



LEAVE OF ABSENCE POLICY & PROCEDURE

Version	1.0
Name of policy writer	Lucy Sykes
Date of last review	March 2025
Date of next review	February 2028
Approved by Trustees	5 th February 2026



SHARE MAT LEAVE OF ABSENCE POLICY

Contents

1. Policy statement.....	2
2. Scope	3
3. Legal and statutory framework	3
4. Roles and responsibilities	3
5. Absence entitlements.....	4
6. Requesting leave of absence	4
7. Annual leave for teachers.....	5
8. Annual leave for support staff	5
9. Other leave of absence	6
10. Unauthorised absence.....	7
11. Time off for dependents	7
12. Appeals.....	8
13. Equality statement	9
14. Linked policies	9
15. Schedule of amendment.....	9
Appendix 1: Leave entitlements for all staff.....	10

1. Policy statement

- 1.1 As a charity dedicated to educating children and young people, we ask staff to respect our priority to serve the pupils in our care, particularly during term time. We therefore expect staff to arrange leave of absence during the trust holiday periods, as far as possible. However, we also understand our duty of care to our colleagues and we will be sympathetic to reasonable requests for leave of absence.
- 1.2 Senior leaders are responsible for promoting a positive working environment and for ensuring that this procedure is implemented for the benefit of our pupils and colleagues.
- 1.3 Where possible it is expected that all staff will try to arrange leave of absence during the trust holiday periods. However, it is recognised that the nature of the working day and terms, limits the flexibility of staff to take leave for personal reasons.
- 1.4 It is also important to bear in mind that requests for leave must be considered against the overall working arrangements of the different categories of staff and, in particular, the need for arrangements to be made to cover such absences.

SHARE MAT LEAVE OF ABSENCE POLICY

- 1.5 This policy also serves to assist the headteacher and Trust Board when making decisions about requests for leave in accordance with legal, contractual and moral obligations.
- 1.6 There may be circumstances that do not fit the examples provided in this policy, in which case the responsible manager, usually a headteacher or service manager, will make a decision, taking advice as necessary.
- 1.7 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. 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 The timing of holidays must be in agreement with operational requirements. We recognise it may be helpful for some full-time employees to take some leave during term time, particularly if they need access to schools in holidays to undertake key duties.
- 2.4 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 (family leave).
- 2.5 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. Legal and statutory framework

- Employment Rights Act 1996
- Equality Act 2010
- Data Protection Act 2018
- Working Time Regulations

4. Roles and responsibilities

Leave of Absence – Scheme of Delegation

Trust board	<ul style="list-style-type: none">• To review and approve the Leave of Absence Policy & Procedure in line with the policy review cycle.• To handle leave of absence requests from the CEO.• May have to attend leave of absence request appeals.
-------------	--

SHARE MAT LEAVE OF ABSENCE POLICY

CEO	<ul style="list-style-type: none">• To handle leave of absence requests for executive leaders.• May have to attend leave of absence request appeals.
Executive leaders	<ul style="list-style-type: none">• To handle leave of absence requests for the headteachers.• May have to attend leave of absence request appeals.
Headteachers	<ul style="list-style-type: none">• The headteacher will handle leave of absence requests from employees they line manage.• May have to attend leave of absence request appeals.
Local governing body	<ul style="list-style-type: none">• May have to attend leave of absence request appeals.
Nominated absence leader	<ul style="list-style-type: none">• To handle leave of absence requests for employees and keep track of requests.

5. Absence entitlements

- 5.1 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.
- 5.2 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).

6. Requesting leave of absence

- 6.1 Requests for planned leave of absence should be made using the HR portal. This should be submitted to the nominated absence leader (NAL) or Headteacher and should include the full reasons for the request which make clear why the leave cannot be taken during a normal academy closure period, and the dates and length of the period of leave of absence requested.
- 6.2 The same process will be used by the principal/headteacher except that the request should be submitted to the executive principal who should then discuss all planned absences with the senior executive leadership team. In the case of the CEO, the request should be submitted to the Chair of Trustees.
- 6.3 The request should be made with as much notice as possible so that proper consideration can be given to the request and to enable appropriate cover to be arranged in the event of the absence being approved. Requests will be considered as soon as possible by the NAL/headteacher. Common reasons for requesting time off are:
- Parental leave
 - Compassionate leave
 - Time off for dependents
 - Reserve forces
 - Medical appointment or procedure

SHARE MAT LEAVE OF ABSENCE POLICY

- Religious observance
- Jury service
- Witness duty
- Union duties
- Public duties

- 6.4 The NAL/headteacher 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.
- 6.5 In all cases where leave of absence has been requested, any implications arising from the decision made should be discussed between the NAL/headteacher and the individual concerned. As this is a management decision there is no formal right of appeal against the decision made.
- 6.6 Many religions or beliefs have special festival or spiritual observance days in order to celebrate or attend ceremonies. We will consider such requests for leave sympathetically where it is reasonable and practical for the employee to be away from work. Leaders need to be aware that a 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.

7. Annual leave for teachers

- 7.1 There is no provision for annual leave entitlement for teachers. They are required by statutory order under the School Teachers' Pay and Conditions of Service Document to be available for work for 195 days each year, of which 190 shall be days on which they may be required to teach pupils.
- 7.2 The trust should not normally receive any requests from teaching staff to take a holiday within term-time and any requests within term time should be by exception.

8. Annual leave for support staff

- 8.1 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. This will be specified within an employee's contract of employment.
- 8.2 Where possible, support staff employed on full-year contracts are encouraged to try to arrange annual leave during school holiday periods. 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.
- 8.3 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 they have been given approval. Requests

SHARE MAT LEAVE OF ABSENCE POLICY

should be made via the HR portal 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 of 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.

- 8.4 The annual leave year for support staff on a full year contract runs from 1st September to 31st August.
- 8.5 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.
- 8.6 Permission may be withheld if holidays are requested at a time that is not appropriate for the efficient operation of the trust.
- 8.7 Staff may carry forward 5 days holidays into the next holiday period. Any exceptions must be approved by the line manager.
- 8.8 To assist in the planning of annual leave, the management team will consider the times of year where it is deemed support staff definitely need to be present and times where there may be more flexibility. There may also be occasions when the trust is closed for all staff, for example, during the Christmas period.

9. Other leave of absence

- 9.1 The trust will comply with any statutory regulations regarding allowance of time off for employees.
- 9.2 The trust recognises that there may be times when employees will need to take additional time away from work and will comply with any statutory regulations regarding time off for employees.
- 9.3 Employees seeking to take leave of absence must gain approval in advance of the leave commencing, from their NAL/headteacher.
- 9.4 In exceptional circumstances it may be necessary for employees to be absent from work before a request can be made and approved. In these circumstances the request should be made as soon as possible, with approval or non-approval of the request being made retrospectively.
- 9.5 There is no intention to remove any rights previously conveyed to employees. The granting of leave is at the discretion of the NAL/headteacher but approval will not be unreasonably withheld.
- 9.6 Where an employee wishes to challenge a decision, an appeal to the headteacher/Director of People & Improvement should be made.
- 9.7 The granting of leave will be monitored and reviewed on a regular basis to ensure the fair and consistent application of the procedures for all employees.

SHARE MAT LEAVE OF ABSENCE POLICY

9.8 There may be situations where paid leave is not appropriate, and in this case unpaid leave or time off in lieu arrangements may be considered.

10. Unauthorised absence

10.1 If an employee takes leave of absence without the prior consent of the NAL/headteacher this constitutes unauthorised absence and may warrant a sanction under the trust's Disciplinary Policy & Procedure.

10.2 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 & Procedure (or, where appropriate any adverse weather procedures) will be deemed to be absent without leave.

10.3 If a staff member fails to contact the NAL/headteacher during the first day of absence, the NAL/headteacher should attempt to contact the staff member by telephone to establish why they are not at work and when they will return to work. If attempts are unsuccessful, the NAL/headteacher should attempt to contact the emergency contact/next of kin for the staff member the same day.

10.4 If the NAL/headteacher 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 NAL/headteacher 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).

10.5 If there has still been no contact after five working days of absence, the NAL/headteacher should write to the staff member again, using recorded delivery.

10.6 This letter should:

- require that the staff member contact the NAL/headteacher 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.

10.7 If the staff member still fails to make contact within the specified period the NAL/headteacher should consider whether they require the staff member to attend an investigatory meeting to establish the facts of the case or to move straight to a disciplinary hearing.

11. Time off for dependents

11.1 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

SHARE MAT LEAVE OF ABSENCE POLICY

occurrences and emergencies. This section applies to all staff within the trust. In these circumstances, there is no qualifying period of service.

11.2 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 or termination to arrangements of care for a dependant
- make a necessary arrangement following the death of a dependant.

11.3 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.

11.4 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).

11.5 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.

11.6 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.

11.7 It is the responsibility of the member of staff to let the Trust know as soon as possible.

11.8 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 & Procedure.

Please refer to our Family Leave Policy & Procedure for further information about maternity, paternity, adoption, shared parental leave and other family related leave.

12. Appeals

12.1 If the request is refused, the member of staff may appeal to the CEO (or the trust board in the case of the CEO). The appeal should be made in writing within 10 working days of the original decision being given, stating the grounds for the appeal. The trust's staff complaints & grievance procedures will be used. There is no further level of appeal.

12.2 NOTE: All parties need to be mindful of the time that could be required for the decision making process, including any potential appeal.

SHARE MAT LEAVE OF ABSENCE POLICY

13. Equality statement

This policy adheres to the Equality Act (EA) 2010 and, in particular, its provisions relating to employees who have a disability. The Act requires employers to make reasonable adjustments to premises or working arrangements to facilitate access to work for disabled people and to enable an employee who is disabled or becomes disabled during the course of their employment to remain in work. Absence taken in relation to an employee's disability will be considered on a one-to-one basis and adaptations will be made, if necessary.

14. Linked policies

- Attendance Management Policy & Procedure
- Disciplinary at Work Policy & Procedure
- Grievance Policy & Procedure
- Family Leave (including shared parental leave) Policy & Procedure.

15. Schedule of amendment

Version No	Amendment

SHARE MAT LEAVE OF ABSENCE POLICY

Appendix 1: Leave entitlements for all staff

Reasons for absence	Period of absence (working days)	Paid or unpaid
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.	unpaid
Special leave		
Wedding – member of immediate family	Wedding of an immediate member of family, i.e. child, brother, sister, parent – as may be approved by NAL/headteacher.	1 day paid (annually)
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.	Paid/unpaid
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 trust/school. Individuals should make use of their annual leave provision (support staff only) and any flexible working provision (where appropriate) before making requests for leave of absence.	Up to 3 days paid annually on the specific date when religious festivals fall.
Hajj	Obligatory Hajj	Up to 3 weeks unpaid
Graduation ceremonies - self or immediate family	Graduation ceremony of self or any immediate family member receiving degree/award/prize.	1 day paid (annually)

SHARE MAT LEAVE OF ABSENCE POLICY

Funeral/ Bereavement / serious illness – close personal relationship	Maximum 3 days' paid leave except in exceptional circumstances where individual cases will be considered. Applicable to parents, spouse/partner, sibling or children or any other persons deemed appropriate by the NAL/headteacher.	3 days paid
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
Professional & public duty		
Jury service / witness in court	Time off paid as required, less court allowance.	Paid
Examiners	Attendance at meetings of examination board – as may be essential with the approval of the NAL/headteacher.	Paid
Statutory tribunals	Paid leave of absence if attending in official capacity. Deductions to be made for any allowance received.	Paid
Approved governing body duties	Attendance at a meeting of a governing body, approved as necessary.	Paid
Education conferences	Conferences on educational matters will be considered via school or trust CPD request procedure.	Paid if approved
Trade union duties	To be discussed at a local level, advice sought centrally as required.	Paid
Time off for dependents		
Illness, accident or injury / childcare arrangements for illness / breakdown child taken sick / accident at school / child-minder unavailable /	Arrangements should be made before or after school or during school holidays where possible.	Up to 3 paid occurrences in a rolling 12 month period (lasting no longer than 1 day each)

SHARE MAT LEAVE OF ABSENCE POLICY

child not at school e.g. exclusion, boiler failure, inset day		Unpaid
Child's school event	Up to half a day per occasion. Up to the total of 2 occasions.	Paid
Carers' leave		
For planned caring commitments	Up to one week in twelve months	Unpaid
Ante-natal		
Ante-natal appointments – expectant mother		Paid
Ante-natal appointments – partner of expectant mother		Up to 2 occasions – 1st occasion paid

NB: Headteacher or equivalent leader discretion may be applied for individual cases, please discuss with the central HR team.