

## **STAFF DISCRETIONARY LEAVE POLICY and EXPECTATIONS FOR TEACHING STAFF AVAILABILITY ON SCHOOL SITE**

### **PURPOSE**

#### **1. Leave**

- It is envisaged that as an employer, the Board of Trustees will, on occasion, have cause to be required to consider requests for leave by employees. The Board may, where there are special circumstances, grant discretionary leave with or without pay to any employees during periods when the school is officially open for instruction, provided such leave does not impinge upon the operational requirements of the school.
- To provide guidelines for the Board and employees as to the situation where it may be appropriate for discretionary leave to be considered.
- To ensure employees and the Board are aware of the process for applying for/considering requests for leave.
- To ensure that employees are aware that unless otherwise covered in current Employment Contracts, the Board of Trustees is the body responsible for deciding whether to grant discretionary leave and whether it will be with or without pay.

#### **2. Teaching Staff Availability On School Site**

- To provide clarity for the Board and teaching staff on school requirements for teaching staff to be available on school site during days the school is open for instruction.
- To provide clarity for staff on their responsibilities as “IN LOCO PARENTIS” during the school day and particularly in emergency circumstances.

### **IMPLEMENTATION OF POLICY**

#### **1. Leave**

- The Principal will consider each written application in the first instance and refer to the Board of Trustees any situation, which does not fall within the guidelines, or where a Board decision is deemed preferable.
- All applications should be made in writing on the school’s leave application form.

- In reviewing an application for discretionary leave, the Board of Trustees will consider:
  - The nature of the request and its potential impact.
  - Previous leave taken under this policy
  - The duration of the leave requested
  - The number of staff on leave during any one period
  - The availability of a suitable replacement
  - Length of service at the school
  - Whether the leave asked for would ultimately benefit the school
  - The wider contribution the staff member has made to the school
- Wherever possible, requests for leave over a week should be lodged with the Principal at least three months in advance.
- The Principal has authority to approve leave applications either with or without pay up to and including one week. The Board of Trustees will consider applications for longer periods.
- Except in cases of sudden illness, or accident, no teacher shall be absent for longer than five days without the authority of the Principal or Board of Trustees. After three days of sick leave a medical certificate must be produced.
- The Principal or designated Deputy Principal, retains the sole right of appointment of the required relievers. Relieving positions for one year or longer will be advertised nationally.
- An employee, granted special long term leave is expected to confirm in writing, three months before anticipated resumption of duties, his/her intention of doing so.
- Support staff may be granted special leave without pay, for any period during the school year, as specified in the Support Staff C.E.C.
- Some of the situations where discretionary leave would be considered are:
  - 1) Upon occurrence of an accident or illness of a family member. A family member is as defined as: spouse, partner, child, sister, brother, parent, grandparent, grandchild, kaumatua, mokopuna, tamaiti, whangai, matua whangai, near relative, near relative-in-law, a member of the household or a person dependent on the employee [leave with pay and charged against sick leave entitlement]. NB: Paid period dependent on employee's sick leave entitlement.
  - 2) **Attending educational appointments and interviews** [these include attending appointments, inservice training courses and conferences, family group conferences]. [leave with pay]
  - 3) **Civil Defence and Search and Rescue Duties** – written evidence of the employees participation from the appropriate authority is to be submitted to

- the Principal or BOT [leave with pay].
- 4) **Court Proceedings** – an employee when required by subpoena to attend court proceedings as a witness or serve on a jury. [leave with pay]
  - 5) **Cultural Activities** – employees participating in recognised cultural activities within New Zealand. For leave to attend cultural activities outside New Zealand, the employee shall be a member of a nationally recognized cultural group participating in an international activity. [leave with pay after MOE approval]
  - 6) **Disciplinary, Grievance and / or Dispute Hearings** – leave shall be granted to an employee who is required to attend a meeting as described above or where it is deemed appropriate. [leave with pay]
  - 7) **Educational Activities** – leave may be granted for pre-examination study or the sitting of examinations directly related to the employee's employment. Leave may also be granted for an employee taking part in a study award or other educational project. [Leave with pay for study awards or other educational activity will only be granted after MOE approval.]
  - 8) **Meeting of Statutory Local and Other Authorities** – employees who are members of these bodies will be declined leave to attend meetings during school hours. Leave for annual conferences of a local body, service organisation such as Lions, Rotary or political nature provided the employee is selected as a delegate or spouse of a delegate. [leave without pay]
  - 9) **Outward Bound Courses** – employees selected for outward bound courses should take the course during a vacation period. If this overlaps with term time an employee may be granted leave with pay in special circumstances.
  - 10) **Religious Observances** – leave may be granted for Religious Observances where the employee is of the faith concerned, provided however, such leave does not extend beyond a period of one day at a time. For religious conferences and seminars – leave of up to one week in any one year may be approved. [leave without pay]
  - 11) **Sporting Activities** – leave may be granted to employees participating in sporting competitions or managing a group or team, or for attending to the administration of a particular sporting activity. Such participation shall be at a provincial, national or international level. For employees seeking extended leave for sports tours overseas, such participation must be at a recognized international level. Leave without pay up to one week may be granted for participation at sporting competitions, at provincial, national representative. [leave without pay]

- 12) **Children's Activities** – leave may be granted for employees to attend the capping of their children or awarding of Dux or similar types of awards. [Leave with pay].
- 13) **Personal Reasons** – other requests for leave will be given due consideration. The Board must address requests for leave for periods longer than a working week.

\*\*\* All Board responses to requests for leave will be made in writing to the applicant immediately a decision has been reached.

- a) As a guide, staff should have worked at the school for a minimum of 5 years, prior to lodging an application for leave of a term or more, for personal reasons.
- b) One request of leave over a week for personal reasons in every 5 years is also deemed reasonable.
- c) When lodging a request for personal leave, staff must supply a reason or reasons so that the BOT is able to make a considered decision.

Leave for personal reasons may include:

- Family reasons - Fare-welling and meeting relatives or partners departing for or returning from overseas. [leave up to two days without pay]
- Long term travel overseas. [leave up to one year without pay]
- Short term travel overseas. [leave up to one week without pay]
- Personal business. [leave up to three days without pay]
- Stress Leave: [leave with pay once supported by a medical certificate]
- Attending a wedding of a family member: [paid leave up to two days. Leave without pay thereafter]
- Attending a wedding of a close friend: [Leave up to three days without pay ]

- 14) **Sabbatical Leave** – Refer to the Teachers' Collective Agreement.
- 15) **Holidays** – Teaching staff are expected to take holidays when the school is not open for instruction. Requests to extend holidays or weekends will be declined unless there are exceptional circumstances.
- 16) **Shared Teaching Positions:** Teachers may be engaged in shared teaching positions under the following circumstances:

- a) *It can be established that there will not be any detrimental effect on*

*the education programme for the children in that class, the teaching team or in the school as a whole.*

- b) That the teachers concerned have shown that they can work satisfactorily and co-operatively in this school.*
- c) That each of the teachers concerned can demonstrate they will fully carry out their responsibilities. ( "Carry their weight" )*
- d) That the Board of Trustees and the Principal are in full agreement with the proposal.*
- e) That there be no more than one such shared position in any year.*
- f) That the Ministry has authorised the establishment of a shared teaching position.*

17) **In-school Cover:** On occasions when circumstances are out of an employee's control, leave with pay for part of a day will be granted provided:

- a) The leave does not disrupt the operations of the school.*
- b) Other staff are able to and are willing to cover the employee taking leave.*

*Examples of such leave are:*

- attending a specialist medical appointment where no other time outside school hours is available within an appropriate period of time. This must be requested in advance on the appropriate leave form.*
- attending to family matters or personal affairs as a result of an extraordinary event or occurrence and no alternative time is available.*

***NB: Requests for leave to depart school early for social reasons will be declined unless there are exceptional circumstances and no other arrangements can be made.***

**Note:**

1. In its consideration of any request for discretionary leave, the Board will determine the likely impact such leave will have on the school and its students.
2. It is anticipated that teachers requesting long term leave up to one year will also have considered the impact of their request on students' learning. As a result, requests for a years' leave should be made for the school year ie: January to December and lodged by the end of Term 2 the previous year.

3. In granting discretionary leave, the Board reserves its right to rescind the leave in circumstances where recruitment of a replacement employee is difficult, or the leave has resulted in an unfavourable impact on students learning in the school.
4. If the Board exercises its right to rescind a teacher's leave, the employee will be given one month's notice to return to their position at Otumoetai Intermediate School.

## 2. Teaching Staff Availability On Site

- All teachers are required to remain on school site during the school day unless the Principal has agreed otherwise. Where a teacher has been given approval to leave the school site, the office staff need to be notified of the absence at the time of leaving school grounds. Lunch breaks are deemed to be an employee's own time unless on duty. If teachers leave the school site, however, they are required to notify the office to save time in trying to locate them in special circumstances. NB: The school has a whiteboard system to log absent staff and this must be adhered to. All staff need to keep in mind the possible implications for the school if they leave the school in groups during the school day.
- Ministry of Education requirements are that all school employees must remain on school site in cases of emergency until given approval to leave by the Principal. This is to ensure all students are provided with the appropriate care and protection during the period of emergency. In these circumstances, a state of emergency will be signaled by the Principal or Acting Principal and the school will move to emergency procedures. In these circumstances, absent staff will be contacted to return to the school immediately.
- School employees have the role of "Loco Parentis" and will be required to supervise and care for students until other arrangements are made with families or civil defence personnel/authorities.
- As a general rule, all teaching staff are expected by the community to be on school site **attending to school business**, from **8.00am to 4.00pm** on days the school is open for instruction. This is to ensure they are available for school business/communication and to attend professional meetings or parent interviews. Parents also have an expectation that they can access teaching staff during these hours. It is recognised that most teaching staff spend considerably more time on site attending to school business than these hours and variations will occur from time to time for individual staff. Many staff for example may wish to leave earlier on a Friday especially if it is a holiday weekend. This is considered reasonable. Staff who have personal circumstances that require variations to these hours from time

to time are invited to discuss these with the principal. At all times equal employment opportunities and good employer provisions will apply.

### **ADOPTION AND SELF REVIEW**

1. This policy was supported by staff at a staff meeting on 14 December 2010 and will be ratified by the board at their February, 2011 meeting. It will be reviewed annually in consultation with staff along with all other school policies.
  2. Responsibility for review of this policy will be held by the Board of Trustees, and Senior Management Staff.
- 

### **FOOTNOTE**

Definition of "IN LOCO PARENTIS"

The term ***in loco parentis*** (Latin for "in the place of a parent" or "instead of a parent), refers to the legal responsibility of a person or organization to take on some of the functions and responsibilities of a ***parent***. Originally derived from English *common law*.