



St Helens Borough Council

Leave of Absence – Guidance for Schools

This guidance contains additional information relating to various types of leave and absence situations. The Flexible Working & Leave Policy provides an over-arching framework for dealing with a range of leave and absence situations that arise and ensures that the school complies with the legal requirements in respect of statutory time off and ensures fair and consistent treatment for all employees.

The purpose of this guidance is to set out the detail of the provisions that the school will make to allow appropriate types of leave and time-off to support you in fulfilling your public, personal and family responsibilities and to achieve a good work-life balance.

This guidance aims to ensure you and your manager understand the entitlements to leave and the required processes in place to manage leave. The principles that underpin the guidance are:

- having a uniform approach to the approval of leave and other time-off;
- compliance with relevant employment legislation;
- giving all leave and time off requests serious consideration within a reasonable timescale, ensuring that employee's statutory rights are met, and that service delivery is not affected;

What You Can Expect from the School

The school will:

- Take all reasonable steps to promote the environment to ensure that you are treated fairly and consistently, within the terms of the Flexible Working & Leave Policy, giving due regard to your personal circumstances.
- Seek to ensure that your mental health and wellbeing is always treated as a priority, and make sure that you are supported if you are facing such issues.
- Give all leave and time off requests serious consideration within a reasonable timescale, ensuring your statutory rights are met.
- Review and consider both the operational needs of the school and your personal circumstances and the impact on the rest of your team before agreeing a request.

- Listen, respond and act appropriately and in a timely manner when an employee raises any concerns with a request for leave or time off.
- Respect the confidentiality of all information relating to your personal circumstances in line with the General Data Protection Regulation.

What Is Expected of You

We expect you to:

- Speak to your manager at the earliest opportunity when planning to request leave or time off so that as much advance notice as possible is provided.
- Work with your manager to help seek positive solutions and consider any impact on your colleagues and the provision of school services before making a request.
- Tell your manager if you feel that your request has not been considered in accordance with the relevant guidance so that any issues can be resolved at the earliest opportunity.
- Act reasonably and co-operate with the terms of the policy.

Statutory Leave

Statutory Carer Leave

This leave entitlement covers those with a dependant with a physical or mental illness or injury (that is expected to last more than 3 months) or those with a disability or where their dependency is related to old age. It will entitle those that qualify to a maximum of one-week unpaid time off a year from day one of their employment. A “week” means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer’s leave. They can either take the whole week off or take individual days or half days throughout the year.

Employees must give their school notice before the start of their leave. The minimum notice they must give will depend on how many days leave they want to take:

Number of days requested	Minimum notice Required
Half a day to 1 day	3 Working days notice
1.5 to 2 days	4 Working days notice
2.5 to 3 days	6 Working days notice
3.5 to 4 days	8 Working days notice
4.5 to 5 days	10 Working days notice
6 days (If an employee works 6 days a week)	12 Working days notice

Employees will qualify if they care for a dependant with a long-term care need. The dependant does not have to be a family member, it can be anyone who relies on them for care. Employers are not able to refuse carers’ leave although they can postpone it if the leave would seriously disrupt business operations.

If an employee needs to care for more than one person, they cannot take a week of carer’s leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

Parental Bereavement Leave

The school recognises that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that anyone can ever face. We are committed to supporting bereaved parents through their grief by ensuring they can take parental bereavement leave.

Whatever your length of service, you can take this type of leave if you are the parent of the child who has passed away, or the partner of the child's parent. In general, you can take this type of leave if you have parental responsibility for the child. This includes adoptive parents.

If you have suffered a bereavement but are unsure if you are entitled to parental bereavement leave, please contact the People Management for advice.

Taking Parental Bereavement Leave

If you need to take parental bereavement leave within the first 56 days after your bereavement, you can take the leave straight away. You do not have to provide any notice. Please let your line manager know no later than when you are due to start work on the first day on which you wish to take leave or, if that is not feasible, as soon as you can.

To take leave more than 56 days after your bereavement, please give your line manager at least one week's notice.

You can cancel your planned leave and take it at a different time (within the 56 weeks after your bereavement). Where your planned leave was due to begin during the first 56 days after your bereavement, please let your line manager know you no longer wish to take it before your normal start time on the first day of the planned leave.

Where your leave was due to begin more than 56 days after your bereavement, please let your line manager know at least one week in advance that you wish to cancel it.

You cannot cancel any week of parental bereavement leave that has already begun.

Pay During Parental Bereavement Leave

To receive statutory parental bereavement pay you must have:

- at least 26 weeks' continuous employment with us by the week before the one in which your child passed away (and still be employed by us on the date of the bereavement); and
- normal weekly earnings in the eight weeks up to the week before your bereavement of at least the lower earnings limit for national insurance contribution purposes.

If you are unsure if you are entitled to statutory parental bereavement pay, please contact the People Management, who will be able to advise you.

If you qualify for statutory parental bereavement pay, you will be paid during your leave at the rate set by the Government, or at 90% of your average weekly earnings where this figure is lower. For your first week of parental bereavement leave your statutory pay will be topped up to ensure that you receive a normal week's salary. The second week of leave will be paid at the statutory rate of pay.

If you are not eligible for statutory parental bereavement pay, you will be able to apply for a week's paid leave of absence and the second week of parental bereavement leave will be unpaid.

You need to give notice of the weeks for which you wish to claim statutory parental bereavement pay, via a form that you will need to sign which is accessible from People Management.

You must normally sign and return the form to the People Management within 28 days of the first day for which you are claiming. However, if that is not possible, please sign and return the form as soon as you can.

Rights During Parental Bereavement Leave

During your leave, all the terms and conditions of your contract, except normal pay, will continue. All other contractual benefits will remain in place.

Returning to Work

When you return to work after taking parental bereavement leave, you generally have the right to return to the same job.

However, a slightly different rule applies if you return from time off on bereavement leave that follows on immediately from some maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and your total time on leave is more than 26 weeks. In these circumstances, you have the right to return to the same job, unless this is not reasonably practical, in which case you have the right to return to a suitable and appropriate job on the same terms and conditions.

This rule also applies if your leave includes more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave.

If you are taking parental bereavement leave and have any questions regarding your return to work please contact the People Management, who will be able to provide further advice.

Leave of Absence (Special Leave)

There are times when a personal event or emergency demands an employee's time. Reasons for this can include bereavement, seriously ill relatives, or other family emergencies.

Some provisions for paid/unpaid time off are detailed in legislation and/or covered by the National Conditions of Service although the amount of leave may in some cases be determined at the discretion of the Headteacher/Governing Body. The provision of special leave not only ensures that the Governing Body complies with relevant legislation but can positively influence employee morale and commitment, help reduce sickness absence and promote a positive image of the school. In addition, there are a particularly high proportion of carers in St Helens and as such it is recognised that many of these may be employees who have caring responsibilities.

The Headteacher/Governing Body are authorised to grant up to 10 days' special leave (with a maximum of 5 days paid) in any one year for urgent personal or domestic circumstances. There is no automatic right to time off with pay, it is granted solely at the discretion of the Headteacher/Governing Body.

Dependant Care/Family Emergencies

The granting of leave in these circumstances is at the discretion of the Headteacher/Governing Body, and may be **with or without pay**, in accordance with the guidance below.

The Employment Rights Act 1996 gives you the right to have reasonable time off from work when it is necessary for you to deal with unexpected or sudden emergencies which occur in relation to your dependants. For the purposes of this provision, a dependant is defined as:

- a spouse;
- a civil partner;
- a child;
- a parent;
- a person who lives with you other than as your employee, tenant, lodger or boarder;
- any other person who would reasonably rely on you for assistance if they fell ill or was injured or assaulted, or who would rely on you to make arrangements for the provision of care in the event of illness or injury; or
- in relation to the disruption or termination of care for a dependant, any other person who reasonably relies on the employee to make arrangements for the provision of care.

The circumstances in which the employee may take time off are:-

- To provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
- To deal with unexpected disruption or breakdown of care arrangements for a dependant
- To make longer term arrangements for a dependant who is ill or injured
- To deal with the death of a dependant
- To deal with an incident that involves a child of an employee which occurs unexpectedly during a period which an educational establishment that the child attends is responsible for them

In all circumstances there should be a 'common sense' approach and a determination of what is necessary and reasonable.

In most cases (except bereavement) 1 or 2 days would be sufficient for you to deal with most problems. In the example of a child falling ill the leave should be enough to enable you to deal with the crisis - to deal with the immediate care, visit the GP and make longer term care arrangements.

Guidance on the legislation confirms that the right to this time off is intended to cover unforeseen circumstances and if you are aware in advance, they you are going to need time off, you may look at making arrangements for parental leave.

Time off in most circumstances (except bereavement or when a dependant is seriously ill) would normally be approved **without pay**. However, each case will be considered according to your circumstances.

Care for Seriously Ill Dependants

Situations may arise when you are required to provide care for a seriously/terminally ill dependant or during the hospitalisation of a child. In such circumstances up to 5 days' paid leave may be granted to assist with this (pro rata for part-time employees).

An additional 5 days' unpaid leave may also be granted at the discretion of the Headteacher/Governing Body if warranted by the employee's circumstances.

If the period of dependency is expected to be lengthy, the use of parental leave or a career break may be considered. Requests for unpaid leave up to a maximum of 3 months in exceptional circumstances will be considered and may be granted at the discretion of the Headteacher/Governing Body.

You should be advised to seek advice on how extended periods of leave may affect your pay and terms and conditions of employment.

Amount of Leave Available

Two weeks of parental bereavement leave is available and can be taken as either:

- a single block of two weeks; or
- two separate blocks of one week at different times.

Unfortunately, the leave cannot be taken as individual days.

You can choose to take the leave at any time within the 56 weeks after your bereavement. You might choose, for example, to take it at a particularly difficult time such as your child's birthday.

If you have lost more than one child, you have a separate entitlement to bereavement leave for each child who has passed away.

Bereavement

Each case will be considered on its merits taking into account factors such as the closeness of the relationship, the circumstances of the bereavement and the existence of other relatives to assist with funeral arrangements. The following broad guidelines will be applied.

- 5 days paid leave in the event of a death of an immediate relative (e.g. mother, father, husband, wife, partner, child).
- 1 - 5 days may be agreed in the event of the death of a brother, sister, grandchild, grandparent, In-laws.
- 1 day may be granted to attend the funeral of an aunt, uncle, cousin, brother/sister-in-law.
- Funeral time may be awarded for other relatives, close friends, and colleagues.

Leave in Other Circumstances

Leave may also be granted in other urgent or domestic circumstances, where no other provision exists to accommodate such absences. The school would not wish to rule out any application that fits with this broad category, which could include religious holidays, special visits abroad etc.

The Headteacher/Governing Body can consider such requests and, providing that they are justified, can authorise leave of up to 5 days with pay and 5 days unpaid leave dependent upon the circumstances.

Requests for leave in excess of this amount for any reason will be considered at the discretion of the Headteacher/Governing Body in consultation with the People Management Business Partner for Schools, bearing in mind the requirement for consistency.

Non-Statutory Bereavement Leave

In the case of a bereavement the following guidance is offered in relation to the amount of paid leave agreed: -

- Up to 5 days paid leave may be granted in the event of a death of an immediate relative e.g. mother, father, husband, wife, partner, child
- 1 - 3 days may be agreed in the event of the death of a brother, sister, grandchild, grandparent, In-laws
- 1 day might be granted to attend the funeral of an aunt, Uncle, Cousin, brother/sister-in-law
- Funeral time may be awarded for other relatives, close friends and colleagues. Time off to attend a colleague's funeral will be at the discretion of the Headteacher/Governing Body.

It must be emphasised that each case should be considered on its merits considering factors such as the existence of other relatives to assist with funeral arrangements or closeness of the relationship and the circumstances of the bereavement.

The school recognises that personal relationships in families vary, and it may be appropriate to award more paid time off if you may have been brought up by your grandparents rather than your natural parents, in circumstances where you are the appointed Executor of the will or circumstances where the funeral is taking place some considerable distance away.

Career Breaks

You may wish to request a career break for a defined period of time, usually of no longer than 12 months. Such requests should be made in writing to the Headteacher/Governing Body and each application will be considered taking into account the circumstances of the individual situation.

Religious Observance

Religious observance involves believers in duties such as the saying of prayers (sometimes at prescribed times), the keeping of fasts, and attendance at communal or family gatherings for worship or celebration.

For religious believers there can sometimes be a conflict between their work and full compliance with the needs of the faith community and individuals for religious observance. Requests for a reasonable period of leave of absence for religious observance should be made to the Headteacher in writing in advance. Headteachers must initially consider the needs of the school when deciding on such requests.

Leave of absence for religious observance will normally be unpaid.

Procedure for Applying for Special Leave

Leave should only be taken with the prior approval of the Headteacher/Governing Body. However, it is recognised that in an emergency situation it is not always possible to seek formal approval and as such this approval should be obtained retrospectively.

Requests should be made via the Leave of Absence Form accessible from People Management.

Requests should be submitted to your Headteacher. Wherever possible you should provide written evidence or supporting facts to allow the Headteacher/Governing Body to give your request full consideration.

Further Information

Any questions relating to this Guidance, or issues connected with Leave of Absence applications, can be obtained from the People Management.