



LEAVE OF ABSENCE POLICY & PROCEDURE FOR SCHOOLS & ACADEMIES

GOVERNING BODY APPROVAL: Autumn 2020/21

COMMITTEE WITH RESPONSIBILITY FOR MONITORING
& REVIEW:
Personnel Committee

NEXT REVIEW DATE: Autumn 2021/22

POLICY

1. INTRODUCTION

- 1.1 The purpose of this policy is to provide all staff with a clear understanding of the circumstances in which staff may apply for special leave and other leave.
- 1.2 Leave will not be automatically granted and the Governing Body/Headteacher will make a decision based on the circumstances, subject to the needs of the school.
- 1.3 The Governing Body will ensure that all employees are treated equally and consistently when applying for leave of absence, in accordance with the school's Equal Opportunities Policy, taking into account differing national and local conditions of employment.
- 1.4 This policy applies to teaching and support staff. It should be read in conjunction with other relevant documents (e.g. the Burgundy Book and NJC terms and conditions).

2. KEY PRINCIPLES

- 2.1 The operational needs of the school will be paramount and, except in emergency circumstances, adequate notice of a request for leave of absence must be given.
- 2.2 The head teacher (or Governing Body /Chair of Governors if delegated ,if it is the head requesting time off) has the delegated authority to decide as to whether to grant time off and whether it should be paid or unpaid.
- 2.3 Any additional time off outside this procedure can only be granted at the discretion of the head teacher, in consultation with the chair of governors where necessary.
- 2.4 Each case will be judged on its own merits and circumstances. The granting of time off in one case will not necessarily set a precedent for other cases.

3. MAKING A REQUEST FOR LEAVE

- 3.1 Staff will be expected to have taken steps to avoid requesting time off wherever practicable. This is particularly relevant where there is a possibility of the need for time off to re-occur. Examples of this would include:
 - medical appointments (whether one-off or part of ongoing treatment);
 - care of a dependant.
- 3.2 Unless there are exceptional circumstances preventing the staff member from doing so, all requests for time off must be made in advance so as to give the Headteacher a chance to consider the request before the intended absence is incurred. As much detail as is reasonable should be provided to assist the Headteacher in considering the circumstances of the request.
- 3.3 If an unexpected emergency does arise and the staff member is unable to let the Headteacher know before taking the leave, they must let them know as soon as is practicable, by telephone if necessary. On their return to work they will need to account for the time off in the same way as they would normally have done had the time off been

planned.

3.4 An individual who would like to request special leave should make an application as follows:

- Complete the special leave request form, (template form is attached as Appendix Two) outlining the request for leave of absence, reasons for the request and the dates required. This should be submitted to the Headteacher.
[In the case of the Headteacher, a request should be made to the Chair of Governors.]
- It is vital that the request is submitted as early as possible in order for the Headteacher to be able to consider it carefully.
- On receiving a request for time off the Headteacher will meet with the member of staff as soon as is practicable and with due regard to the timing of the intended absence.
- The Headteacher will give full consideration to all the circumstances of the request and will respond within five working days of the meeting.
- The Headteacher reserves the right to refuse an application for leave on the basis of the school's needs.
- Each request will be judged on its own merits and circumstances. The granting of time off in one case will not set a precedent for other cases.
- If the staff member wishes to appeal against the Headteacher's decision they must do so in writing, to the Chair of Governors, within five working days of the decision.
- Any abuse of the policy will be dealt with under the school's Disciplinary procedure.

Staff must not make any arrangements with regard to their request until it has been approved by the governing body/Headteacher, who may consult the Local Authority for guidance.

4. Categories of Special Leave

4.1. The following special leave provisions are covered under this policy. For ease of reference, they have been listed alphabetically. Appendix One gives details of whether leave is paid or unpaid and how much time off is usually granted.

- Adoption leave
- Ante-natal care appointments
- Carers' leave
- Compassionate leave
- Court / tribunal attendance
- Elections
- Fertility treatment
- Graduation ceremonies
- House removal
- Jury service
- Maternity leave
- Medical / dental appointments
- Miscarriage, termination, still birth and death of a baby
- Parental leave
- Paternity leave
- Public duties
- Recruitment and selection
- Religious leave

- o Study leave
- o Trade union duties
- o Wedding / civil ceremony

4.2. Where the policy does not cover a particular leave arrangement, the Governing Body 'has the discretion to consider it within the scope of this policy.

Appendix One

Type of leave	Duration	Paid/Unpaid	Comments
<p>Time off for Dependents</p> <p>Serious illness - of partner, child and close relatives*</p> <p>Plus additional travelling days to attend a seriously ill partner / child/ close relative up to a maximum of 2 days, at the discretion of the headteacher dependant on location, distance to travel etc.</p>	<p>Up to Max of 5 days</p> <p>Up to Max of 2 days</p>	<p>Paid</p> <p>Paid</p>	<p>Note: travelling days should be limited to 1 if the employee is already in attendance e.g. during a holiday.</p>
<p>Carers' Leave</p> <p>Carers' leave is applicable to employees with responsibilities for looking after dependants, close relatives, children or partners. In the event of:</p> <ul style="list-style-type: none"> o illness/accident/assault; o breakdown of normal care arrangements; e making arrangements for long term care, particularly with elderly relatives. 	<p>Up to 5 paid days leave may be granted per year.</p>		<p>The Employment Rights Act 1996 defines a dependant as: a spouse; a child; a parent; a person living in the same household [but not a lodger, tenant or employee].</p> <p>If a longer period is envisaged, this will be considered on an individual basis and if granted, will be on an unpaid basis</p>
<p>Compassionate Leave</p> <p>Death - of partner or child</p> <p>- of other close relatives*</p> <p>Death - of aunt/ uncle/ other relative / close friend</p>	<p>Up to 10 days</p> <p>Up to Max of 3 days</p>	<p>Paid</p> <p>Paid</p>	<p>*close relatives referred to above, are defined as parents, guardians, grandparents, sisters, brothers and grandchildren including relatives of partners.</p> <p>There may be circumstances where an aunt / uncle has been a guardian to the employee. In such circumstances the headteacher has the discretion to grant leave</p>

<p>Parental Leave</p> <p>Child until their 5th birthday</p> <p>Adopted child, until the fifth birthday of their placement with you or until their 18th birthday, whichever comes first</p> <p>Disabled child until their 18th birthday (that is, receiving disability living allowance)</p>	<p>Up to 18 weeks -</p> <p>Up to 18 weeks</p> <p>Up to 18 weeks</p> <p>(Time off maybe granted in days, instead of weeks)</p>	<p>Unpaid</p> <p>Unpaid</p> <p>Unpaid</p>	<p>Parental leave offers qualifying parents the right to take unpaid time off work to look after their child or make arrangements for their welfare.</p> <p>Employees have the right to parental leave if they:</p> <ul style="list-style-type: none"> .. have been employed by the School for a year or more; o are an 'employee', with a contract of employment (agency and casual staff don't have the right to parental leave); <p>and</p> <ul style="list-style-type: none"> o are a parent named on the child's birth certificate; or o are named on the child's adoption certificate; or .. have legal parental responsibility for a child under five (18 if disabled). <p>Either parent has the right to parental leave..</p> <p>Leave is granted in blocks of full weeks. Employees cannot take more than four weeks' leave for any one child in a year.</p>
<p>Public Duties</p>			
<p>(i) Magisterial Duties -</p> <p>(ii) Member of a Local Authority/ Governing Body</p>	<p>As per Local Government and Housing Act 1989, 208 hours.</p>	<p>Paid</p>	

(iii) Justices of the Peace	Up to 10 days	Paid	<p>Paid leave of absence will not ordinarily be granted for candidates in parliamentary and local government elections.</p> <p>The duration of authorised absence for these categories will normally be 1 or 2 days. However, where Headteachers are satisfied that additional days are unavoidable, he/she has the discretion to authorise additional unpaid or paid days.</p> <p>The duration of absence for these categories is dependent on the Court. It should be noted that an employee called for Jury Service must apply to Court for an attendance allowance and submit the appropriate forms (obtainable from the Court) to the Payroll Section. The Payroll Section then makes the appropriate adjustment to the employee's salary. There will be no loss of earnings. In the event of an employee being released for a whole day during the period of jury service, the employee must return to work, if practicable. Should an employee be discharged from duty for the</p>
(iv) School Governors	1 day per term	Paid	
(v) Service in NonRegular Forces	10 working days' leave	Paid	
(vi) Elections			
Court Attendance			
(i) Divorce/Custody cases		Paid	
(ii) Other Personal Reasons		Discretion	
(iii) Employee issued with a witness summons/ subpoena requiring them to attend court/ tribunal as a witness		Paid	
(iv) Jury Service		Paid	

		Discretionary	day, they will be expected to return to work.
(v) Where the employee has to appear as a defendant, plaintiff or voluntary witness.			
Medical Hospital Appointments (i) Of employee - (ii) Of child of the employee - headteachers will need to take into consideration the age of the child, but it is normal practice to agree to such applications. iii) Emergency dental or other treatment (iv) Fertility Treatment: Leave for fertility treatment Leave for the purposes of preparing for or recovering from fertility treatment (v) Ante natal appointments		Paid Paid Paid Up to 5 paid days Paid Paid	These appointments are regarded as sick leave of absence for durations of half a day or more Considered in the same way as medical appointments An appointment card or document confirming the date of the appointment is required.
Disability Related Leave			Where an absence is related to an underlying disability, the School will take into consideration the need to consider reasonable adjustments in line with the Equality Act 2010.
Recruitment and Selection (i) Interview for another post (ii) Visit to new school - prior to interview - upon appointment	1 day 1 day	Paid Discretion	Exceptionally, travelling time may be granted as paid leave at the discretion of the Headteacher who will take into consideration distance, time of interview, etc.

<p>Examination/Study Leave/Exam Duties</p> <p>(i) Training Courses/ Post Entry Training</p> <p>(ii) Examinations</p> <p>(iii) Study leave -Heads must decide what is reasonable - within the maximum days stated-- based upon the number of papers to be taken.</p> <p>(vi) Examination- Board Duties</p>	<p>The length of the approved course but in no case exceeding six months on a day release or block release</p> <p>Dates must be specified and it is normal to allow 1 day's leave for each paper to be taken, subject to the maximum stated.</p> <p>Upto a maximum of 10 days</p>	<p>Paid</p> <p>Paid</p> <p>Paid</p> <p>Paid</p>	<p>Up to maximum 5 days per annum,</p> <p>Up to Max of 5 days per annum</p>
<p>Personal/Domestic</p> <p>M Removal of household</p>	<p>1 day</p>	<p>Paid</p>	<p>1 working day's leave for employees moving house or</p>

effects			removals of household effects is usually once within the first year of service when the move relates to their Employment.
(ii) Burglary	1 day	Paid	The authorised duration of absence for these categories will normally be 1 day. However, there will be certain instances when employees have experienced severe problems in these areas and Heads will therefore have discretion to extend this paid or unpaid leave subject to the exigency of the service.
(iii) Unforeseen problems with gas/ water/ electricity/ fire	i day	Discretion	
(iv) Weddings of children and other close relatives	1 day	Paid	
-own wedding or wedding preparation	i day	Unpaid	
-wedding of a friend	1 day	Unpaid	
(v) Graduation of self/partner/child	1 day	Paid	
-graduation of other relatives	1 day	Paid	
(vi) Unspecified personal reasons		Paid	
(vii) Driving Test		Unpaid	
(viii) Activities associated with personal hobbies/interests, sport.			Employees should be discouraged from arranging tests during term time. However, if leave is requested, authorisation is at the Head's discretion. Leave for these activities is not normally granted. However, There may be exceptional circumstances Where authorisation would be given, of the Head's discretion.
(ix) Problems getting to work	Usually up to	Paid	

due to adverse weather conditions, public transport delays or strikes or other unforeseen circumstances break down	i day or as per Council or LGE Guidance		
Religious Leave For employees who belong to a recognised religious group and who are unable to take annual leave for a recognised holiday fallinQ in term time.	Up to 3 days.	Paid	
Sabbaticals			Employees with 2 or more years' service will be eligible to apply for sabbatical leave to undertake, for example, research, further education or travel.
Time off for Trade Union Duties			A separate policy exists for this

Appendix Two

Leave of Absence Form

NOTES ON APPLYING FOR SPECIAL LEAVE

Special leave paid or unpaid is discretionary and may be granted in certain situations. It is not an entitlement and each application is assessed on its merit. Before requesting special leave you should read the Special Leave Policy

All special leave applications must be approved by the Headteacher. Your request for special leave should be made using this application form. When making your application you must clearly state the reasons why special leave should be granted and it must be endorsed by the Headteacher.

Normally special leave will be requested in advance, although it is recognised there will be occasions when this will not be possible. The exception will normally be the need for compassionate leave in urgent or unforeseen circumstances. If you take leave prior to approval being obtained it may result in deduction of pay for the days taken and your absence may be classified as being unauthorised.

EMPLOYEE DETAILS (please print)

First name	Surname
Telephone number	
Job title	

DETAILS OF LEAVE REQUEST

Type of leave	
Leave required from	
Leave required to	
Total number of days	
Please set out the reasons for your request for special leave (use a separate sheet if required)	

PLEASE GIVE DETAILS OF ANY OTHER SPECIAL LEAVE APPLICATION IN THE LAST YEAR.

Dates	Number of d ws	Reason	Approved / not gQproved

Signed Date.....

TO BE COMPLETED BY HEADTEACHER/ CHAIR OF GOVERNORS

Name: (please print)

Job title :

Please state if you are supporting or not supporting the request and why:

Signed :

Date: