



# LEAVE OF ABSENCE POLICY & PROCEDURE

Version	1.4
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Summary of amendments:  
V1.4 inclusion of point 5 Annual leave for support staff/Appendix 1 - amendment to Trade Union Duties



## **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 should submit a request via the 'EVERY' portal, giving reasons and appropriate notice. This will be considered as soon as possible by the headteacher or nominated manager. Common reasons for requesting time off are:
  - Parental leave
  - Compassionate leave



- Time off for dependents
  - Reserve forces
  - Medical appointment or procedure
  - Religious observance
  - Jury service
  - Witness duty
  - Union duties
  - Public duties
  - Blood donation
- 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.
- 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 formal right 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. Annual leave for support staff**

- 5.1 The provision for support staff employed on a term-time only basis is the same as for teaching staff and are therefore expected to take leave during school holiday periods.
- 5.2 Where possible, support staff employed on full-year contracts are encouraged to try to arrange annual leave during school holiday periods for the Trust. However, it is recognised that the nature of some work patterns can reduce the flexibility of some staff to take annual leave during term time. It is important to bear in mind that requests for annual leave must be considered against the overall working arrangements of the different categories of staff, roles and teams and, in particular, the need for arrangements to be made to cover such absences and key requirements, e.g. to attend board or management meetings.
- 5.3 Entitlement to annual leave for support staff on full-year contracts is as specified in their individual contracts of employment. The taking of annual leave is subject to the prior approval of the line manager and therefore no bookings i.e. flights, accommodation etc. should be made until you have been given approval. Requests should be made via 'Every system' giving as much notice as possible to allow for proper consideration to be made. Other than in an emergency situation a minimum of 6 weeks' notice should be given for periods of up to 5 working days and for longer periods a period



of notice at least 8 weeks. If a request is for less than 5 days you must give as much notice as possible. Line managers discretion can apply.

- 5.4 The annual leave year for support staff on full year contracts runs from 1 September to 31 August.
- 5.5 For full year contracted support staff, the timing of holidays must be in agreement with operational requirements and some staff may be expected to take annual leave within the Trust (school) holidays. However, there will be occasions when such staff wish to take leave during term time. Where this can be shown to benefit the trust, this leave will be granted, having given due regard to the needs of the service.
- 5.6 Permission may be withheld if holidays are requested at a time that is not appropriate for the efficient operation of the Trust.
- 5.7 Staff may carry forward 5 days holidays into the next holiday period. Any exceptions must be approved by the line manager.
- 5.8 To assist in the planning of annual leave, the management team will consider the times of year when it is deemed support staff definitely need to be present and times where there may be more flexibility.

## 6. Hajj

- 6.1 The trust recognises the difficulty which results from the academic year following the Gregorian and not the Hijri calendar, which means that Hajj can fall during times when the school is in session. The trust respects that Hajj is one of the five pillars of Islam and is an obligation upon Muslims once in their lifetime, financial/health conditions permitting. The trust is committed to providing high quality education whilst having a balanced approach to the religious needs of its staff. Staff requests for leave for Hajj will be considered according to the following criteria:
  - In order to minimise any possible disruption to colleagues and students, staff wishing to apply for the obligatory Hajj leave will notify the Headteacher in writing by the end of Ramadhan for the following Hajj.
  - Staff wishing to perform the obligatory Hajj may apply for a maximum of three weeks unpaid leave.
  - In order to balance the needs of students and the need for staff to make the obligatory Hajj pilgrimage, Muslim staff will be granted Hajj leave subject to the school's ability to release staff without an adverse impact on service delivery.
  - All Muslim staff will be considered with fairness irrespective of their professional status within the school. Applications will normally only be considered for the obligatory (first) Hajj. In exceptional circumstances requests made on compassionate grounds may also be considered.
  - Permissions / requests for Umrah or non-obligatory Hajj will not be considered during school term time except in exceptional compassionate grounds.



- When making a request to undertake Hajj staff are asked to consider the effect their absence might have on the students with whom they work.
- The decision on whether or not to grant exceptional leave for Hajj will be made by the headteacher who will consider the written application made by the staff member.
- In accordance with the school's overall policy on leave of absence, staff should not book tickets etc. before the Hajj leave has been approved.
- Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action.

## **7. Unauthorised Absence**

- 7.1 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.
- 7.2 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.
- 7.3 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/e-mail to establish why they are not at work and when they will return to work.
- 7.4 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).
- 7.5 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.
- 7.6 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.

7.7 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.

## 8. Time off for Antenatal Appointments

8.1 All employees are entitled to accompany their partner in attendance at up to two antenatal appointments. The second occasion is unpaid.

*Attendance at antenatal appointments on an employee's own behalf (which is paid) is dealt with in the Maternity, Paternity and Adoption Leave (including Shared Parental Leave) Policy*

8.2 The employee should provide (as and when requested) 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.

## 9. Time off for Dependents

9.1 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.

9.2 Accordingly, a member of staff is entitled to take a reasonable time off to:

- help, or make care arrangements, when a dependant becomes ill, gives birth or is injured or assaulted
- deal with unanticipated disruption to, or termination, arrangements of care for a dependant
- make a necessary arrangement following the death of a dependant.

9.3 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.
- 9.4 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).
- 9.5 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 child-minder, nanny, nurse or carer.
- 9.6 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.
- 9.7 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 they expects to be off work, if this is possible.
- 9.8 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.

## 10. Parental Leave

*NB Please note **parental leave** should not be confused with **Shared Parental Leave** (legislation active from 5 April 2015).*

- 10.1 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:
- are the parent (named on the birth certificate) of a child who is under 18 years old
  - have adopted a child under the age of 18 - the right lasts until the child's 18th birthday
  - have 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
- 10.2 All members of staff are entitled to a total of 18 weeks' unpaid leave in respect of each child who qualifies as above.
- 10.3 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.

10.4 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.

## **11. Parental Bereavement Leave**

11.1 All eligible individuals have the statutory right to parental bereavement leave (and, dependent on circumstances, parental bereavement pay) for up to two weeks during the first 56 weeks following either a stillbirth (after 24 weeks of pregnancy) or the death of their child (under the age of 18).

11.2 In this context, the definition of parent includes, in addition to biological and adoptive, the parent of a child born to a surrogate, and additionally extends to the partner of the child's or baby's parent, as long as the individual had day to day responsibility for the child or baby's care at the relevant time.

11.3 An eligible employee or worker can, from the first day of their employment, take leave for either one or two weeks (if two weeks these may be either continuous or separate) for each child who has died or was stillborn. Appropriate notice must be given (see below). This leave can start on or after the date of the death or stillbirth, and must finish within 56 weeks of that date.

11.4 If the employee was on another type of statutory leave (such as maternity leave) when the death or stillbirth happened, parental bereavement leave cannot commence until after that other leave has ended. However, if an employee's parental bereavement leave is interrupted by the start of another type of statutory leave, they can still take their remaining entitlement after that other leave has ended, as long as it is taken within 56 weeks of the date of death or stillbirth.

11.5 An employee must give notice for parental bereavement leave. The notice requirement is dependent upon the period in which the leave is taken. In the initial 8 weeks following the death or stillbirth, notice must be given before the time the individual would normally start work on the first day of the period they want to take off work, whereas for the period from 9 to 56 weeks after the death or stillbirth notice must be given at least one week before the commencement of the leave.

11.6 An employee giving notice should tell the employer:

- the date of the child's death or stillbirth
- when they want their parental bereavement leave to begin





- how much leave they are taking (either one or two weeks).
- 11.7 Such notice may be given informally, for example by phone, text message or email. The employer cannot ask for evidence of entitlement for leave, or details about the employee's relationship to the child or baby.
- 11.8 An employee may cancel their parental bereavement leave as long as they give no less than the required notice for taking leave.

## **12. Parental Bereavement Pay**

- 12.1 To qualify for statutory parental bereavement pay, the employee or worker must have been continuously employed for at least 26 weeks up to the end of the 'relevant week', which is the week (ending with a Saturday) immediately before the week of the death or stillbirth, and must earn (on average) no less than £123 a week (gross). They must also give the employer the correct notice.
- 12.2 Parental bereavement pay for an eligible employee or worker is set at the current statutory weekly amount or (if lower) 90% of the individual's average weekly earnings (tax and national insurance to be deducted as normal).
- 12.3 If an employee is asking for statutory parental bereavement pay, they must do so in writing (this may be either letter or email) within 28 days, starting with the first day of the week they want to claim pay for, specifying:
- their name
  - the dates of the period they want to claim statutory parental bereavement pay
  - the date of the child's death or stillbirth.
- 12.4 The employee will also need to give the employer a self-declaration to confirm they are eligible because of their relationship to the child or baby – they need only provide this once when they first ask for pay.

## **13. Other Policies and Procedures**

- 13.1 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.

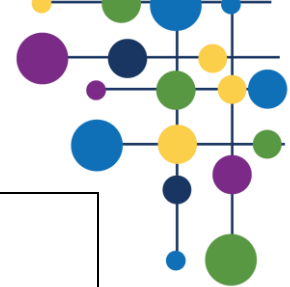
Note: All requests for leave are to be submitted to (and approved as appropriate by) the headteacher or nominated manager prior to the leave being taken.



## 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 flexible	Up to 3 days paid annually dependent upon when religious festivals fall.



	working provision (where appropriate) before making requests for leave of absence.	
Hajj	Obligatory Hajj	Up to 3 weeks unpaid – see section 5.
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  (See section 9 and 10 for parental bereavement)	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	Unpaid / paid



	discretion of headteacher/manager.	
House Removal	One day paid leave if the legal completion date is a working day and the date is outside the control of the staff member.	1 day paid
Driving Test	The expectation is that Driving Tests (Theory and Practical) will be taken during school holiday periods. In exceptional circumstances if approval is given for a term time test it will be unpaid.	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,	Paid



	approved as necessary.	
National Education Conferences	Conferences on educational matters, as may be permitted.	Paid
Trade Union duties	To be discussed at a local level, advice sought centrally as required.	
<b>Time off for Dependents</b>		
Illness, accident or injury Childcare arrangements for illness breakdown Child taken sick / accident at school Child-minder unavailable  Pre-arranged medical / dental appointment	Arrangements should be made before or after school or during school holidays where possible.	Up to 3 paid occurrences (lasting no longer than 1 day each)
Child not at school e.g., exclusion, boiler failure, Inset Day		Unpaid
Child's 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