



# LEAVE OF ABSENCE POLICY & PROCEDURE

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## 1. Introduction

- 1.1 This policy serves to assist the headteacher and Trust Board 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 in order to support employees where practical.

## 2. Purpose and scope

- 2.1 This procedure applies to all staff working in the Trust, including staff on fixed term contracts.
- 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, Adoption Leave and 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 Trust 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 **Leave of absence with pay is capped at a maximum of the contractual weekly hours of the employee each year (September to August). The Headteacher may exercise discretion where appropriate. All absence will be recorded and monitored.**

## 4. Requesting Leave of Absence

- 4.1 An employee who requires 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 or nominated manager 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 /school and the employee's contractual arrangements. In this context, a distinction may be made, when determining applications for leave, between those instances when the staff member is in control of the circumstances (and has a choice in arranging the date of a proposed ceremony for example) and those where the staff member has no such control.
- 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. As this is a management decision there is no form of appeal against the decision made.
- 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 Trust'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/nominated 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 Procedure) will be deemed to be absent without leave.
- 5.3 If a staff member fails to contact the headteacher/nominated manager during the first day of absence, the headteacher/Admin 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/nominated 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/nominated manager or other named contact 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/nominated manager should write to the staff member again, using recorded delivery. This letter should:

- require that the staff member contact the headteacher/nominated 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 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. The second occasion 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 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 Trust. In these circumstances, there is no qualifying period of service.
- 7.2 A dependent is defined as:
- a spouse or partner
  - a child (under 18)
  - 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.

- 7.3 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).
- 7.4 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 child-minder, nanny, nurse or carer.
- 7.5 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.
- 7.6 It is the responsibility of the member of staff to:
- inform the Trust as soon as is reasonably practicable
  - let the Trust know how long he or she expects to be off work, if this is possible.
- 7.7 If the Trust 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 Trust. 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

This policy will be supported by the following policies and procedures:

- Attendance Management Policy
- Disciplinary Policy
- Grievance Policy
- Maternity, Paternity and Adoption Leave (including Shared Parental Leave) Policy

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.

**Leave of absence with pay is capped at a maximum of the contractual weekly hours of the employee each year (September to August). The Headteacher may exercise discretion where appropriate. All absence will be recorded and monitored.**

## Appendix 1: Leave Entitlements for all School Based Staff

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

Reasons for Absence	Period of Absence (Working Days)	Paid or Unpaid
<b>Unpaid Leave of Absence</b>		
	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.	
<b>Special Leave</b>		
Wedding – member of immediate family	Wedding of an immediate member of family, i.e. child, brother, sister, parent – as may be approved by headteacher/manager.	1 day paid
Wedding – other than member of immediate family	Wedding other than above – one day.	1 day unpaid
Urgent private / family business	Discretion of the headteacher, with or without pay.	
Religious & Cultural Leave	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 (Support Staff only) and any	Up to 3 days paid annually dependent upon when religious festivals fall.

	flexible working provision (where appropriate) before making requests for leave of absence.	
Examinations not related to work	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	Half day paid  Unpaid
Graduation Ceremonies - self or immediate family	Graduation ceremony of self or any immediate family member receiving degree/award/prize.	1 day paid
Bereavement / serious illness – close personal relationship	Maximum 3 days’ paid leave except in exceptional circumstances where individual cases will be treated on merit. Applicable to parents, spouse/partner, sibling or children or any other persons deemed appropriate by the headteacher/manager.	3 days paid
Funeral - member of immediate family	One day paid leave applicable to: Husband/Wife/Partner Son/Daughter Parents Parents-in-law Brothers/Sisters Grandparents	1 day paid
Funeral - other than member of immediate family	Funerals other than above may be approved with or without pay at the discretion of headteacher/manager.	Unpaid / paid
House Removal		1 day paid
Driving Test	The expectation is that Driving Tests (Theory and Practical) will be	Unpaid

	taken during school holiday periods. In exceptional circumstances if approval is given for a term time test it will be unpaid.	
Transport Failure	Reasonable time off without pay unless flexible working provisions can be used.	Unpaid
Emergency Repairs to Home / Domestic Arrangements		Up to 2 days unpaid
Family Pet illness / accident / death		Unpaid
<b>Professional &amp; Public Duty</b>		
Interview or Professional Courses		Up to 5 days paid
Jury Service / Witness in Court	Time off paid as required, less court allowance.	Paid
Public Examination (previously agreed)	For each half day of approved examination half day paid	Half day paid
Examiners	Attendance at meetings of examination board – as may be essential with the approval of the headteacher/manager.	Paid
Statutory Tribunals	Paid leave of absence if attending in official capacity. School to deduct any allowance received.	
Approved Governing Body duties	Attendance at a meeting of a Governing Body, approved as necessary.	Paid
National Education Conferences	Conferences on educational matters, as may be permitted.	Paid
Trade Union duties	Refer to Local Authorities Facilities Agreement (Support Staff) or Teacher Union Representatives arrangements (Teachers).	
<b>Time off for Dependents</b>		
Illness, accident or injury Childcare arrangements for illness breakdown Child taken sick / accident at school Child-minder unavailable		Up to 3 paid occurrences (lasting no longer than 1 day each)

Child not at school e.g. exclusion, boiler failure, Inset Day		Unpaid
Pre-arranged medical / dental appointment	Arrangements should be made before or after school or during school holidays where possible.	Paid, if necessary in working hours.
Childs School Event	Up to ½ a day per occasion. Up to the total of 2 occasions.	Paid
<b>Ante-natal</b>		
Ante-natal Appointments – expectant mother		Paid
Ante-natal Appointments – partner of expectant mother		Up to 2 occasions – 1st occasion paid

**Appendix 2:**

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



***PART A - for completion by employee for all leave taken including unplanned leave of absences – please complete retrospectively***

<b>Academy:</b>		
<b>Name:</b>		<b>Job Title:</b>
<b>Category:</b> Please tick one	<input type="checkbox"/> Parental leave <input type="checkbox"/> Compassionate leave <input type="checkbox"/> Time off for dependents <input type="checkbox"/> Witness duty <input type="checkbox"/> Medical appointment or procedure (please provide proof of appointment for request to be considered) <input type="checkbox"/> Religious observance <input type="checkbox"/> Jury service <input type="checkbox"/> Union duties <input type="checkbox"/> Public duties <input type="checkbox"/> Other please detail:	
<b>Dates and Time:</b>	From [ ] (DD/MM/YY) From [ ] (HH:MM)	To [ ] (DD/MM/YY) To [ ] (HH:MM)
<b>Duration:</b>	Actual number of days absent:	
<b>Reasons for Leave:</b>	Please state reasons for request for leave or reason for absence:-	
<b>Signature:</b>	<b>Date:</b>	

**PART B - for completion by the Admin Manager**

- Time off APPROVED - With Pay
- Time off APPROVED - Without Pay (Admin Manager to inform payroll)
- Time off NOT APPROVED

**Signature:**

**Date:**

**Outcome to request conveyed to employee:**

**Date:**

**Leave recorded as per Academy protocol:**

**Y/N**