

London Borough of Brent

GENERAL PURPOSES COMMITTEE - 4 SEPTEMBER 2003 REPORT FROM DIRECTOR OF HUMAN RESOURCES AND DIVERSITY

FOR ACTION

WARDS AFFECTED

None Specific

REVISED POLICY ON RELIGIOUS LEAVE

1 SUMMARY

- 1.1 At the meeting of the General Purposes Committee on 14 November 2002, the committee considered a revised and improved version of the policy on Religious Leave which has applied to teachers since the 1980s.
- 1.2 The committee also considered as a separate issue a proposal to extend the policy for the first time to support staff in schools.
- 1.3 The committee resolved:
 - 1) that an amendment should be made to the revised policy deleting the requirement for employees to produce written confirmation that they are practising members from a figure of authority in their religion e.g. a priest.
 - 2) that school Governing Bodies should be consulted on whether they supported the extension of the Religious Leave policy for the first time to support staff in schools
 - 3) that the revised policy on Religious Leave, amended as above, should not be applied to teachers before the results had been obtained of the consultation with Governing Bodies on the proposal to extend Religious Leave to school support staff.

2 RECOMMENDATIONS

- 2.1 The General Purposes Committee is asked to adopt the new amended policy with immediate effect for teachers.
- 2.2 In view of the cost implications, the General Purposes Committee is asked to recommend Governing Bodies to adopt a new Religious Leave policy for support staff separate from that to be applied to teachers, and giving up to 3 days religious leave a year, of which 1 will be paid and 2 unpaid, but only when their individual school's budgetary situation permits.
- 2.3 In view of the fact that many schools will find it budgetarily difficult to implement the new Religious Leave policy for support staff in the immediate future, the committee is asked to recommend schools - where this is the case - to continue with whatever practice exists in the individual school for offering some measure of Religious Leave to support staff.
- 2.4 Where the existing individual practice of a school is to offer support staff a higher level of entitlement to Religious Leave than that contained in the new policy, the committee is asked to recommend that the school continue to maintain its existing practice, as the new policy is intended to provide a floor of entitlement to support staff rather than a ceiling.

- 2.5 The committee is asked to resolve that the above should not apply to Nursery Schools or Education units where the curriculum is taught before 1 April 2004.

3 FINANCIAL IMPLICATIONS

Schools and other establishments employing teachers would be expected to meet the increase in costs resulting from the new policy from their devolved budgets, although it is difficult to estimate the impact on individual schools. However, as no specific budget currently exists for this item, all schools and establishments employing teachers would have to meet the resulting increase in costs from their existing resources. A growth bid of £20,000 has been included in the 2004/05 draft EAL budget proposals and this would be allocated through the funding formula across all schools and Education units where the curriculum is taught. However, there is no guarantee at this stage that it will be approved.

4 STAFFING IMPLICATIONS

This whole report is focused on a staffing issue. However the proposals would not involve an increase in or reduction of staff, but would benefit staff. Many support staff already benefit from local arrangements in their individual school which give some measure of Religious Leave.

5 LEGAL IMPLICATIONS

It has been agreed by the Council and the Teachers' Panel that this policy does not contravene any existing discrimination legislation. New legislation on Religious Discrimination will come into effect in December 2003, contained in the Employment Equality (Religion or Belief) Regulations 2003. However the regulations do not impose a specific entitlement to Religious Leave.

6 DETAIL

- 6.1 At the meeting of the committee on 14 November 2002, the committee was recommended to approve a number of improvements to the existing policy on Religious Leave for teachers. It was also recommended that the committee resolve to apply the policy as amended to support staff in schools. This would be the first time that a Brent Council policy offered Religious Leave to support staff in schools, although many schools already operate their own arrangements for offering Religious Leave to support staff, which may not however always be as favourable as those offered to teaching staff. As a general rule of thumb, local demand has played a part within each individual school in influencing the amount of Religious Leave given to support staff.
- 6.2 At the meeting of 14 November 2002 the committee approved the proposed revisions to the existing Religious Leave policy for teachers, except that a proposed new requirement for staff to produce evidence of their religious affiliation from a figure of authority in their religion, e.g. a priest, was directed to be withdrawn.
- 6.3 However the committee did not wish to adopt a policy giving Religious Leave to support staff for the first time until school Governing Bodies had been consulted. The committee also resolved that the new policy on Religious Leave for teachers (in the form in which the committee had approved it) should not come into effect even for teachers until the committee had had an opportunity to consider the responses from Governing Bodies as regards the proposal to give Religious Leave to support staff.

- 6.4 Ten Governing Bodies responded to the consultation exercise. There was a striking lack of unanimity in the responses. A small number of schools stated that they already offered support staff complete parity in Religious Leave with teaching staff. These however may be schools with a small number of support staff seeking Religious Leave, as an issue in the responses generally was that a great deal depended on the numbers - and hence the costs involved. Numbers vary sharply from school to school. Thus in one school where 7 teaching staff currently take Religious Leave, costs would have to be met to provide for the Religious Leave of 12 support staff.
- 6.5 Several responses in the consultation exercise accepted that there should be parity between teaching and support staff, but on a reduced basis e.g. that all staff, whether teaching or support staff, should have 1 day of paid Religious Leave and 2 days of unpaid Religious Leave a year. The difficulty with this suggestion is that legal advice indicates that, for teachers, an entitlement to 3 days of paid leave is incorporated into the individual contracts of employment of teachers. This is because the existing policy for teachers is a local collective agreement dating back to the 1980s which pre-dates the acquisition of delegated powers by schools in the early 1990s.
- 6.6 In view of the responses received in consultation, it is proposed that there should be a Religious Leave policy for support staff in schools separate from that for teachers, and which gives an entitlement to 3 days Religious Leave in any year, of which 1 day will be paid and 2 days unpaid. This level of entitlement is within the parameters of what has been under discussion with the support staff Trade Unions in the Employees' JCC.
- 6.7 The Council's 83 schools comprise 79 schools with delegated powers and 4 without. The 4 schools without delegated powers are the nursery schools, and they are due to receive delegated powers with effect from 1 April 2004.
- 6.8 It is proposed that the committee adopt the Religious Leave policy for support staff and recommend schools with delegated powers to adopt it when their budgetary situation permits, but in the meantime to continue applying whatever Religious Leave arrangements for support staff the school has individually.
- 6.9 Given that the 4 nursery schools currently lack delegated powers, the committee could compel them to adopt the policy for support staff before 1 April 2004. However the committee is recommended to treat the nursery schools like other schools by leaving them to use their new delegated powers to make their own decision after 1 April 2004. This time-lag will give the nursery schools the opportunity to manage the budgetary implications.
- 6.10 With regard to Education units other than schools where the curriculum is taught e.g. the Home Tuition Unit, the committee could likewise apply the policy for support staff with immediate effect, as the units do not have delegated powers. However the committee is also recommended not to implement the policy for support staff in the Education units until 1 April 2004 in order to assist them to manage the budgetary implications.
- 6.11 As the new policy for support staff is intended to be a floor of entitlement and not a ceiling, it is proposed that the committee should recommend any individual school which operates more favourable arrangements than those in the new policy to continue to apply its individual arrangements.

6.12 In conclusion, where there is a heavy representation of a particular religion in a school, it is open to the Governing Body to vary its dates of opening and closure from the Council norm, subject to the statutory requirement to be open for 195 days a year.

6.13 The committee is therefore recommended:

- to adopt for teachers the new draft of the Religious Leave policy (as set out in Appendix A) as approved at the committee's meeting of 14 November 2002, which incorporates the amendment desired by the committee to dispense with the requirement for a letter of confirmation from a figure of authority in each religion, e.g. priest, to establish entitlement.
- to adopt for support staff a new policy on Religious Leave (see Appendix B) offering an entitlement of up to 3 days in any one year, of which 1 will be paid and 2 unpaid.
- to delay the implementation of the new policy on Religious Leave for support staff in the nursery schools and Education units where the curriculum is taught until 1 April 2004 to assist with absorption of budgetary implications and to link in with the new delegation of powers to nursery schools which will take place on 1 April 2004.
- to recommend to schools with delegated powers to adopt the new policy on Religious Leave for support staff when their budgetary situation permits, but to continue in the meantime with whatever individual arrangements the school may have for giving Religious Leave to support staff.
- where a school has any existing individual arrangements for giving Religious Leave to support staff which are superior to the entitlement offered in the new policy, to encourage the school to continue to apply the existing arrangements as the new policy is intended to be a floor of entitlement and not a ceiling.
- to direct the Director of Human Resources & Diversity to write to schools and other relevant Education units to inform them of the above decisions, and to remind schools with delegated powers that it is open to them to vary their dates of opening and closing from those of the Council norm where there is a heavy representation of a particular religion, subject to the statutory requirement to be open for 195 days a year.

6.14 Adoption of these proposals will bring about an amendment to the section on Religious Leave in the Council's Policy on Special Leave for Teachers (1998 edition). It would also, if applied to support staff, require to be added to the Council's 1992 policy on Special Leave for its non-teaching staff.

7 BACKGROUND INFORMATION

This report is based on the following documents, which are in the possession of Leslie Smithson, HR Manager for Education.

Room 5
Brent Town Hall
Forty Lane
Wembley
Middlesex HA9 9HD

Tel: 020 8937 1092

Email: leslie.smithson@brent.gov.uk

- Responses from Governing Bodies to consultation on adoption of Religious Leave for support staff in school.
- Summary of results of telephone survey of Religious Leave provision in some other authorities
- Special Leave Policy for Teachers (1998 edition)
- Special Leave Policy for Non-Teaching Staff (1992 edition)

VALERIE JONES
Director of Human Resources & Diversity

LONDON BOROUGH OF BRENT

RELIGIOUS LEAVE - TEACHERS

1. These religious leave provisions apply to all teachers within schools which receive their budget from Brent Council, and to all teachers employed by the LEA in central units.
2. The following religious leave shall be offered to all teachers:
3.
 - (1) Barmitzvah/Batmitzvah: up to 3 days unpaid
 - (2) Jewish Religious Festivals: up to 3 days paid
 - (3) Hindu/Muslim/Buddhist/Sikh Festivals: up to 3 days paid
 - (4) Christians of the Orthodox Church e.g. Greek Orthodox, will be entitled to take a day's paid leave on the Orthodox Good Friday when it falls in term time.
4. The figure of 3 days is the entitlement which is required to be offered in any given academic or calendar year, although the teacher is not obliged to take it all on the same occasion.
5. The phrase 'up to' means that it is open to the teacher taking religious leave to indicate that less than 3 days a year is required in her/his individual case.
6. Where there is a religious requirement to perform a specific act, teacher should arrange for this to happen in their own time where at all possible.
7. Teachers wishing to take religious leave under these provisions should, on the first occasion only, give written confirmation to their Headteacher or Head of Unit that they are practising members of their faith.
8. Teachers intending to take religious leave should on each occasion give one month's notice to the Headteacher or Head of Unit.
9. It is open to a Governing Body with delegated powers to grant paid or unpaid days of religious leave additional to those set about above, through any such practice should be codified in the Governing Body's own policy.
10. These provisions should be substituted for the section on Religious Leave in the Council's 1998 policy on Special Leave for Teaching Staff.

AUGUST 2003

LONDON BOROUGH OF BRENT

RELIGIOUS LEAVE

**SUPPORT STAFF IN SCHOOLS & EDUCATION UNITS
WHERE THE CURRICULUM IS TAUGHT**

1. These religious leave provisions apply to all support staff within schools which receive their budget from Brent Council.
2. In any given year support staff employed in schools will be entitled to up to 3 days Religious Leave, of which 1 day will be paid, and the other 2 days unpaid.
3. The Religious Leave entitlement will apply to the following: Hindu/Muslim/Buddhist/Sikh/Jewish Festivals (including Barmitzvah/Batmitzvah).
4. The figure of 3 days in the entitlement which is required to be offered in any given academic or calendar year, although the employee is not obliged to take it all on the same occasion.
5. The phrase 'up to' means that it is open to the employee taking Religious Leave to indicate that less than 3 days a year is required in her/his individual case.
6. Where there is a religious requirement to perform a specific act, employees should arrange for this to happen in their own time where at all possible.
7. Employees wishing to take Religious Leave under these provisions should, on the first occasion only, give written confirmation to their Headteacher that they are practising members of their faith.
8. Employees intending to take Religious Leave should on each occasion give one month's notice to the Headteacher.
9. It is open to a Governing Body with delegated powers to grant paid or unpaid days of Religious Leave additional to those set about above, though any such practice should be codified in the Governing Body's own policy.
10. These provisions shall constitute an amendment to the Council's 1992 policy on Special Leave.

AUGUST 2003