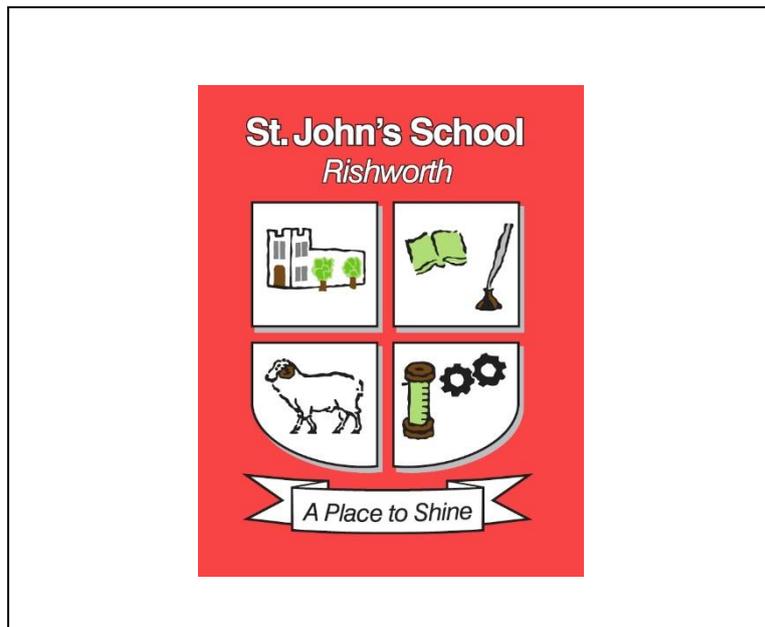


Leave of Absence Policy



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1. Introduction

- 1.1 This policy serves to assist the headteacher and governing body in making decisions about requests for leave in accordance with legal, contractual and moral obligations.
- 1.2 The primary aim of this policy is to ensure that such requests are dealt with fairly and consistently.

2. Purpose and scope

- 2.1 This procedure applies to all staff working in the academy.
- 2.2 Teachers and 'term time only' support staff have contracts of employment which provide for annual holidays to be taken during school closures. There is therefore no contractual entitlement to time off during term time.
- 2.3 However, employees have an entitlement in law to time off work in certain circumstances, in some cases with pay. This policy details these entitlements (other than for purposes of Maternity, Paternity and Adoption Leave (including Shared Parental Leave) which are dealt with in a separate policy of that name).
- 2.4 It is also recognised that, from time to time, the academy may agree to grant individual employees time off during term time (whether paid or unpaid) for a variety of reasons.

3. Absence entitlements

- 3.1 The Conditions of Service for School Teachers in England and Wales (generally referred to as the Burgundy Book) gives some broad national agreements on leave of absence for teachers.
- 3.2 The Conditions of Service for Local Government Services (generally referred to as the Green Book) gives some broad national agreements on leave of absence for Local Government employees (generally support staff).
- 3.3 This policy takes account of the provisions of both the Burgundy Book and the Green Book and sets them in the context of a workforce which in relation to those on the former's terms and conditions is employed all year round but in relation to those on the latter's terms and conditions predominantly constitutes term time only workers. A schedule of entitlements for staff is attached at Appendix 1.

4. Requesting leave of absence

- 4.1 An employee who desires leave of absence is entitled to submit a written request (giving reasons and appropriate notice). The official form for such requests (Appendix 2) should be completed by the member of staff in all cases and submitted to the headteacher for consideration as soon as possible.
- 4.2 The headteacher (or nominated manager) will give due consideration to this request based on the merits of the individual case, the needs of the service and the employee's contractual arrangements.
- 4.3 In all cases where leave of absence has been requested, any implications arising from the decision made should be discussed between the headteacher (or nominated manager) and the individual

concerned. There is no form of appeal against the decision made by the headteacher as this is simply a management decision.

- 4.4 Many religions or beliefs have special festival or spiritual observance days in order to celebrate or attend ceremonies. An employer should sympathetically consider such requests for leave where it is reasonable and practical for the employee to be away from work. Refusal to grant such leave may be regarded as discriminatory if it cannot be justified by a legitimate business need which cannot be met by other reasonable means.

5. Unauthorised absence

- 5.1 If an employee takes leave of absence without the prior consent of the headteacher this constitutes unauthorised absence and may warrant a sanction under the academy's Disciplinary Policy.
- 5.2 Staff (other than those who have previously gained official approval for absence under this policy) who do not attend their place of work as scheduled (or, if homeworking, do not establish contact with the headteacher/line manager in the event of inability to undertake work as agreed), but have failed to comply with the reporting procedures of the Attendance Management Policy (or, where appropriate, the Adverse Weather Policy) will be deemed to be absent without leave.
- 5.3 If a staff member fails to contact the headteacher/line manager during the first day of absence, the headteacher/line manager should attempt to contact the staff member by telephone/text/e-mail to establish why they are not at work and when they will return to work.
- 5.4 If the headteacher/line manager is unable to contact the staff member within the first two working days of absence, they should write to the staff member. The letter should instruct the staff member to contact the headteacher/line manager immediately, remind them of the procedure for notification of absence and indicate the possible outcome/action should no contact be made (i.e. loss of pay, disciplinary action).
- 5.5 If there has still been no contact after five working days of absence, the headteacher/line manager should write to the staff member again, using recorded delivery. This letter should:
- require that the staff member contact the headteacher/line manager (or other (named) contact) by a certain date (within two working days of sending the letter)
 - remind them (the staff member) of the procedure for notification of absence
 - inform them of previous unsuccessful attempts made to contact them
 - notify them that their pay will be suspended with immediate effect
 - notify them that failure to make contact by the date specified may additionally result in disciplinary action being taken against them.
- 5.6 If the staff member still fails to make contact within the specified period the headteacher or nominated manager should consider whether to require the staff member to attend an investigatory meeting to establish the facts of the case or to move straight to a disciplinary hearing.

6. Time off for antenatal appointments

- 6.1 All employees are entitled to accompany their partner in attendance at up to two antenatal appointments (taking up to six and a half hours each time). This time is unpaid.
- 6.2 The employee should provide a signed declaration stating:
- they have a qualifying relationship with a pregnant woman or her expected child;

- the purpose in taking time off is to accompany a pregnant woman to an ante-natal appointment;
- the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse; and
- the date and time of the appointment.

7. Time off for dependents

- 7.1 All employees have the right to a reasonable amount of time off (one or two days) during working hours to support a dependent. This time off is intended to deal with **unforeseen** occurrences and **emergencies**. This section applies to all staff within the academy. This includes staff on fixed term contracts. In these circumstances, there is no qualifying period of service.
- 7.2 Accordingly, a member of staff is entitled to take a reasonable amount of **unpaid** time off to:
- help, or make care arrangements, when a dependent becomes ill, gives birth or is injured or assaulted
 - make arrangements following the death of a dependent
 - deal with unanticipated disruption to, or termination of, arrangements for the care of a dependent.
- 7.3 A dependent is defined as:
- a spouse or partner
 - a child
 - a parent
 - someone who lives in the same household (with the exception of an employee, tenant, lodger or boarder)
 - anyone who reasonably relies on the member of staff either for assistance or to make care arrangements in the event of illness or injury.
- 7.4 These definitions also include partners or elderly relatives living with the family (and schools should additionally be mindful of the potential for a claim of discrimination on grounds of disability by association).
- 7.5 The injury or illness need not be life-threatening and would include both physical and mental illnesses. A member of staff can exercise this right in the unexpected absence of a childminder, nanny, nurse or carer.
- 7.6 The right to time off is intended to cover **genuine emergencies** – if members of staff know in advance that they will need time off, they should request annual leave or leave of absence.
- 7.7 It is the responsibility of the member of staff to:
- inform the academy as soon as is reasonably practicable
 - let the academy know how long he or she expects to be off work, if this is possible.
- 7.8 It is not necessary for this notice to be given in writing. There is no requirement for the member of staff to produce evidence, either of their relationship to the dependent, or the incident that triggers a request for leave.

- 7.9 If the academy believes that the member of staff is abusing the right to time off, the matter should be dealt with through the Disciplinary Policy.

8. Parental leave

*NB Please note **parental leave** should not be confused with **Shared Parental Leave** (legislation active from 5 April 2015) which is dealt with in the Maternity, Paternity and Adoption Leave (including Shared Parental Leave) Policy.*

- 8.1 Eligibility for parental leave is applicable to all staff within the academy. Parental leave applies to both parents and is distinct from 'maternity leave' and 'shared parental leave'. A member of staff is entitled to parental leave (a period of unpaid leave) once he or she has been continuously employed for a year or more and:
- is the parent (named on the birth certificate) of a child who is under 18 years old
 - has adopted a child under the age of 18 - the right lasts until the child's 18th birthday
 - has acquired formal parental responsibility for a child who is under 18 years old. A step-parent will have to apply to the court to acquire formal parental responsibility if they wish to take parental leave in respect of their spouse's child or children
- 8.2 All members of staff are entitled to (a total of) 18 weeks' unpaid leave in respect of each child who qualifies as above.
- 8.3 The key elements of parental leave are:
- leave may be taken in blocks of one week upwards (this minimum period does not apply in relation to a child with disabilities)
 - the member of staff must give at least 21 days' notice of taking leave
 - the employer can postpone leave for up to six months, for example, for business reasons
 - a member of staff may not take more than four weeks' leave in respect of any individual child during one leave year
 - outstanding parental leave can be carried over to a new employer, but a further qualifying period of service of one year is needed before there is any entitlement to take this leave.
- 8.4 When a member of staff takes parental leave of four weeks or less, they are entitled to return to the job in which they were employed before the absence.

9. Other policies and procedures

- 9.1 This policy will be supported by the following policies and procedures:
- Adverse Weather Policy
 - Attendance Management Policy
 - Disciplinary Policy
 - Grievance Policy
 - Maternity, Paternity and Adoption Leave (including Shared Parental Leave) Policy

Appendix 1: Leave entitlements for all school based staff

Note: All requests for leave are to be submitted to (and approved as appropriate by) the headteacher or nominated manager prior to the leave being taken.

The term 'close relative' should normally include spouse, partner, parent, sibling or child.

Type of request	Support Staff	Teachers
Unpaid Leave of Absence	Individuals should make use of periods of school closure, their annual leave entitlements (where applicable) and flexible working hours provision as appropriate, before making such requests for unpaid leave of absence	Where there is contractual flexibility individuals should make use of applicable paid leave entitlements, periods of school closure and flexible working hours provision as appropriate before making such requests for unpaid leave of absence
Bereavement	<p>Maximum 3 days' paid leave except in exceptional circumstances where individual cases will be treated on merit</p> <p>Applicable to parents, spouse/partner, sibling or children or any other persons deemed appropriate by the headteacher/manager</p>	<p>Maximum 3 days' paid leave except in exceptional circumstances where individual cases will be treated on merit</p> <p>Applicable to parents, spouse/partner, sibling or children or any other persons deemed appropriate by the headteacher/manager</p>
Funerals	<p>One day paid leave</p> <p>Applicable to:</p> <p>Husband/Wife/Partner Son/Daughter Parents Parents-in-law Brothers/Sisters Grandparents</p> <p>Funerals other than above may be approved with or without pay at the discretion of headteacher/manager</p>	<p>One day paid leave</p> <p>Applicable to:</p> <p>Husband/Wife/Partner Son/Daughter Parents Parents-in-law Brothers/Sisters Grandparents</p> <p>Funerals other than above may be approved with or without pay at the discretion of headteacher/manager</p>
Weddings	<p>Wedding of an immediate member of family, i.e. child, brother, sister, parent – as may be approved by headteacher/manager, with salary</p> <p>Wedding other than above – one day, without salary</p>	<p>Wedding of an immediate member of family, i.e. child, brother, sister, parent – as may be approved by headteacher/manager, with salary</p> <p>Wedding other than above – one day, without salary.</p>

Degree Graduation Ceremonies	Graduation ceremony of self or any immediate family member receiving degree/award/prize – one day, with salary	Graduation ceremony of self or any immediate family member receiving degree/award/prize – one day, with salary
Speech Day Attendance	Parent of the child receiving the prize – half day, with salary.	Parent of the child receiving the prize – half day, with salary
Attendance/Observance of Religious Festivals	Requests for time off for religious observance should be considered sympathetically and accommodated wherever possible, although extended absences (in excess of two weeks) will need to be balanced with the operational needs of the school Individuals should make use of their Annual Leave provision and any flexible working provision (where appropriate) before making requests for unpaid leave of absence	Requests for time off for religious observance should be considered sympathetically and accommodated wherever possible, although extended absences (in excess of two weeks) will need to be balanced with the operational needs of the school Individuals should make use of any flexible working provision (where appropriate) before making requests for unpaid leave of absence
Donors	Paid leave, if can be accommodated	Paid leave, if can be accommodated
Employment Interviews	For Local Government interviews – time off with pay	Interview for another teaching post – time off with pay
Attendance at approved courses	As may be approved by the headteacher/manager, with salary.	As may be approved by the headteacher/manager, with salary.
Approved Examinations	For each half day of approved examination – half day paid leave Other than approved – unpaid leave Sitting for an approved examination – not more than 5 days – only to be exceeded in exceptional circumstances as approved by the headteacher – unpaid leave	For each half day of approved examination – half day paid leave Other than approved – unpaid leave Sitting for an approved examination – not more than 5 days – only to be exceeded in exceptional circumstances as approved by the headteacher – unpaid leave
Attendance at Examiners' Meetings	N/A	Attendance at meetings of examination board – as may be essential with the approval of the headteacher/manager – with salary

Statutory Tribunals	<p>Paid leave of absence if attending in official capacity</p> <p>School to deduct any allowance received</p>	<p>Paid leave of absence if attending in official capacity</p> <p>School to deduct any allowance received.</p>
Trade Union Courses/ Seminars/ Conferences	<p>Please refer to Local Authority Facilities agreement, as appropriate.</p>	<p>Please refer to Facilities for Teacher Union Representatives arrangements</p>
National Educational Conferences	<p>Conferences on educational matters, as may be permitted, with salary</p>	<p>Conferences on educational matters, as may be permitted, with salary</p>
Member of Governing Body	<p>Attendance at a meeting of a Governing Body, as necessary, with salary</p>	<p>Attendance at a meeting of a Governing Body, as necessary, with salary</p>
Candidates for Municipal Elections (All Employees)	<p>Prospective candidate at Parish, District or County elections – polling days, with salary</p> <p>Prospective Parliamentary candidate - three weeks (including the day following the election), without salary</p>	<p>Prospective candidate at Parish, District or County elections – polling days, with salary</p> <p>Prospective Parliamentary candidate - three weeks (including the day following the election), without salary</p>
Civic Duties	<p>If Mayor(ess)/Consort or Deputy Mayor(ess)/Consort are employees – with salary</p>	<p>If Mayor(ess)/Consort or Deputy Mayor(ess)/Consort are employees – with salary</p>
Election Duties	<p>Staff, who assist at elections as Presiding Officers, Poll Clerks and Counting Clerks, within the administrative area of this Authority.</p> <p>Leave of absence (with pay) from their normal duties</p>	<p>Staff who assist (where contractual obligations allow) at elections as Presiding Officers, Poll Clerks and Counting Clerks, within the administrative area of this Authority.</p> <p>Leave of absence (with pay) from their normal duties</p>
Elected Member of Local Authority	<p>Paid leave for up to 28 days per year, subject to individual assessment at the discretion of the headteacher/governing body</p>	<p>Paid leave for up to 28 days per year, subject to individual assessment at the discretion of the headteacher/governing body</p>

Member of Health Authority	Attendance at a meeting as a member of a statutory body, eg Regional or Area Health Authority, as necessary, with salary	Attendance at a meeting as a member of a statutory body, eg Regional or Area Health Authority, as necessary, with salary
Duties of Justice of the Peace	Paid leave of absence School may deduct any allowance received.	Paid leave of absence School may deduct any allowance received
Jury Service	With pay Employee to claim any Juror's Allowance: such amount received to be deducted from pay	With pay Employee to claim any Juror's Allowance: such amount received to be deducted from pay
Service in HM Non Regular Forces	Attendance at annual camp as volunteer member of Territorial Army or Officer of a Cadet Force Up to two weeks with discretion in special cases, with salary Officers required to undertake training additional to summer camp who are unable to arrange for such training on days when they would not normally be working – paid leave of absence (maximum of 16 days per annum) recommended by National Agreement	Attendance at annual camp as volunteer member of Territorial Army or Officer of a Cadet Force Up to two weeks with discretion in special cases, with salary Officers required to undertake training additional to summer camp who are unable to arrange for such training on days when they would not normally be working – paid leave of absence (maximum of 16 days per annum) recommended by National Agreement
Holiday with partner	This provision is intended primarily for support staff with partners in HM Forces and to meet cases where the employee's spouse is compelled to take his or her main annual holiday during term time	This provision is intended primarily for teachers with partners in HM Forces and to meet cases where the teacher's spouse is compelled to take his or her main annual holiday during term time
Special Constables	Paid leave of absence	Paid leave of absence
Retained Fire Fighters	Paid leave of absence	Paid leave of absence

House Removal	1 day with pay (term time staff only)	1 day with pay
Mountain Fell Rescue and Cave Rescue and Community First Responders	Paid leave with headteacher discretion	Paid leave with headteacher discretion
Maternity/ Paternity/ Adoption/ Shared Parental Leave	Please refer to relevant section of appropriate policy	Please refer to relevant section of appropriate policy
Special Leave	Discretion of the headteacher, with or without pay Urgent private or family business – as may be approved by the Headteacher, with or without pay	Discretion of the headteacher, with or without pay Urgent private or family business – as may be approved by the Headteacher, with or without pay

Governance Duties (with pay)

- 1 day annually – information gathering in school
- 6 days participation in working parties/committees
- 3 days maximum – recruitment

Appendix 2

Request for Leave of Absence (time off in term time)

Part A - for completion by employee

School:	
Name:	
Job Title:	

- Type of Time Off Requested:
- Parental leave
 - Compassionate leave
 - Time off for dependents
 - Reserve forces
 - Medical appointment or procedure
 - Blood donation
 - Religious observance
 - Witness duty
 - Jury service
 - Union duties
 - Public duties
 - Other (please detail)

Dates of requested time off: From [] (DD/MM/YY) To [] (DD/MM/YY)

Actual number of working days absent: [] days

Times of absence: From [] (HH:MM) To [] (HH:MM)
(if part-day leave)

Reason for request:
(please give full details of circumstances applicable)

Signature: []

Date: []

Request for Leave of Absence (time off in term time)

Part B - for completion by Headteacher (or line manager where applicable)

School:	
Name:	
Job Title:	

Dates of requested time off:	From	To
Actual number of working days absent:	■ days	
Times of absence: (if part-day leave)	From	To

- Time off APPROVED**
- With Pay
- Without Pay (**Headteacher to inform payroll**)
- Time off NOT APPROVED**

SIGNED: (*Headteacher or line manager*)

DATE:

Date result conveyed to employee:

Completed form (both part A and part B) to be held by School

NB If leave is to be unpaid, copy part B only to payroll