

Leicester City Council

**Leave of Absence Policy for Employees Based in City
Schools/Colleges and other Establishments**



June 2009

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PURPOSE

This Policy is recommended to Governing Bodies for adoption in schools. It also applies to teachers employed to work in any centrally-managed service.

The purpose of this Policy is to promote a **fair, reasonable, non-discriminatory** and **consistent** approach to absence (excluding absence due to personal illness) throughout schools which recognises that there are occasions where discretion and flexibility need to be exercised. It replaces Administrative Memo 33, (which solely applied to Teachers) and applies to all school-based staff with the exception of Catering and Cleaning staff not employed by the school, for example, kitchen staff employed by City Catering.

In applying this Policy, Headteachers will be mindful that certain groups of staff, such as Teachers and Teaching Assistants, do not have the discretion to take annual leave to allow them time off when others may use this provision, such as to attend functions of significance to their family members or when moving house. The staff to which the annual leave provisions apply are: Business Managers, Bursars, Office Staff, Technicians and Premises Officers. With this in mind, there may be occasions when such staff are asked to take annual leave to cover their absence from work, as would be consistent with their Local Authority colleagues also covered under the National Joint Council (NJC) for Local Government Services, as set out in the Handbook for the NJC (the 'Green Book'). The occasions when this is likely to apply are indicated on page 5.

Please note that, for ease of reference, the term 'Headteacher' is used to cover Headteachers, Principals and Managers from this point onwards. In addition, the term 'school' is used to apply to schools, colleges and other services covered by this document.

POLICY REVIEW

This Policy was ratified at Teachers' Negotiating Committee (TNC) on 18 June 2009 and Joint Negotiating Committee (JNC) on 25 June 2009. It will be subject to review after the first 12 months of operation with the involvement of relevant Trade Unions/Professional Associations, and then at 12-monthly intervals thereafter.

LEGISLATIVE FRAMEWORK

For teaching staff, reference needs to be made to the Education (Teachers) Regulations 1993, as amended by the Education (Teachers) (Amendment) (No 2) Regulations 1997. These are discussed in the former DfEE Circular 'Physical and Mental Fitness to Teach of Teachers and Entrants to Initial Teacher Training'.

In addition, a wide range of legislation applying to all employees provides the right to time off for a range of reasons, such as the Employment Relations Act 2004, Employment Rights Act 1996, the Work and Families Act 2006, etc.

This Policy differentiates between leave of absence governed by statute and that over which some discretion may be exercised.

ARRANGEMENTS FOR LEAVE OF ABSENCE

In schools with delegated budgets, the authority to grant leave (with or without pay) rests with Governors, however, Headteachers have delegated powers to manage this Policy, with the exception of leave for Headteachers themselves, when the Chair of Governors would consider requests in line with this Policy.

Headteachers will grant paid leave of absence of up to 5 working days in any academic year for any of the following reasons combined:

- a) Serious illness of a close relative/friend;

- b) Death of a close relative/friend;
- c) Attendance at funerals;
- d) Attendance at functions of significant importance to family members, such as a Wedding or Graduation Ceremony;
- e) Moving house;
- f) Interviews for posts within the Local Government Service (in some cases the interview may be more than one day);
- g) Actual periods of examinations (NOT study leave) for improvement of a teacher's qualifications, including reasonable travelling time;
- h) Observance of major religious festivals by persons who are members of the faith concerned.

This Policy recommends a maximum number of days paid leave for the different circumstances covered. A table summarising these recommendations is included for easy reference on page 6.

Governors may extend paid leave by a further 5 working days in any academic year, or beyond this in exceptional cases.

When considering non-statutory requests for leave of absence, Headteachers should have regard to fairness and consistency within the context of:

- The operational needs of the school;
- The individual needs of the person concerned;
- The length of time requested;
- The amount of notice given.

Written requests for leave of absence should be made in advance wherever possible, either via letter or by completion of a Request Form: a sample form that Governing Bodies may wish to consider for this purpose is included at Appendix 1. Advance requests obviously cannot be made in the event of domestic emergencies, but employees would be expected to notify the school as soon as possible of the reason for their absence and will be asked to either complete a Request Form or provide a letter on their return to work. Accurate records of each instance of time off should be retained for reference purposes and for scrutiny by Governors.

Any right of appeal would be to the Governors' Appeal Committee.

Staff should be aware that any time taken off under these guidelines must be used only for the purpose specified. A failure to comply with any aspect of the Policy may be dealt with under the Disciplinary Procedure and could result in Disciplinary action, up to and including dismissal.

STATUTORY LEAVE

The absences which require Headteachers to observe statutory obligations are listed overleaf. For support staff arrangements for, and payment during, these absences are covered under the National Joint Council (NJC) for Local Government Services, as set out in the Handbook for the NJC (the 'Green Book'), as amended and supplemented by local agreements and any other local provisions.

For teaching staff, the points in italics are covered under the Conditions of Service for School Teachers in England and Wales (the 'Burgundy Book') and the Maternity (including Adoption) Provisions for Teachers. Leave in connection with recognised union duties is covered by a separate facilities agreement. The leave categories not in italics are included in this guidance.

- *Time off for Ante Natal Care;*

- *Maternity/Adoption Leave;*
- Paternity Leave;
- Parental Leave;
- Emergencies involving Dependents;
- Jury Service;
- *Leave for Accredited Representatives of Recognised Professional Associations and Trade Unions;*
- Service in non-regular forces during term time.

NON-STATUTORY LEAVE

- *Medical Appointments/Health Screening (donating blood or plasma);*
- *Job Interviews;*
- *Examination Leave;*
- *Participation in international sporting, cultural and similar events;*
- *Time off for work in the community;*
- *Leave for duties associated with local or national elections;*
- *Maternity Support Leave;*
- *Bereavement Leave;*
- *Court proceedings not specifically covered by regulations (eg, being called as a witness);*
- *Leave for Magistrates/ Members of Public Bodies;*
- *Leave relating to Service on Public Bodies;*
- *Annual Training for non-regular forces;*
- Moving House;*
- Attendance at functions of significant importance to employees' family members;*
- Additional holidays;
- Parliamentary Candidates;
- Absence for urgent personal reasons/compassionate leave, eg, for attendance at a funeral, to care for a sick relative;
- Attendance at religious festivals.

For support staff, the categories of leave listed in italics are covered under the National Joint Council (NJC) for Local Government Services. This Policy covers the remaining categories of absence. For teaching staff, all of the above absences are covered in this document.

There would be an expectation that staff who are entitled to annual leave would use this provision on the occasions identified by an asterisk (*).

ABSENCE FOR ANY OTHER REASON/UNPAID LEAVE

Leave of absence may be requested for other exceptional situations not covered by this Policy. It is recommended that Headteachers seek HR advice in such circumstances.

Headteachers and/or Governors may grant unpaid leave in addition to the provisions in this document, of course having due regard to the needs of the school.

SUMMARY - RECOMMENDED MAXIMUM NUMBER OF DAYS PAID LEAVE (PER ACADEMIC YEAR UNLESS OTHERWISE STATED)

REASON	REC MAX ALLOWANCE	FUNDING
Serious illness or death of a close relative/Domestic Emergencies / Attendance at funerals (not limited to close relatives)	5	School funded
Functions of importance to family members, eg, wedding , Graduation ceremony of son/daughter	1	School funded
Moving house (on day of move where it is impossible to move during holiday periods)	1	School funded
Job Interviews*	Up to 5	School funded
Examination leave	Up to 5	School funded
Visits to other schools/colleges; educational visits; in-service education	Up to 5	School funded
Observance of Religious Festivals	1 Option to grant 1 additional unpaid leave.	School funded
Annual training – non-regular Forces.*	Up to 5	School funded
Representing country/county at national/international sporting events*	Up to 5	School funded
Delegate at: - Church Synods (or equivalent) - T.U. Conferences. -Local Government Conferences -Committee member of national education body.	Up to 5	School funded
Governing Body meetings (as a Governor)	Up to 5	School funded
Time off for Work in the Community	1	School funded
Paternity Leave / Maternity or Adoption Support Leave Subject to qualifying service (to be taken within 8 weeks of birth/adoption placement commencing).	10	Centrally funded CF
Parental Leave (unpaid)	13 wks in first 5 years of (18 years for disabled children). Max. of 4 wks leave per year per child.	
Public Duties		
Member of District Council*	Up to 15/20 per annum (p	Centrally funded CF
Magistrates/Justices of the Peace*	Maximum of 18 p.a.	Centrally funded CF
Meetings re national/ provincial council affairs *	Up to 10 p.a.	Centrally funded CF
Certain committees when specifically nominated;*	Up to 10 p.a.	Centrally funded CF
Regional or area health authority*	Up to 10 p.a.	Centrally funded CF
Tribunal or similar bodies*	Up to 10 p.a.	Centrally funded CF
Youth Offending Panels*	Up to 10 p.a.	Centrally funded CF
Candidate for parliamentary/LA elections	Day of poll only	Centrally funded CF
Duties associated with Local/National Elections	Day of poll only	Centrally funded CF
Jury Service/ Attending Court as a Witness	As required	Centrally funded CF

* please see additional guidance on the following pages.

Headteachers may grant paid leave of absence of up to 5 working days in any academic year for the reasons in bold above combined. Governors may extend this provision by a further 5 working days in any academic year, or beyond this in exceptional cases.

GUIDANCE ON ALLOWANCES

This section provides further guidance on the categories of leave covered in the table where necessary.

STATUTORY LEAVE

Paternity Leave

The biological father of a child, or an employee who expects to have responsibility for a child's upbringing as the husband, partner, or civil partner of a woman having/individual adopting a child qualifies for 10 days Paternity Leave and Pay (pro-rata for part-time/job share employees). This leave is intended for the purpose of caring for a newborn-child (or a child newly-placed for adoption) and supporting the mother/adoptive parent. Leave must be taken within eight weeks of the birth of the child/the commencement of adoption placement.

To qualify for this provision, employees must have at least 26 weeks' continuous Local Government service by the 15th week before the expected week of childbirth/date of placement.

Parental Leave (Unpaid)

The purpose of parental leave is to enable parents to care for their child. This means looking after their welfare and could include making arrangements for the good of the child, for example, accompanying them during a stay in hospital, settling their child into new childcare arrangements or enabling their family to spend more time together, such as taking a child to stay with grandparents.

Employees have the right to parental leave if they:

- have at least one year's continuous Local Government Service; **and**
- are a parent named on the child's birth certificate; **or**
- are named on the child's adoption certificate; **or**
- have legal parental responsibility for a child under five (18 for disabled children).

Foster parents do not the right to parental leave.

Either parent has the right to parental leave. Employees separated from their partner and not living with their children maintain the right to parental leave if they keep formal parental responsibility for the children. Parental leave is an individual right and so cannot be transferred between parents, for example, a father cannot decide to take only 10 weeks and the mother take 16 weeks.

Headteachers must be given at least 21 days' notice of the intention to take parental leave, specifying the start/end dates of the leave period. For the first occasion of such leave, Headteachers may ask the employee to provide a birth certificate or papers confirming the adoption placement.

General Provisions

Employees can take a total of up 13 weeks' parental leave for each of their children up until their 5th birthday (up to a maximum of 4 weeks' per child per year).

Adoptive parents can take a total of up to 13 weeks' parental leave until the fifth anniversary of their child being placed with them or until their 18th birthday, whichever comes first.

This leave can only be taken in minimum blocks of one week, eg, two days leave would count as one week taken.

Parents with Disabled Children

If their child is disabled (that is, receiving Disability Living Allowance (DLA)) parents have the right to up to 18 weeks' parental leave (up to a maximum of 4 weeks per child per year) until their child's 18th birthday. Parents can take this time off in days instead of weeks meaning, for example, that parental leave could be used for regular hospital visits.

For the first occasion of parental leave, parents may be requested to provide the award for DLA to their Headteacher in order to qualify for the extended leave provisions.

Emergencies involving Dependants

Guidance on leave for this purpose is covered at Appendix 2.

Jury Service

Employees required to attend Court as a Jury member shall be granted leave as required – Headteachers could find themselves in contempt of court for not allowing such leave. Allowance for loss of earnings is claimed from the Court and an equal amount will be deducted from the employee's pay.

Jury service usually lasts for 10 days, but some trials take longer - jurors are usually warned in advance if a trial is expected to last a long time. Employees called up for Jury service should advise Headteachers of this as far as possible in advance, providing the Confirmation of Jury Service letter as confirmation of the requirement to attend Court.

Annual Training for Non-Regular Forces during Term-Time

Employees in the Reserves or Territorial Army will require time off for their annual 15-day continuous training. Although it is not a legal right, employees in Leicester City schools will be granted up to two weeks paid leave (based on average earnings), less any payments received from the Army (excluding out of pocket expenses), to attend annual training.

Anyone joining the Volunteer Reserve Forces (VRF), or seeking to re-engage, gives permission for the Ministry of Defence to contact their employer to ensure the employer is aware that they have an employee in the VRF.

Financial compensation for employers is available if a reservist is called up for active duty. This includes money for replacing the employee - including one-off agency/advertising fees, and additional salary costs of up to £110 per day – and retraining when the reservist returns to their job, if this is demonstrated to be necessary. The claim for the cost of replacing the reservist must be returned within four weeks of the call-up. The claim for costs of retraining should be made following the reservist's completion of the retraining course. Information on such financial assistance is available on the Supporting Britain's Reservists and Employers (SaBRE) website (www.sabre.mod.uk).

NON STATUTORY LEAVE

Maternity/Adoption Support Leave

The expectant mother/adoptive parent may nominate an alternative primary carer to provide support at/around the time of the birth of her child and to assist with care of the child, eg, their mother or friend. In such cases, Headteachers have discretion to approve up to 10 days (pro-rata) Maternity/Adoption Support Leave to this nominated carer. Leave must be taken within eight weeks of the birth of the child.

To qualify for this leave, employees must have at least 26 weeks' continuous Local Government service by the 15th week before the expected week of childbirth/date of placement.

Employees called as Witnesses

Headteachers **must** allow an employee time off to appear as a witness where they have been issued with a witness summons with which they must comply or risk being in contempt of court. Employees called as Witnesses should advise Headteachers of this as far as possible in advance, providing either the letter received from the police (prosecution witnesses) or defense solicitor (defense witnesses) as confirmation of the requirement to attend court.

Allowance for loss of earnings is claimed from the Court and an equal amount will be deducted from the employee's pay.

Employees taking legal action

Employees instigating legal action themselves would be required to take any time away from work as unpaid leave.

Time off for Public Duties

The benefits of staff getting involved in public duties and engaging with the wider community, along with the additional skills and experience they gain as a result, are acknowledged. Section 50 of the Employment Rights Act 1996 requires employers to permit employees who hold the following public positions reasonable time off to perform the duties associated with them:

- a magistrate, sometimes known as a justice of the peace;
- a member of a local authority, police authority, local education authority, governing body of an educational establishment or further or higher education corporation, health authority or primary care trust;
- a member of any statutory tribunal, an environmental agency, or of the boards of prison visitors;
- member of the General Teaching Councils for England and Wales;

In addition, employees in Leicester City schools may be granted time off for the following purposes.

- a member of certain committees when specifically nominated;
- a member of Youth Offending Panels;
- to allow attendance at meetings concerned with national or provincial council affairs;

A specific amount of time off is not laid down in law and there is no obligation on employers to pay employees during this time. However, in Leicester City schools, up to 10 days paid leave per year (pro-rata for part-time employees and job-sharers) or 18 days per year (pro-rata) when serving as a Magistrate/Justice of the Peace may be granted, subject to the needs of the school. Any leave authorised for other reasons will be in addition to leave for public duties.

Employees must agree any time off with Headteachers beforehand and should be aware that it may not be possible to grant paid leave at the requested time in all cases. Headteachers may not be able to grant a request if it is felt to be unreasonable. Whether your request for time off is classed as 'reasonable' depends on:

- what the duties are;
- the time needed to carry them out;
- the impact on the school;
- how much time has been already taken for public duties.

Where the employee participates in a Tribunal or Committee in Council time and receives a fee, this shall be paid over to the Council.

Employees thinking of taking on public duties are encouraged to investigate the time off likely to be required, which will vary depending on the nature of the role, and discuss this with their Headteacher at the earliest opportunity. It will aid this discussion if they think through the implications on their job and consider some possible solutions. Headteachers can then discuss with the employee how the time off can best be accommodated.

Magistrates/Justices of the Peace

Employees who volunteer as Magistrates are asked to commit at least 26 half-days per year to sit in court. Employers are required by law to grant reasonable time off work for Magistrates to fulfill this commitment: this Policy provides for a maximum of 18 days per year (pro-rata) to be granted, subject to the needs of the service. Magistrate duty rotas are finalised well in advance and so planning for these absences should be straightforward, as long as employees make Headteachers aware of leave requirements at the earliest opportunity.

Any individual wishing to serve as a Magistrate must apply in writing to the Governing Body, who should make them aware of the limitations and requirements of this Policy. Applications will be dealt with individually according to the requirements of the Lord Chancellor's Office. Where the application is supported by the Governing Body and subsequently accepted by the Lord Chancellor's Office, the Director of Children's Services should be informed of the employee's status as a Magistrate.

Magistrates are not paid for their services. Employees granted time off to carry out these duties should claim the following financial loss allowance/s (applicable from 1 May 2008), which can then be deducted from the employee's full pay:

Attendance of up to 4 hours (i.e. half a day)	£45.30
Attendance of more than 4 hours (i.e. full day)	£90.61

The equivalent sums will be deducted from salaries/wages for each half day/day of absence and these deductions credited centrally. Time-off for Magistrate duties should be recorded on the monthly return to enable Payroll to make the appropriate deductions. If an employee is absent for half a day, this should be clearly indicated on the service return (ie 'am only' / 'pm only').

Members of District Councils

Where the duties of office and attendance at meetings will involve absence from work, individuals intending to stand for election as members of District Councils must inform the Director of Children's Services of this intention in writing. This letter should confirm that their Headteacher has been informed and estimate the likely periods and frequency of absence.

Headteachers should make individuals aware of the relevant limitations/requirements of this policy. Absences (paid or unpaid) must be agreed by the Headteacher, or in the case of the Headteacher, the Chair of Governor and must be reported on the Monthly Service Return. Absence for part of a session will be treated pro-rata. Paid leave for members of District Councils will be granted on the following basis:

- Leader/Deputy Leader, Mayor or Chairman of large district council (population exceeding 250,000) – up to 20 days per annum.
- Leader or Deputy Leader, Mayor or Chairman of a small district council – or Chairman of a Committee of any district council – up to 18 days per annum.
- Members of councils not holding any of the above offices – up to 15 days per annum.

Where 5 or more days paid leave is granted for purposes such as other public duties or trade union duties, the basic maximum leave for the aforementioned duties will be reduced to 15, 13 and 10 days respectively.

Where less than 5 days paid leave is granted for special purposes, the total amount of leave for both public duties and special purposes, will not exceed the appropriate basic maximum.

Governing Body Meetings

Approval for leave of absence includes official duties in connection with service as a Governor, for example, membership of a working party in addition to attendance at Governing Body meetings. Schools are requested to arrange Governing Body meetings at convenient times for the Governing Body wherever possible.

Special Leave for Participation in Sporting Competitions

Headteachers may grant up to 5 days paid leave per year (pro-rata for part-time employees and job-sharers) to employees selected to represent the City, County or Country in a sporting competition on an amateur basis where the competition takes place on the employee's normal working day/s.

Aggregation of Leave – Public Bodies, Non-Regular Forces, Sporting Competitions

No more than 10 days (18 days for Magistrates/Justices of the Peace) paid leave per year (pro-rata for part-time employees and job-sharers) may be granted to an employee for the following types of special leave combined:

- Service on Public Bodies (including governing bodies);
- Volunteer Members of Non Regular Forces;
- Sporting Competitions.

Time off for Medical Visits, Health Screening and Amica Counselling

Employees are expected to request medical appointments, eg, doctor, hospital, dentist, health screening (for example, for cancer) and counselling appointments outside normal working hours wherever possible and to attend work before/after visits where appropriate. It is recognised that appointments for hospital treatment are generally outside the individual's control and so greater flexibility and sensitivity will be need to be exercised by Headteachers in such cases.

Optician appointments must **always** be made outside working hours, **except** where the Local Authority's scheme for regular VDU use applies, and in exceptional situations, ie, emergencies and where the DDA Applies to an optical condition (for example, retinopathy appointments).

With the exception of emergencies, advance authorisation to attend such appointments during working hours must be sought from Headteachers. Where a series of visits are anticipated, the timing and frequency of the appointments should be discussed in advance with the Headteacher in order for arrangements to be made both to assist the employee to attend and minimise the impact on service delivery.

Details of any illnesses need not be given, but employees are reminded of their duty of care to both themselves and others at work.

In the case of Amica Counselling appointments, because of the confidentiality involved an individual may feel more comfortable advising their HR Advisor of the need for them to attend such an appointment during working hours. In such cases, the HR Advisor would contact the Headteacher to advise of the need for paid leave and the timing of this, but would not disclose the nature of the appointment.

Donation of Blood or Plasma

Necessary paid time off will be granted for the purpose of donating blood or plasma.

Time off for Medical Visits - The Disability Discrimination Act 1995 (DDA)

Under the DDA, it is unlawful for an employer to treat a disabled employee less favourably for a reason related to their disability without justification. An employer also has a duty to make “reasonable adjustments” to prevent an employee from being placed at a substantial disadvantage. Allowing absence during working hours for rehabilitation, assessment, treatment or counselling are cited as examples of possible reasonable adjustments in the DDA Code of Practice. Some employees may need to take time off for such appointments at regular intervals, for example, every few weeks, every few months or each year, These absences should be relatively easy to manage, given that they can be planned with the employee beforehand.

Job Interviews

Employees will be allowed paid leave if they are attending an interview within the Local Government Service. For staff covered by this Policy, this provision has been extended to include other state-funded schools, for example, trust, voluntary-aided and hospital schools, Academies, FE Colleges and independent schools, which are covered by the Redundancy Payments (Continuity of Employment in Local Government, etc) Modification Order 1999. The Civil Service, Nationalised Industries, New Towns and Development Corporations, Statutory Boards and the Health Service are classified as outside the Local Government Service and employees attending for interviews with these bodies will normally be entitled to time off without pay. This condition does not apply to staff in a redundancy situation, who may apply for reasonable paid time off for job hunting with any employer.

Time off for Work in the Community

Employees can request one day's paid leave per academic year to support charitable work in the community and develop their skills. This work must directly assist the community, have relevance to the work of the School/Local Authority and be consistent with its priorities.

Those wishing to participate must be able to show that there is a benefit to those they are assisting and that the work helps develop them in their own jobs.

Advance approval, giving adequate notice, should be sought from Headteachers. Approval is subject to the overriding needs of the School. No additional cost should fall on the school, which means that employees who will have to be directly replaced cannot be released under this Scheme.

The employee will be required to sign an undertaking acknowledging that, during this leave, the school/Local Authority bears no responsibility for them/their actions, they accept the responsibility of being seen as a Leicester City Council employee and that they should conduct themselves in accordance with the relevant Code of Conduct.

Attendance at functions of significant importance to employees' family members

For staff unable to take annual leave, paid leave (normally restricted to one working day) may be given, for example, for the graduation ceremony of son/daughter or the wedding of a close relative (child, parent, brother/sister, any other relative who normally resides with the member of staff or a person who stands in loco parentis to the member of staff or vice versa) on the actual day of the event. As much notice as possible of the event should be given. Support staff may be asked to take annual leave to cover such events.

Moving House

For staff unable to take annual leave, paid leave may be given for the purpose of moving house during term-time where it is impossible for the move to take place during the holiday period. This leave would normally be restricted to one working day on the day of the move.

Additional time off/holidays

Requests for leave of absence (paid or unpaid) for holidays during term time or to accompany a spouse/partner on a business trip/function may not be granted. One exception to this would be if the holiday was booked before the employee took up employment where the school had been notified of this in advance, in which case the leave granted would normally be unpaid.

Parliamentary Candidates

Individuals offering themselves as candidates for Parliamentary/Local Authority elections do not receive their salary for absences while campaigning from the date of the writ to the day of the election. Employees standing as candidates for such elections are granted paid leave on the day of the poll only.

Leave of Absence for Urgent Personal Reasons

Appendix 2 provides guidance on granting leave in such circumstances.

Attendance at Religious Festivals - Employment Equality (Religion or Belief) Regulations 2003

These Regulations protect workers from discrimination on the grounds of religion or belief (as well as those who have no religion or belief) by outlawing:

Direct Discrimination – treating people less favourably than others on the grounds of religion or belief (or instructing someone else to behave in this way).

Indirect Discrimination – applying a provision, criterion or practice (whether intentionally or not) which disadvantages people of a particular religion or belief, unless it can be justified. To be able to justify it, employers have to show there is a real business need for the practice.

Harassment on the grounds of religion or belief – subjecting someone to unwanted conduct that violates their dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Victimisation – treating people less favourably because they made or intend to make an allegation about discrimination on the grounds of religion or belief, or because they have given, or intend to give, evidence under the regulations. As long as they were made in good faith, the allegations do not have to turn out to be true.

With regard to time off for observance of a religious holiday or festival, the Regulations require employers to try to accommodate this as long as the request does not interfere with the smooth running of the service in question. Employers may need to consider factors such as the health and safety, budgetary, and organisational implications of requests for time off. Employers must be careful not to follow a policy which favours employees with a particular religion or belief, as this would be directly discriminatory.

Guidance for Schools

Forward planning on behalf of both Headteachers and staff for time off for observance of religious holidays/festivals is necessary. For their part, staff should give as much notice as possible of a leave request and be aware that Headteachers may not always be able to accommodate it. Headteachers should be mindful that such occasions are obviously of significant personal importance to the individuals concerned and so uncertainty over whether requests for time off will be granted until very near the occasion itself can cause unnecessary distress.

Although there is no express right to time off work for this purpose, Headteachers should sympathetically consider such requests where it is reasonable and practical for employees to be away from work. However, whilst it may be possible for one or a small number of employees to be absent, it may be difficult if numerous requests are made. In these instances, the Headteacher is recommended to discuss the matter with the employees affected, and their Trade Union/Professional Association. The aim of this discussion would be to explore all the available options to minimise the potential disadvantage to staff of a particular religion/belief and balance the needs of the school and all employees.

Headteachers should be aware that some religious festivals are based on the lunar months and therefore dates change from year to year. For example, the Muslim festivals of Eid-ul-Adha or Eid-ul-Fitr are approximately 11 days earlier every standard year. Furthermore, the dates of these festivals may not become clear until close to the actual day. However, although employees may not know the exact date for Eid-ul-Adha or Eid-ul-Fitr, they should be able to advise the possible dates that they may fall on. Employees should be aware that 'time off in lieu', for example, where the religious festival occurs at the weekend or outside term time will not be granted.

Extended Leave

If a member of staff requests extended leave for the purpose of going on a pilgrimage, Headteachers should attempt to accommodate the request, bearing in mind that for many staff this is a once-in-a-lifetime experience. Where staff have an annual leave entitlement, the expectation is that this would be used. If the extended leave exceeds this entitlement, the excess days would be classed as unpaid leave.

Staff with relatives abroad may have particular religious/cultural needs for occasional extended leave for births, weddings and deaths. Headteachers should attempt to accommodate such requests if reasonable and practical.

APPENDIX 1 LEAVE OF ABSENCE REQUEST FORM

Name:

Post:

LEAVE REQUESTED:

From: **To:**.....

Number of Working Days:

Reason for Request:

Signed:

Date:

FOR HEADTEACHER/GOVERNOR USE:

No of Days Approved:

With Pay

Without Pay

If request partially approved/not approved reason for this:

.....
.....

If request approved without pay, reason(s) for this:

.....

Signed:

Date:

Once completed, this Form should be retained by the School and a Copy returned to the member of staff for their records.

APPENDIX 2 - LEAVE FOR URGENT PERSONAL REASONS/DOMESTIC EMERGENCIES

'Emergencies' are classed as situations that occur suddenly where employees are unable to give Headteachers notice of the leave requirement. In addition, all employees have the right to time off to care for a dependant in certain circumstances, including when the arrangements for a dependant's care are unexpectedly disrupted and where the employee has advance notice of the unavailability of childcare and is unable to make suitable alternative arrangements. Therefore, Headteachers need to consider the circumstances of the employee and availability of alternative childcare in the event of requests for time off to care for dependants/close relatives. Employees of Leicester City Council are entitled to be considered for paid leave to cover such situations.

'Dependant' is defined as a spouse, child, parent or person who lives in the same household as the employee, other than their employee or tenant. For this Policy, the definition of a 'close relative' includes children, parents, and spouse/partner. It also covers other relatives/close friends where the employee can demonstrate that they have been responsible for the individual's upbringing or the employee is the main carer.

Guidelines for Headteachers

The main principle behind this Policy is to consider whether employees can claim emergency/domestic leave (paid or unpaid) to attend an emergency situation affecting him/herself or a close relative.

The term 'emergency' means "an unexpected event requiring immediate attention"; therefore the time required to address the emergency will be for a finite period. Once the need for immediate action has been addressed, the emergency will be considered to be over.

Although it's impossible to outline every scenario that may result in a request for leave, a few common examples are illustrated below:

- An employee is contacted at work to inform them that their child is unwell at school and needs to be removed. There is nobody available to collect the child and so the employee may be granted paid leave for the rest of the day.
- An employee's partner falls at home, breaking their arm. The employee takes them to hospital. In this situation, an employee may be granted one day's paid leave to deal with the emergency.
- An employee's child develops chicken pox and need to stay at home for two weeks. In this situation, the employee would usually be allowed one day's paid leave to allow them to stabilise the situation and secure alternative child minding assistance. Should it not be possible to secure alternative child-minding assistance and the employee has to remain with the child, any further leave required would be taken from the overall allowance for leave of absence.

The employee will need to submit a letter or Request for Leave Absence Form to their Headteacher, ideally in advance of the leave being taken, although it is recognised this will not be possible in most circumstances. In such cases, employees should complete the form/provide a letter immediately on their return to work. Whilst Headteachers should aim to be as flexible as possible when granting Emergency/Domestic Distress leave to employees, they must be mindful of the needs of the school. Headteachers should discuss all requests for emergency/domestic distress leave with the employee in an attempt to reach an amicable agreement, which may include combining a request for emergency/domestic distress leave with pay with an element of unpaid leave.

Employees may ask for written details of why any request has been declined or partly awarded.