

**Conditions of Service for  
Teachers and Managers in  
*Lancashire Adult Learning***

Appendix C

**Section 6**

**LEAVE OF ABSENCE FOR  
REASONS OTHER THAN  
PERSONAL ILLNESS**



## LEAVE OF ABSENCE FOR REASONS OTHER THAN PERSONAL ILLNESS

The full scheme is set out below.

### LIST A

#### Type of Absence Approved for Leave of Absence With Pay

##### (i) Extraneous Duties

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| (a) Attendance at meetings of Local Authority | A maximum of 21 days leave in any one year (or 42 half-days), the <b>Principal</b> to have discretion to extend the amount of leave for this purpose to any teacher who finds that the leave permitted is insufficient for him/her to fulfil satisfactorily these duties. |
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The amount of attendance allowances is to be recouped by the County Council where such leave is granted. Teachers concerned should inform the county Treasurer whether it is their wish that a deduction of the amount of attendance allowances on each occasion should be made from their salary; or whether they would prefer full salary to be paid and, on each occasion of absence, make a payment to the County Council in respect of the attendance allowance.

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| (b) For Justices of the Peace in carrying out their duties. | A maximum of 18 days leave (or 36 half-days) in any one year, the <b>Principal</b> to have discretion to extend the amount of leave granted for this purpose. Where, however, a teacher who is a JP requires leave for any extraneous duty under (c) and (d) the annual allowance for this duty as a JP will be reduced by the amount of leave under (c) and/or (d). |
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- (c) Attendance, following appointment or nomination by a Minister, Association of Local Authorities or a Local Authority, on a Committee Tribunal, Panel or other similar body.

Maximum of 18 whole days or 36 half-days in any one year, of which no more than 12 whole days or 24 half-days is to be paid leave.

Attendance by members of the organisations concerned at meetings or non-political organisations whose principle objects include the improvement of the standard of local educational services (but do not include the improvement of the remuneration, status or conditions of employment of employees).

Service on University Industrial Training and similar boards or bodies, as examiner or moderator, occasional lecturing on subjects appertaining to the **education** service.

Appearances on television on matters relating to the education service.

Employees who are appointed to serve on School/College Governing Bodies and/or a Board of Visitors to Prisons, Remand Centres and Young Offender Institutions

- (d) Absences to enable teachers to carry out their duties as national executive officers, regional liaison officers and branch officers of the recognised teachers associations.

Within the limit of 18 whole days (36 half-days) per post allowed for all extraneous duties, with the provision that the **Principal** would not unreasonably refuse any request to exceed this number where additional time was necessary to perform the duties.

**(ii) Educational and Professional Advancement**

Interviews in connection with a new teaching post or other employment in the public sector or in connection with education or professional training.	As required.
Approved examinations.	For the period of the examination.
Study leave for approved diploma or degree (private study).	Not more than 20 days during the period of study. (With regard to Open University courses, the total amount of 20 days refers to the whole of the period of study.
Attendance at Approved Courses for Teachers	As required. The actual period of attendance at the course <b>plus any associated time off, as appropriate.</b>

**LIST B****Type of Absence Approved for Leave Without Pay**

Parliamentary candidates	Up to 15 days
Local Authority Election Candidates	1 day (Election Day)
Interviews for posts outside the public sector	1-2 days
Funeral or Wedding (not close relative).	1-2 days
Official delegates attendance at annual conference of recognised national political parties.	The period of attendance

**LIST C****(iii) Special and Parental Leave****1. Special Leave**

Special leave with pay may be granted by the Principal up to and not exceeding six days in any one leave year. All paid special leave will normally only be granted for emergency/unforeseen situations.

Within the six day allowance special leave will, in any event, be granted in the following circumstances:

Funeral of a close relative or dependant (including in-laws) (one day):

Funeral of a close relative or dependant where applicant is the personal representative (three days)

To facilitate the fostering of a child (one day);

To facilitate the fostering of a child with Special Needs (two or three days);

Prospective fathers - one ante natal visit; and for the ante natal scan.

In addition to the above, the Principal will consider sympathetically paid special leave (within the six day allowance and bearing in mind the above reference to emergency/unforeseen situations) where circumstances justify it including instances where special leave is required because of the sudden illness of partner, parent, son, daughter or directly dependant relative. Absence for the purpose of accompanying a dependant on a medical appointment (where they need to be accompanied) will also be considered sympathetically, particularly where the appointment cannot reasonably be arranged outside working hours.

Absence due to Jury Service, as a witness at Court, as a hospital outpatient or for GP or dental visits will be allowed as necessary, outside the special leave arrangements, where appointments cannot reasonably be arranged outside working time.

### **1.1 Special leave without pay**

The following guidelines should be used to determine special leave without pay for a period or periods in excess of two months in any one leave year, and should only be granted in exceptional circumstances:

#### **Special leave to undertake courses of study/training.**

These should be related to the individual's current and future employment with the College and should be for the duration of the specific course with appropriate allowances for assessments, etc., if appropriate.

#### **Special leave to care for relatives who are seriously ill/terminally ill.**

This can only be related to individual circumstances having particular regard to the difficulties being experienced by the employee involved.

#### **Special leave for extended visits to members of employee's family living outside the Country, or for religious purposes.**

This should normally be for a maximum period of three months unless there are particularly exceptional circumstances.

Other exceptional individual cases **will** be considered on their merits against these guidelines.

## **2. Parental Leave**

Leave to look after a child or to make arrangements for the good of any individual child for up to 13 weeks **in total** is available as of right, without pay, for either parent (or a person responsible for the child) whilst the child is under five. These leave arrangements are available separately for each child.

The provision applies to all children under the age of five and is subject to a qualifying period of continuous service of not less than 12 months.

This right is available with variations to an adoptive parent, to the parent of a disabled child or to an employee who has acquired formal parental responsibility for a child (see below).

### **2.1 Notice and Postponement Periods**

A minimum period of 21 days notice of the intention to take such leave is expected to be given, specifying when the leave is to begin and to end. In exceptional circumstances and by mutual agreement a lesser period of notice may be acceptable.

The Principal may postpone the leave where the operation of the College would be unduly disrupted but in no instance can it be postponed for more than six months. A postponement will not limit the right if the child's fifth birthday is passed as a consequence. The Principal will inform the employee within seven days, in writing, if the leave request is to be postponed giving the reasons for the postponement. In addition the Principal must specify in writing the date (within six months) upon which the leave may be taken after consulting with the employee. If no agreement can be reached after such consultation the Principal must determine the appropriate dates to be offered.

#### **2.1.1 Leave taken immediately after birth of a child**

If the leave is to be taken immediately after the child is born the Principal has no right to operate such postponement provisions. It is essential however that the father or nominated partner in such circumstances gives at least 21 days notice of the expected week of childbirth. (See below for arrangements for adoptive parents.)

### **2.2 Parental Leave Periods**

Subject to the notice provisions the leave entitlement may be taken as a whole block or for minimum periods of one week. Where a period of less than one week is taken a full week will be deducted from the entitlement. (For varying arrangements relating to the parent of a disabled child, see below.)

## **2.3 Contractual Arrangements and Right to Return**

Where parental leave is taken within these arrangements the contract will continue in existence in relation to all its terms and conditions, other than remuneration, on the basis that arrangements should be as they would have been had the employee been employed continuously. The employee will return to the same job subject only to any variations that may have been applied to other similar employees during the period of absence.

### **2.3.1 Pension Arrangements**

In taking unpaid leave it should be noted that Pension rights accrued prior to taking such leave will not be affected. Whilst on unpaid leave the employee and employer contributions for the first 30 days absence (where applicable) must continue to be paid. There is also an option for continuing to make contributions in excess of 30 days. Where this option is taken, employees' contributions will normally be collected on return to work by monthly reductions from salary (in proportion to the length of the leave taken). The employer will also contribute fully during this period. Where this option is not taken any unpaid leave in excess of 30 days will impact on an employee's pension. The employee is advised to seek advice from the Teachers' Pensions Agency in respect of any impact on pension contributions/entitlement.

## **2.4 Parental Leave in Relation to Disabled Children**

Where the child is disabled parental leave may be taken up to the date when the child reaches the age of 18. A disabled child for these purposes is one for whom disability living allowance is awarded. Subject to the notice provision the parent of a disabled child may take parental leave in blocks or multiples of a single day.

## **2.5 Parental Leave for Adoptive Parents**

Where the child is adopted parental leave may be taken up to five years after the child is placed for adoption or until the child is eighteen years old, whichever is the earliest. If the leave is to be taken immediately after a child is placed for adoption the notice must specify the expected week of placement, the amount of parental leave to be taken and be given at least 21 days before the expected week of placement or as soon as it is practically possible. (See below for details of separate entitlements relating to paid/unpaid Special Leave for adoption purposes at the actual time of the adoption.)

## **2.6 Evidence of Entitlement**

The Principal may seek to see reasonable evidence of entitlement to these various provisions eg a birth certificate, evidence of parental responsibility, documentation relating to an award of disability living allowance etc.

### **3. Paid/Unpaid leave for adoption purposes**

Special Leave with/without pay is available for the parent (male/female) of an adoptive child (aged from birth to compulsory school attendance) when the adoptive parent concerned is going to be the primary carer of the child, at the time of adoption.

In view of the requirement within the adoption procedure for the potential parent to provide care for the child prior to the granting of an adoption order, any adoptive parent shall be granted up to 29 weeks special leave, the first 7 weeks on half pay and the remainder without pay, where that adoptive parent is designated as the primary carer.

This entitlement is subject to a qualifying period of service of not less than 15 months, and, if the employee does not return to duty for a period of at least three months he/she will be liable to repay the 7 weeks half pay previously granted.

The above relates only to the primary carer. It is expected that prospective adoptive parents intending to take adoption leave will give three months notice of this intention. Necessary time off, with pay, will also be allowed to both prospective adoptive parents for adoption interviews, introduction visits and court attendances, as required by recognised adoption agencies.

Both adoptive parents will in addition be entitled to the Parental Leave Allowance subject to a qualifying period of 12 months where a child under the age of eighteen is adopted. This right lasts for five years from the date on which the child is placed for adoption; or until the child's eighteenth birthday, whichever is the sooner.

### **4. Special leave for care of Dependants**

**For these purposes a "dependant" means a spouse, child (of any age) parent or someone who lives in the same household as the employee (not an employee, tenant, lodger or boarder) or another person who reasonably relies on the employee for the assistance referred to below.**

Employees have a right to reasonable unpaid time off during working hours in order to care or provide assistance to Dependants. The right to reasonable unpaid leave is available:

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the provision of care for a dependant who is ill or injured
- in consequence of the death of a dependant
- because of the unexpected disruption or termination of arrangements for the care of a dependant



- to deal with an incident which involves a child of an employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him/her.

#### **4.1 Notification**

In order to obtain such leave the employee must inform the Principal (or other appropriate/available manager) as soon as he/she can, stating why there is a need for the absence and how long the absence is expected to be.

#### **4.2 Reasonable Time Off Calculation**

**For the above purposes the Principal will consult in agreeing a reasonable period of absence, considering what is to be done, how long it would reasonably take, the individual circumstances and the needs of the service and reasonable balance between these factors.**

An approach **will be taken** which is consistent, which allows for management discretion and which reflects individual circumstances. In this respect, clarification provided by the Department of Trade and Industry indicates that, for example, if an employee's child falls ill, the time off must be sufficient to enable the employee to cope with the crisis - to deal with the immediate care of the child (visiting a doctor if necessary) and to make alternative, longer-term care arrangements. **In most cases, one or two days will be enough** to deal with the immediate issues and sort out longer-term arrangements if necessary.

*NB. The above entitlements to unpaid time off do not preclude the granting of Special Leave with pay within a six day allowance where the circumstances are appropriate and such leave should always be considered first where appropriate - see List C iii section 1.*