditions of service allow paid time off for all or part of the leave, in some circumstances.

The key then, is to identify in the following sequence:

- (i) whether a person qualifies for leave under any of the categories allowed,
- (ii) whether that will be paid or unpaid leave and then,
- (iii) to determine how much leave is appropriate.

5.1.2 WHAT circumstances trigger leave entitlement?

Time off for Dependants Leave is an acquired right under the Employment Relations Act 1999 (E.R.A. '99). **It entitles an employee to take a reasonable amount of unpaid time off from work to deal with unexpected or sudden emergencies involving a dependant or to make necessary longer term arrangements for their care.**

The following are reasons for time off for dependants leave:

- To provide support for a dependent who is giving birth
- To make arrangements for the care of a dependant who has fallen ill or been injured in an accident or assault;
- To deal with the breakdown of care arrangements for a dependant e.g. where a childminder or nurse fails to turn up;
- To deal with an incident involving the employee's child during school hours, for example, where a child has been excluded, had an accident or become ill.
- If an employee has to take a dependant to a pre-arranged medical appointment;

5.2 Compassionate Leave

The Local Authority's policies on compassionate leave and domestic violence cover four additional reasons why leave may be allowed:

Compassionate Leave

- Bereavement or serious illness where a close personal relationship is involved
- Similar compassionate circumstances which require the discretion of the Head Teacher to assess (Further guidance is set out in the Council's Compassionate Leave Policy) <http://intranet/business/documents/HTMFiles/compassionate.shtml>
- For employees experiencing domestic violence, time off to deal with the situations or visit solicitors for advice and support.

5.3 Leave arrangements under the Domestic Violence Policy

This applies to any employee who discloses that they are experiencing domestic violence.

Paid leave should be granted to employees in order to help them deal with the situation or visit their solicitor or other support agency. You will need to use your discretion about how much time to allow.

Further information: Please refer to the Council's Corporate Policy and Practice on Domestic Violence or your Personnel or Equalities Officers.

5.4 Deciding if the Teacher is entitled to take leave

You need to assess if the reason a Teacher is asking you for leave, relates to any of the above circumstances. Does the request for leave relate to a dependant?

In law, a dependant is defined as:

“a spouse, partner, child, parent or person living in the same house as the Teacher. A dependant may also be someone who reasonably relies on the Teacher for assistance, where the Teacher is the primary carer or is the only person who can help in an emergency.”

The wording used in the compassionate leave policy is slightly different but has exactly the same intention as the legal definition and you won't go wrong if you use the definition above. In some circumstances, a situation affecting a **close personal friend** might qualify for compassionate leave.

Usually it will be obvious what a 'close personal relationship' is, but in the case of bereavement you will need to take into account cultural and religious expectations in family relationships and, for example, the responsibility that might be placed on a Teacher as a consequence, to deal with the bereavement.

5.4.1 **Should the leave be paid or unpaid?**

Whether or not leave will be paid, depends on whether one of the above circumstances also falls within our compassionate leave policy. The policy states:

- *In the event of bereavement or serious illness where a close personal relationship is involved, or sickness of a dependant, (i.e. anyone living in the Teacher's household who is dependant on the Teacher for domestic support), or close relations who live separately, but who at times of illness rely solely on the domestic support of the Teacher, or in similar compassionate circumstances; a Teacher may normally be granted paid leave of absence at the discretion of the Head Teacher.*

If a dependant falls ill – **Paid** leave

If a dependant gives birth – **Unpaid** leave (birth is not an illness!) however, you need to check whether this request is covered by our maternity support leave provisions, which allow 10 days paid leave.

If a dependant has been injured in an accident or assaulted, it is very likely to mean that the dependant is 'sick' within the terms of our compassionate leave, providing the result is that the dependant needs to be looked after by the Teacher. If you approve leave in these circumstances, then, it would normally be **paid** leave.

If the request relates to a breakdown in care arrangements for a dependant, you need to look at whether the dependant is sick. So if the reason is a nurse/child minder has failed to turn up, then **paid** leave should be granted. The same test is applied to an incident involving the Teacher's child during school hours. For example, if a child has been excluded for bullying or if the child has become ill or had an accident, then that is likely to mean that the dependant is 'sick' within the terms of compassionate leave and **paid** leave applies. However, if the child has been sent home because the heating has failed at the school, then **unpaid** leave applies.

Where a Teacher needs to take time off to take a dependant to a pre-arranged medical appointment that will normally mean **unpaid** leave.

Where a close family member has died and the Teacher has the responsibility to make funeral arrangements and/or deal with related family matters, or attend the funeral, this will be **paid** time off.

The list above identifies situations which are most likely to occur and whether they should be treated as paid or unpaid leave. However it is impossible to envisage all the situations that might comprise “similar compassionate circumstances”.

5.4.2 **Deciding how much leave to allow**

The legal provision for Time off for Dependants Leave, is that a Teacher is entitled to take a ‘reasonable amount of time off’. There is no lower or upper limit on what would be reasonable. Nor is there a ‘tariff’ for what would be reasonable; each case must be judged on its individual circumstances.

Exactly the same test is applied to compassionate leave. Whilst normally there is a ceiling of 12 days **paid** leave or 24 ½ days in any year, there is no limit on further unpaid leave if that is required. Nor is there an obligation to give the full entitlement. It is what is reasonable in each of the individuals circumstances.

At one end of the scale, for example, a Teacher may only ask for ½ day to make alternative arrangements where there has been a breakdown in childcare arrangements. The same is likely to apply where the survivor of domestic violence has an appointment to see a solicitor about the situation.

At the other end of the scale, an employee who is caring for somebody in the final stages of a terminal illness may need weeks or even months of leave.

6. **PARENTAL LEAVE**

6.1 **Introduction**

<http://intranet/business/documents/PDFFiles/parentalleave.pdf>

The Employment Relations Act 1999 (E.R.A. '99) includes Parental Leave Regulations which introduce rights for parents to be able to take **unpaid** time off work to look after a child or make arrangements for the child’s welfare. The purpose of this procedure is to inform Head Teachers and employees about the rights and responsibilities which the regulations carry. Kirklees Council has a local agreement which allows 10 days paid Maternity Support Leave in respect of the birth of a child. (Further details of payments and rights under the scheme can be found in section 5.3.4 or the Council’s Maternity Support Leave guidelines)

6.2 **Definition**

6.2.1 Parental Leave as defined by the (E.R.A. '99) Parental Leave Regulations is a right for parents to take unpaid time off work to look after a child or make arrangements for the child’s welfare.

- 6.2.2 A parent shall be deemed a mother, father, legal guardian or adult who has obtained formal parental responsibility.
- 6.2.3 In the case of adoption, a child(ren) may remain with the adopters for months and sometimes years before the adoption is finally made. The key time for parental leave is during the early days of the placement and the Council recognises this in relation to definition of entitlement.
- 6.2.4 Parental Leave has been introduced to enable parents to spend more time with their children and to strike a better balance between work and family commitments. It is not intended to provide time off to deal with family crises as this is covered in the Time Off for Dependants.

6.3 **Who is Eligible?**

6.3.2 Eligibility for these rights apply to the following Teachers:

- Those who have a child or children under 5 years of age.
- Those who have a disabled child or children under the age of 18.
- Those who have an adopted child or children under the age of 18.

6.3.2 Teachers who do not have one year's continuous local government service but otherwise fulfil the eligibility criteria will accrue the right to take parental leave as soon as they have acquired one year's continuous service.

6.3.3 New Teachers to the Council who do not bring with them one year's continuous service must complete one year's service before taking any parental leave even if they have used part of their entitlement with their former employer.

6.3.4 At the time of birth, employees who are eligible for Parental Leave (see sections 5.2.2 and 5.3.1 above) may be nominated by the mother to provide her with support. The nominated carer can take up to 10 days paid leave. This may be taken any time within the period of one week before and 56 days after the birth of the baby (or 56 days after the baby comes out of hospital if this date is over 6 weeks after the birth). These 10 days are no longer counted towards the 13 weeks Parental Leave.

The nominated carer will be required to complete a formal request for Maternity Support Leave and produce the MATB1 in order to qualify for the paid leave. If appropriate the employee will also be required to complete a form in order to claim Statutory Paternity Pay.

6.3.5 For Teachers who do not meet the eligibility criteria in 5.3.1 above but have been nominated to provide maternity support, the current Maternity Support Leave arrangement will still apply. (i.e. 10 days paid leave in respect of the birth of the child within the period of one week before and up to 56 days after the expected week of childbirth).

6.3.6 For babies born on or after the 1 April 2007 there is a right to receive 'Additional Paternity Leave (for further information please see the Council's Maternity Support Leave Policy).

6.4 The Timescale

- 6.4.1 Under the Regulations, Teachers are entitled to a total of 13 weeks unpaid leave for each child and will be able to take the leave in short or long blocks up to a maximum of 4 weeks per child per year. Employees who have a disabled child will be entitled to a total of 18 weeks leave.
- 6.4.2 One week's parental leave is equal to the length of time that a Teacher is normally required to work in a week. For example, a week's leave for a Teacher who usually works from Monday to Friday is equal to 5 days, while for a Teacher who works Mondays and Tuesdays only, a week's leave is equal to 2 days.
- 6.4.3 The Teachers right to parental leave lasts until the child is 5 years old except in the following circumstances:
- Where the child is adopted, parental leave may be taken up to 5 years after the adoption or until the child is 18 years old, whichever is the earliest.;
 - When the child is disabled, parental leave may be taken to the date when the child reaches the age of 18.
- 6.4.4 A maximum of 4 weeks Parental Leave for each eligible child can be taken in any leave year. By arrangement with the Head Teacher, this leave can be taken in blocks of 1 week up to a maximum of 4 weeks.
- 6.4.5 Teachers will be required to provide the Head Teacher with a minimum of 21 days notice of the leave being taken. However, Head Teachers will be required to act reasonably in the case of premature birth and waive the notice requirements.

6.5 Requests for Parental Leave

- 6.5.1 Where a Teacher asks for Parental Leave, s/he should submit a written request. The Head Teacher can ask to see evidence to confirm that the employee is the parent or person responsible for the child; evidence may take the form of a birth certificate, child benefit payment book, adoption certificate or disabled living allowance award although some other form of evidence should also be acceptable. This should not be required on every occasion where leave is requested.
- 6.5.2 The Head Teacher has permission to grant leave of absence. Where the Head Teacher feels unable to do so this request must be referred to the Director of Children & Young People or their nominated representative.
- 6.5.3 Requests by the Head Teacher for parental leave would be made to Director of Children Services or the nominated representative.

6.6 Right to return to the same job

- 6.6.1 A Teacher is guaranteed the right to return to the same job as the one held before the Parental Leave was taken.
- 6.6.2 Where parental leave follows maternity leave, the general rule is that a woman is entitled to return to the same job she had before the leave. If at the end of the parental leave, immediately following maternity leave, this is not reasonably practicable, she is entitled to return to a similar job which has the same or better status, terms and conditions as the old job.

6.7 Postponement of Parental Leave

- 6.7.1 The Head Teacher may be justified in postponing leave when he/she considers that the absence would unduly disrupt the delivery of the service. Other examples of justifiable reasons for postponement would include that the work is seasonal in nature and/or where a significant proportion of the workforce applies for parental leave at the same time.
- 6.7.2 Under the circumstances described in 5.7.1 above, the Head Teacher can postpone the leave for no longer than six months after the beginning of the period that the employee originally wanted to start his/her parental leave. The Head Teacher should discuss the matter with the Teacher and confirm postponement arrangements in writing no later than 7 days after the Teachers notice to take leave. This written confirmation should explain the reason for the postponement and set out new dates for parental leave.
- 6.7.3 Where a Teacher applies to take parental leave immediately after the birth or adoption of a child; the Head Teacher cannot postpone the leave.

6.8 Record Keeping

- 6.8.1 A system of record-keeping will be established to maintain a record of the parental leave allowance taken by each Teacher.
- 6.8.2 This information will form part of the information shared between employers when a Teacher changes jobs.

6.9 Misuse of the Leave Procedure

- 6.9.1 The Head Teacher will be expected to demonstrate that the agreement reached with the Teacher regarding the length of leave was reasonable, taking all relevant circumstances into account.
- 6.9.2 Where a Teacher has been found to have misled the Head Teacher about the reason for time off, this may result in disciplinary action.

7. OTHER LEAVE

7.1 Weddings/Marriage Ceremonies

- (i) Teacher's immediate family – up to 2 days, one with pay.
- (ii) Not Teacher's immediate family – up to 2 days without pay.

Where Weddings/Marriage Ceremonies are held outside of the UK, consideration will be given to a longer period of absence; however this will be leave without pay.

Time off to help with preparations of a wedding – leave without pay if granted.

7.2 Urgent Business

Urgent private or family business – leave may be approved without pay up to 6 days.

7.3 Examinations

Studying for an examination not related to work as a Teacher – leave as may be considered necessary, without pay for up to 6 days.

7.4 Holidays in Term-Time

All requests for holiday during Term Time should be treated as exceptional and will therefore need to be submitted via the Head Teacher to Julie Bowdidge, Principal Improvement Manager - Strategy, Planning & Resources. Each case will be considered on its own merits and the decision will be notified to the Head Teacher.

7.5 Examination Award Leave / Prestigious Ceremony

In respect of self or any member of Teacher's immediate family receiving an award – 1 day with pay.

7.6 House Move

1 day with pay

7.7 Driving Test

A half day with pay when the test could not be arranged outside school term time.

7.8 Transport Failure

Once it has become known that normal transport arrangements have failed staff are expected to immediately take steps to use alternative methods of transport.

Leave without pay will be granted as maybe unavoidably necessary taking into account the above point.

7.9 Participation in major sporting event

Reasonable time off with at least 28 days prior notice. This time off will be unpaid.

7.10 **IVF Treatment**

We recognise the emotional pressure of undergoing IVF treatment and understand the potential anxiety and distress which individuals may suffer during the process. We will support employees undergoing IVF Treatment and partners of someone undergoing the treatment as much as reasonably possible during the process.

Applications for time off for IVF/fertility treatment will be dealt with promptly, sympathetically and in the strictest confidence.

7.11 **Vasectomy**

One days leave with pay. If there are medical complications this will fall under the Attendance Management policy.

7.12 **Foster Care**

Leave required for assessments / courses in preparation of becoming a Foster Carer. Reasonable time off without pay.

7.13 **Reasonable Adjustment Leave**

Teachers with a disability who require time off from work for Medical, dental or hospital treatment related to their disability can be granted reasonable adjustment leave. This can cover a number of circumstances such as medical assessment, treatment, counseling, physiotherapy, emergency treatment, surgery etc.

This leave is usually paid but is subject to individual circumstances.

7.14 **Elective Surgery (cosmetic Surgery)**

Individual's who choose to undergo surgery for purely cosmetic enhancement reasons, must apply for special leave. Any special leave taken will be unpaid.

If, an employee has been prescribed cosmetic surgery to rectify a medical problem or disfigurement, and that surgery is provided under the NHS (or the individual chooses to have the operation privately to speed up the process), then they will be allowed sick leave for the period of the operation and recovery time.

If there are any complications with the operation and the employee is consequently too unwell to come to work then, subject to a medical certificate, this period of illness following the operation will be classed as sick leave

Factors to consider when authorising special leave without pay

- The length of time the employee will be absent from work
- The impact on business delivery
- Length of service

7.15 Inclement Weather and other disruptions

When a teacher who has taken every reasonable step to get to school is delayed or prevented from attending work due to inclement weather, public transport disruption or similar circumstances a flexible approach needs to be taken with how to make up any lost time.

If the school is to close due to weather disruptions, staff should always follow the advice and guidance given by their Head teacher which should be reasonable and proportionate. At these times Headteachers and staff should discuss as soon as possible how any absence should be treated.

If a Head teacher decides to close a school then the employee should be paid as usual. Flexibility is the key here as staff could work from home to fulfil their statutory obligations of working a 195 days. If a member of staff has made it into school but is delayed due to bad weather then penalising them should not take place as they have made the effort to get into school.

Where a school is unable to open for pupils, it may nevertheless be feasible for school staff to attend their normal place of work in order to engage in professional activities and head teachers will be expected to consider this option before the decision to close the school entirely, or partially, is taken. School staff should check the position with the head teacher.

Where an employee has a disability and the nature of their impairment could put them at risk in attempting to get to work in inclement weather, appropriate arrangements will be made.

Please refer to the current guidelines and Emergency School Closure Procedure.
<http://www.kirklees-ednet.org.uk/kirklees/guidelines/109GuidelinesForSchools2.pdf>

<http://www.kirklees-ednet.org.uk/kirklees/schoolclosuresweather.pdf>

Decisions with regards staff attendance/absence taken should be reasonable, fair and consistent, to reduce the risk of claims of discrimination and/or constructive dismissal.

8. Exceptional Circumstances

Head Teachers can approve the leave required under this category due to emergency nature and timescales involved, however, the Head does not have the right to say whether this is with or without pay.

The Head Teacher, once the leave has been agreed should make a recommendation and refer to the Director of Children & Young People or their nominated representative who will make the decision with regards to pay.

This process will enable a consistency of approach to decisions and each case will be considered on its own merits and the circumstances will be considered and taken into account.

9. Tragic Circumstances

There may be instances where a tragedy has taken place involving a colleague(s) or pupils, which will need special and sensitive consideration by the Head Teacher. Such an incident may, for example, necessitate a number of colleagues wishing to pay their last respects. Such a situation needs to be carefully managed to ensure that staff wishes can be accommodated and at the same time minimise the impact on the School's duties and responsibilities to pupils.

The Head Teacher will wish to seek the advice of the Director of Children & Young People or their nominated representative under such circumstances.

10. DEDUCTIONS FROM PAY

When leave is granted without salary the following rules govern the deduction from the monthly salary payment of a full time teacher on the basis of 1/365th for each day of absence:-

- For any absence of four working days or less within one working week whether or not including a Monday or a Friday the deduction will take account only of working days.
- In respect of any absence spanning a weekend (i.e. including Friday and the following Monday) the weekend days will be reckoned in the deduction.
- For any absence of five working days, seven days (i.e. a full week) pay will be deducted.
- In respect of any longer period of absence the deduction from salary will be calculated on the total number of days (working or non-working) from the first school day when the teacher is absent until the day preceding that on which he or she resumes duty except that absence for a period of one calendar month or more commencing on the first school day of a new term or ending on the last school day of a term shall be deemed to commence or end on the notional first or last day of the term defined for salary purposes.
- For example if a teacher's school opens after the Christmas vacation on the 9 January and the teacher applies and is granted leave of absence without salary from 9 January until 8 February he or she suffers loss of salary from the official date on which the term commences viz. the 1 January to 8 February inclusive. Leave without salary for a calendar month ending on the last school day before the start of the Midsummer vacation will entail loss of salary up to 31 August.

Please be aware that the following is affected by the types of leave granted and what the school has opted to cover. For anything outside this, the cover will be met by the school.

11. BASE COVER SCHEME

11.1 All Primary Schools

Cover will be provided in all primary schools after the second day of absence for sickness and leave of absence granted under the Local Scheme of Conditions of Service.

11.2 All Secondary Schools

Cover will be provided in all secondary schools after the third day of absence for sickness and leave of absence granted under the Local Scheme of conditions of Service. *

11.3 All Middle Schools

Cover will be provided in accordance with 1 or 2 above, the level of cover depending on whether the school has asked to be treated as a primary or secondary school (for cover purposes).

11.4 Small Primary Schools

In small primary schools, where the staffing complement is less than 6 delegated teachers (including Head Teacher but excluding nursery and/or special unit teachers) cover will be provided after the first day of absence of sickness and leave of absence granted under the Local Scheme of conditions of Service. *

11.5 All Special Schools

Cover will be provided in all special schools on the first working day of absence of sickness and leave of absence granted under the Local Scheme of Conditions of Service.

11.6 Nursery Classes

Immediate cover will be provided for teachers in nursery classes absent for sickness or leave of absence granted under the Local Scheme of Conditions of Service. *

11.7 Two or More Teachers Absent on the Same Day Primary Schools

Cover will be provided for the first teacher in accordance with the above. Cover will be provided immediately for the second and any subsequent teacher absent for sickness or leave of absence granted under the Local Scheme of Conditions of Service. *

11.8 **Three or More Teachers Absent on the Same Day Secondary Schools**

Cover will be provided for the first two teachers absent in accordance with 9 above. Cover will be provided for the third and any subsequent teacher absent for sickness or leave of absence granted under the Local Scheme of conditions of Service. *

***NB:**

- a) **Where either unpaid leave of absence or leave of absence in excess of that contained in the Local Scheme of Conditions of Service is granted, the cost of cover will fall to the school's budget.**
- b) Where a member of staff is absent for more than 20 days and hence comes under the long term cover arrangements – he/she should not be counted when applying paragraphs 8.6 or 8.7 above unless the teacher is the Head Teacher.

11.9 **Recurring Absence**

Where a member of staff has been on sick leave and then returned to duty for one or two days but has been unable to remain at work, immediate cover will be available.

11.10 **INSET**

Cover is not provided for in-service unless specifically funded by the INSET. In such cases, the position will be made clear to the teacher applying for the course.

11.11 **Retrieval**

Where a school is not able to obtain cover under the arrangements outlined above, retrieval will **NOT** be permitted.

11.12 **Public Duties**

Immediate cover will be available for teachers absent as JP's or on Jury service.

11.13 **Examinations**

Immediate cover will be available for teachers participating in external examination procedures, where cover can be reclaimed from the examination board.

Appendix 1

FOR THOSE EMPLOYEES WHO DO NOT HAVE ACCESS TO THE INTRANET THEY SHOULD CONTACT THEIR HR SERVICE TEAMS FOR COPIES OF POLICIES

KIRKLEES COUNCIL

SPECIAL LEAVE

This form should be used to record any special leave

EMPLOYEE DETAILS

Name	
Post Title	
School	
Pay Reference	

TIME TAKEN AS SPECIAL LEAVE

Absent from	(time)	On	(date)
To	(time)	On	(date)
Is this leave		Paid	Unpaid
Reason for leave			

Head Teacher Signature	
Head Teacher Comments / Decision	
<i>*Please refer to the Right of Appeal Section at 2.6</i>	
Total absence from school in current year	

Please retain a copy of this form on the files within school and also return this form to:
Payroll & Personnel Admin Unit (ChYPS), 6th Floor Oldgate House, 2 Oldgate
Huddersfield HD1 6QW

Appendix 2 – Head teacher Approval form

FOR THOSE EMPLOYEES WHO DO NOT HAVE ACCESS TO THE INTRANET THEY SHOULD CONTACT THEIR HR SERVICE TEAMS FOR COPIES OF POLICIES

KIRKLEES COUNCIL

SPECIAL LEAVE

This form should be used to record any special leave

EMPLOYEE DETAILS

Name	
Post Title	Headteacher
School	
Pay Reference	

TIME TAKEN AS SPECIAL LEAVE

Absent from	(time)	On	(date)
To	(time)	On	(date)
Is this leave	Paid Unpaid		
Reason for leave			

Chair of Governors Signature	
Has this been discussed with the LA?	
CoG Comments / Decision	
<i>*Please refer to the Right of Appeal Section at 2.6</i>	
Total absence from school in current year	

Please retain a copy of this form on the files within school and also return this form to:
 Payroll & Personnel Admin Unit (ChYPS), 6th Floor Oldgate House, 2 Oldgate
 Huddersfield HD1 6QW

Appendix 3 : LEAVE OF ABSENCE REGULATIONS FOR TEACHING STAFF

<u>Reason for Absence</u>	<u>Leave Entitlement</u>		<u>Discretionary Leave Entitlement</u>	
	<u>Period</u>	<u>With/Without Salary</u>	<u>Period</u>	<u>With/Without Salary</u>
Death and Funeral of member of teacher's immediate family, father, mother, brother, sister, spouse, residential partner or child	Minimum necessary up to a maximum of 6 days	With salary	In excess of 6 days	Without salary
*Whilst normally there is a ceiling of 12 days paid leave or 24 ½ days in any year, there is no limit on further unpaid leave if that is required. Nor is there an obligation to give the full entitlement. It is what is reasonable in each of the individuals circumstances (Please refer to Section 5)				
Funerals other than of member of teacher's immediate family e.g. grandparents, parent-in-law, brother/sister-in-law, friend	Minimum necessary up to a maximum of 1 day	With salary	In excess of 1 day	Without salary
N.B. Except where long distances need to be traveled the normal reasonable requirement is regarded to be one day				
Weddings of member of teacher's immediate family	Day of wedding	With salary	In excess of 1 day	Without salary
Weddings – not teachers immediate family	Up to 2 days	Without salary	In excess of 2 days	Without salary
N.B. Leave of Absence for a Teachers own wedding is only granted in exceptional circumstances and will be without Pay				
In cases of immediate family/dependents illness	Minimum necessary up to a maximum of 6 days	With salary	In excess of 6 days	Without salary
Refer to Dependants leave / compassionate leave policy				
N.B The total amount of paid leave that may normally be granted under the Compassionate Leave Policy to any Teacher under this section will be limited to 12 working days or 24 half days in any given year. This year runs from 1 April to 31 March each year and is linked to the Insurance Cover scheme.				
Part-time Teachers will be based on a pro-portionate basis.				

<u>Reason for Absence</u>	Leave Entitlement		Discretionary Leave Entitlement	
	<u>Period</u>	<u>With/Without Salary</u>	<u>Period</u>	<u>With/Without Salary</u>
Dependent's Leave	Refer to the relevant section on page 7			
Parental Leave	Refer to the relevant section on page 10 http://intranet/business/documents/PDFFiles/parentalleave.pdf			
House removal	maximum 1 day	With salary	In excess of 1 day	Without salary
Interview for other post / Professional course	Reasonable absence	With salary	In excess	Without salary
Attendance at annual camp as volunteer member of the territorial army (must provide at least 28 days notice)	As may be necessary Refer to point 3.3	With salary		
Transport Failure	As may be unavoidably necessary	Without salary		
N.B. Once it has become known that normal transport arrangements have failed staff are expected to immediately take steps to use alternative forms of transport				
Significant Award to self or member of immediate family e.g. University Graduation Ceremony, National Honor	1 day	With salary	In excess of 1 day	Without salary
Sitting for an approved examination	Minimum period required to attend examination	With salary		
Studying for an examination related to work as a teacher	½ day per paper on days immediately prior to examination	Without salary		

<u>Reason for Absence</u>	Leave Entitlement		Discretionary Leave Entitlement	
	<u>Period</u>	<u>With/Without Salary</u>	<u>Period</u>	<u>With/Without Salary</u>
Attendance at a religious ceremony or religious observance	Refer to Guidance on Religious Leave http://www.kirklees-ednet.org.uk/management/HR/Teachers/HAJJ.pdf http://www.kirklees-ednet.org.uk/management/HR/RELIGION-&BELIEF-GUIDANCE-ON-AVOIDING-DISCRIMINAT.pdf			
Attendance at examiners' meetings or undertaking duties for educational bodies not connected with the work of the school or college	Minimum required up to a maximum of 10 days	With salary	In excess of 10 days	With salary at the discretion of the authority
Duties of Justice of the Peace – For a Teacher appointed a Justice of the Peace or a member of an Employee Tribunal	leave as may be agreed less any loss of earnings allowances which are claimable			
Attendance as a member of an Authority at meetings of a Committee or Sub-Committee set up by another Authority	As may be necessary to attend meetings	With salary		
Attendance at a Board of Governors/ Board of Visitors	As may be necessary to attend meetings	With salary		
Driving Test	Up to ½ day	With salary	In excess	Without salary
IVF treatment	Reasonable	With salary		

Alison O'Sullivan **01484 225242**

<mailto:alison.o'sullivan@kirklees.gov.uk>

2 Designated nominated representative

Principal Improvement Manager - Strategy, Planning & Resources
Julie Bowdidge **01484 225761**

<mailto:julie.bowdidge@kirklees.gov.uk>

3 Personnel & Payroll Contacts

Unit Manager
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<mailto:Debbie.dolan@kirklees.gov.uk>

Asst Unit Manager (Teachers Payroll)
Susan Higgins **01484 416553**

<mailto:susan.higgins@kirklees.gov.uk>

4 Teacher Union Contacts

ATL

Gill Collins
Cleckheaton Town Hall
Bradford Road
Cleckheaton
BD19 3RH **01274 335002**

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NAHT

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NASUWT

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ASCL

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