



# **Leave of Absence Policy & Procedure**

<b>Document Control</b>	
Title	Leave of Absence Policy & Procedure
Date	September 2023
Supersedes	Leave of Absence Policy and Procedure October 2021
Amendments	Referenced and explained the definition of a “child”, clarification of types of leave of absence, documents required, clarity regarding requests for LOA and School Support Staff who are TTO and Teaching Staff that are not entitled to leave of absence during term time, within the “Scope and Definitions” Section.
Related Policies/Guidance	Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002, Work and Families Act 2006, Equality Act 2010, other “family friendly” policies, Attendance Management Policy, Disciplinary and Dismissal Policy, Equalities guidance.
Review	Every 2 years
Author	HR and People, One Education Ltd
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**Equality Statement:** - Under the public sector equality duty (PSED), all schools/academies must have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics. This means schools/academies must take into account equality considerations when policies are being developed, adopted and implemented.

The One Education HR and People team regularly reviews all policies and procedures which are recommended to schools/academies to ensure compliance with education and employment legislation including the Equality Act 2010. Consultation with schools/academies is an important part of this review process. Headteachers, Principals and Governing Bodies are asked to contact the HR and People team via the Helpline if they believe there are any negative equality impacts in their school/academy in relation to the application of this policy/procedure. Schools should also contact HR and People team if they need to access this policy in a different format.

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## 1. Introduction

- 1.1 This Leave of Absence Policy and Procedure (referred to as procedure only hereafter) is recommended for adoption by all maintained schools including community, voluntary controlled, community special, maintained nursery, foundation, foundation special and voluntary aided schools.
- 1.2 This procedure is also recommended for adoption by academies and free schools modified as appropriate and taking into account the particular circumstances of the relevant academy or free school. It will be made clear in this procedure where a provision is relevant to maintained schools only.
- 1.3 This Leave of Absence Policy and Procedure (referred to as procedure only hereafter) accords with education and employment legislation and nationally negotiated terms and conditions for both teachers and support staff. It also takes into account the provisions of the ACAS website "Rights and Responsibilities at Work", and the BIS guidance regarding "Time off to accompany at antenatal appointments" 2014. This procedure is also in accordance with both teachers and support staff terms and conditions.
- 1.4 This procedure sets out the entitlement and the steps employees need to take should they wish to make a leave of absence request.

## 2 Scope and Definitions

- 2.1 This procedure applies to all teaching and support staff employees including the Headteacher. It does not apply to self-employed staff, contractors, external consultants, agency staff and governors. However, **Section 9** for the right to attend antenatal appointments **does** apply to agency workers. The needs of the *School* are paramount however the aim of this policy is to ensure requests are considered fairly and consistently.
- 2.2 Where appropriate this procedure should be read in conjunction with the school's Maternity, Paternity, Adoption, Parental Leave Policies.
- 2.3 This policy does not cover requests for time off for training or continuing professional development (CPD) purposes.
- 2.4 For the avoidance of doubt, in this policy any reference to a "**school working day**" will have the following meaning: -
  - (a) **School Support Staff:** -any day during an academic year when a school is normally open for educational purposes or when staff are in attendance for training purposes, and
    - (i) in the case of staff contracted to work during term time only, **excluding** any day which falls on a Bank Holiday or within school holiday periods, and
    - (ii) in the case of staff contracted to work all year round, excluding any day which falls on a Bank Holiday but **including** any day which fall within school holiday periods.
  - (b) **School Teaching Staff:** - any day during an academic year when a school is normally open for educational purposes or when staff are in attendance for training purposes but **excluding** any day which falls on a Bank Holiday or within school holiday periods.

### 3 Key principles

- 3.1 The Governing Body recognises that there are times in the school working day and calendar when employees need time off to fulfil personal and/or professional commitments. The Governing Body is committed to promoting flexibility and developing working practices and policies that support work-life balance and wellbeing for employees, whilst recognising school need to provide a high-quality teaching and learning environment for pupils. The Governing Body also recognises that working flexibly can raise staff morale, improve wellbeing, reduce absenteeism, improve productivity and increase the retention of experienced and skilled employees.
- 3.2 All requests for time off will be considered on merit and the school will respond constructively, sensitively, and apply decisions fairly and consistently to all requests for leave of absence.
- 3.3 Previous requests for leave of absence and levels of attendance will be considered by the Headteacher in making a decision.
- 3.4 The responsibility for exercising discretion on behalf of the Governing Body is the Headteacher's. Where the Headteacher requests time off this will be considered by the Chair of Governors.
- 3.5 Leave of absence will normally be on an unpaid basis, unless otherwise specified.
- 3.6 The school will be mindful of its obligations and duties under the Equality Act 2010 and will be mindful of the protected characteristics in the Equality Act (i.e., age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity) in the application of this procedure and when considering flexible working requests.
- 3.7 All leave allowances will be applied pro rata to an employee's contracted hours, unless otherwise stated.
- 3.8 Entitlements will be based upon a 'rolling year' not an Academic year. For example, an employee can apply up to 3 days for childcare in a rolling year. To review entitlements for a request made in April you will look back 12 months from April to the previous April.
- 3.9 All leave of absence from work will be recorded and monitored to ensure that the entitlements are not exceeded and are applied and recorded appropriately. If there are concerns regarding the number of days that an employee has been absent during an Academic Year the school will have a welfare meeting to discuss those concerns in accordance with the School's Attendance Monitoring Policy.

### 4. Annual leave entitlement for Employees covered by Local Government terms and conditions

- 4.1 For support staff employed on a contract for 52 weeks per year, the leave entitlement is dependent on grade and continuous Local Government service. This **leave must be taken during the school holidays** unless specified otherwise within the terms and conditions of employment and must be agreed with the Headteacher or nominated person in reasonable time, prior to the leave being taken. Only in exceptional circumstances, **the needs of the service** and with the express consent of the Headteacher, can leave be taken at other times

- 4.2 The holiday year runs from 1st April – 31 March. All support staff on a 52 week per year contract *are encouraged to take their full entitlement within this period* and to comply with Working Time Regulations must take, as a minimum, the statutory 4 weeks holiday entitlement within the current leave year where a week's entitlement is equivalent to basic weekly contractual hours; this cannot be carried forward to the next leave year or paid in lieu.
- 4.3 Support staff employed on a 52 week per year contract may carry forward up to 5 days to the next annual leave year, provided this is done with the Headteacher's consent and that leave is taken prior to 31st May.
- 4.4 Support staff employed on a Term Time Only basis (less than a 52-week contract), are **NOT** entitled to any additional leave other than school holidays. Requests for Leave from your working days will not normally be approved, except in accordance with the provisions of this document.
- 4.5 Accrual of Leave during Absence. For the accrual of leave during periods of maternity, adoption, paternity, shared parental and parental bereavement leave and sickness absence please refer to the appropriate policy.
- 4.6 In the event of long-term sickness absence where an employee has been unable to take their leave entitlement in the leave year it is accrued a maximum of the statutory 4 weeks can be carried forward but must be taken within a maximum period of 18 months following the return.

## 5. Teachers' working time

- 5.1 A Teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days on which they may be required to teach pupils and perform other duties and 5 days must be days on which they may only be required to perform other duties. The same applies for a Teacher employed part-time, except the number of hours they must be available for work must be a proportion of full-time hours.
- 5.2 In addition to the hours a teacher is required to be available for work, they must work such reasonable additional hours as may be necessary to enable them to discharge effectively their professional duties.
- 5.3 These provisions do not apply to Deputy Headeachers, Assistant Headeachers, Advanced Skills teachers or teachers in receipt of an acting allowance for carrying out the duties of a Headteacher, Deputy Headteacher or Assistant Headteacher.
- 5.4 Teaching staff are **NOT** entitled to any additional leave other than school holidays. Requests for Leave from your working days will not normally be approved, except in accordance with the provisions of this document.

## 6. Application to take leave

- 6.1 Where leave of absence is considered necessary only minimum periods of leave should be requested. This is particularly relevant to those provisions that provide for up to a given maximum – **the stated maximum must not be seen as the norm or as a given that it will be approved.** It is incumbent on the Headteacher when considering leave of absence, to take account of the effect on the school and **whether the employee could reasonably have made other arrangements which would not interfere with their duties.**
- 6.2 Applications for leave of absence should always be submitted to the Headteacher on the approved leave of absence application form **See Appendix A.** The maximum possible notice of proposed absence should always be given and at least 10 school working days' notice. This would apply for **All Year Round employees** where they have a **statutory entitlement to**

**leave of absence** in accordance with their contract of employment. They may also be required to work during holiday periods and therefore have to take some of their annual leave during term time with the prior agreement of the Headteacher.

- 6.3 In cases of extreme necessity, where an employee is compelled to absent themselves without having obtained in writing prior consent the member of staff must notify the Headteacher of the school at once using the school's usual absence reporting procedure and must complete a leave of absence application form as soon as possible after return to duty.
- 6.4 Any additional leave requested or for reasons not outlined in the policy will be considered on its own merits and circumstances.
- 6.5 The granting of leave whether paid or not, will not necessarily set a precedent for other cases.
- 6.6 Approved absence may be with or without salary. If with salary this shall be reduced by an amount equal to any allowance in respect of loss of earnings which the employee is entitled to claim from any other source, whether or not the employee actually claims the allowance.
- 6.7 Absence requests that have been arranged to take place during term time by a third party without the employee's knowledge are not exempt from the leave of absence process and would not routinely be granted. It is the employee's obligation to notify their family/friends that they are not permitted to take leave of absence during term time (regardless of pay) as outlined in this policy. Transport and accommodation MUST NOT be arranged prior to completing the leave of absence process and the request being approved.

## 7. Time off for emergencies relating to dependants

- 7.1 The Employment Rights Act (ERA) 1999 provides all employees with the right to take reasonable **unpaid** time off to deal with certain unexpected or sudden emergencies relating to dependants.
- 7.2 A dependant is someone who depends on the employee for care and could include:
  - Spouse, partner or civil partner
  - Child
  - Parent
  - Someone who lives in their household (excluding tenants or lodgers)
  - Would rely on them for help in the event of an accident, illness or injury, such as an elderly neighbour
- 7.3 An unexpected event or sudden emergency may include:
  - Where a dependant falls ill, is injured or assaulted (this could be as a result of a deterioration of an existing condition) or has to go to hospital unexpectedly.
  - There is an unexpected disruption or breakdown of care arrangements for a dependant – e.g. the nursery, school or nursing home has to close unexpectedly or a childminder fails to turn up as arranged.
  - There is an unexpected incident involving a child during school hours
  - There is a death of a dependant. (In the event of the loss of a child, please refer to the school's Parental Leave Policy September 2023).

- 7.4 Employees may be granted up to 3 days' paid leave in any one 'rolling' year to look after a dependant, in an emergency, where there is no alternative care available. The Headteacher may consider extending this having taken into account individual circumstances however any extension of this would not normally be with pay.
- 7.5 For the purpose of this leave "Child" is a child under 16 years of age or up to the age of 18 years if the child is disabled. A disabled child is "A child can be considered to be disabled if he or she has significant problems with learning, communication, comprehension, vision, hearing or physical functioning (Children Act 1989)".
- 7.6 Where there is more than one parent or carer for a child, when caring for a sick child or dealing with an unexpected event or emergency, there will be an expectation that employees endeavour to share this responsibility and requests for leave will be considered accordingly.

## **8. Compassionate, domestic emergency or exceptional leave**

- 8.1 Employees may be granted up to 3 days' paid leave in compassionate, emergency or exceptional circumstances, such as bereavement or serious illness of immediate family members (including immediate step-family and immediate in-laws), or in the event of a domestic emergency such as fire, flood, burglary in any one 'rolling' year. The leave is to deal with the immediate issues and to sort out long term arrangements if necessary. In some cases, a longer period of absence may be approved on an unpaid basis.
- 8.2 With effect from 1<sup>st</sup> April 2020 employees who are primary carers of and who have lost a child under 18 years or suffered a still birth after 24 weeks of pregnancy, are entitled to statutory parental bereavement leave of up to 2 block weeks in addition to and following any maternity, paternity, shared parental and adoption leave and pay entitlement as outlined in those policies. Statutory parental bereavement is paid at statutory rate for employees with more than 26 weeks' continuous service ending at the relevant week and unpaid for those with less than 26 week's continuous service. This leave must be taken within a period of 56 weeks beginning with the date of the child's death. Please refer to the Parental Leave Policy in these circumstances.
- 8.3 In addition to the paid leave permitted for bereavement time, consideration may also be given to extended unpaid leave for reasonable travelling time to attend the funeral of a close relative should there be an extensive journey.
- 8.4 Consideration will be given to one day's unpaid leave to attend a funeral if leave is requested for a distant relative or friend, extended leave may be granted for reasonable travelling time to attend the funeral should there be an extensive journey.

## **9. Time off for significant events**

- 9.1 The Governing Body recognise that from time-to-time employees may wish to attend a significant event during term time such as a graduation ceremony for a son or daughter or the wedding of a close family member. The Headteacher may grant one day's paid leave in a school year in order to attend a significant event. Employees must seek the express permission of the Headteacher for paid leave in advance of the event. The operational needs of the school will be considered before granting leave and there may be times when the Headteacher will need to refuse such a request.



## **10. Time off for dental and medical appointments**

- 10.1 All school employees, where possible, are expected to make dental and medical appointments (including professional therapy, treatment and screening etc) out of school time. Where this is not possible, appointments should be made at times likely to cause least operational disruption to school and pupils and with agreement from the Headteacher. In exceptional emergency circumstances, reasonable paid time off may be allowed at the discretion of the Headteacher, however, in most cases time off to attend appointments will be without pay.
- 10.2 It is accepted that most initial hospital appointments are not within an employee's control, however, where possible any further appointments should be made outside of the employee's working hours or, with agreement, at the beginning or at the end of the school day to minimise the impact on the delivery of service.
- 10.3 A Headteacher or relevant manager may request proof of appointment or treatment plan, such as a hospital letter or appointment card etc. This applies equally to accompanying a child or dependant to an appointment.

## **11. Blood Donation**

- 11.1 Should an employee wish to give blood at a local donation session, (which are typically every 4 months), subject to adequate notice, the Headteacher has discretion to grant one hour's unpaid time off work. A request to attend may be refused due to school needs and operational requirements. If a request is approved it is an employees' own responsibility to pre-book and make their own transport arrangements to attend a local session.

## **12. Elective Medical Treatment**

- 12.1 Elective treatment such as cosmetic surgery will not be treated as sickness absence unless medical evidence is provided in advance confirming such treatment is necessary due an impact on an employee's physical/mental well-being.
- 12.2 Employees should use school holiday periods for any time take off work to undergo elective treatment including any normal expected recovery period. Any unforeseen complications, which may extend the initial expected recovery time, may be treated as sickness absence if supported by a medical certificate.
- 12.3 NB - In accordance with equality legislation gender re-assignment surgery will be considered as sickness absence and managed sensitively and reasonably in accordance with the Equality Act 2010 and school's Attendance Management Policy.

## **13. Time off for fertility treatment**

- 13.1 Employees have no statutory right to paid time off for fertility treatment appointments. However, the Headteacher will deal sensitively and reasonably with requests to unpaid time off in line with the provisions of this policy. Any requests to attend fertility treatment appointments or related sickness absence will be considered within the provisions of this policy and the school's Attendance Management policy.

## **14. Time off for ante-natal appointments**

14.1 Maternity Regulations provide the right for all women to take reasonable paid time off to attend antenatal care appointments. Pregnant staff must produce evidence of appointments if requested to do so by their line manager or Headteacher and where possible, appointments should be made at times that will cause the least disruption to the school/academy and pupils.

## 15. Time off to accompany expectant mothers to antenatal appointments

15.1 An employee or agency worker who has a "qualifying relationship" with a pregnant woman or her expected child is entitled to take time off during their working hours to accompany the woman to ante-natal appointments. A qualifying relationship includes an expectant father or the partner (including same sex) of a pregnant woman. A "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination.

15.2 The right is to take **unpaid** time off work for this purpose.

15.3 Employees qualify for the right from the first day of employment as there is no qualifying service period.

15.4 Employees accompanying the expectant mother to her ante-natal appointments are entitled to unpaid leave for up to two appointments. The time off is capped at six and a half hours for each appointment and the appointment has to be for ante-natal appointments and not holistic appointments such as yoga, well-being sessions.

15.5 The Headteacher is not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card. However, they are entitled to ask the employee for a declaration stating the date and time of the appointment, that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

15.6 For support staff, Maternity Support Leave of 5 days with pay shall be granted to the **child's father or the partner or nominated carer** of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth. This could be the mother's mother, a friend, a neighbour, a close relative but not the biological parent of the child or partner of the mother. Please note that employees cannot take both Paternity Leave and Maternity Support Leave.

## 16. Time off for religious observance

16.1 A **maximum** of three days' paid leave per rolling 12 months will normally be granted to observe the days of obligation for the main religious festivals e.g. Eid, Diwali and Passover where these fall in term times. Should the festival fall during holiday periods the time is not 'owed' to the employee.

16.2 Employees must submit their request in writing and give as much notice as possible. The Headteacher will be sympathetic and give serious consideration to requests. However, where reasonable notice is not given or if the request makes the service delivery difficult, the Headteacher has the right to refuse the request.

16.3 At times, extended leave of absence for religious observance may be requested, for example, individuals may request a period of time off for Hajj. Individuals should submit their request in writing with plenty of advance notice with the reason, duration and return to work date to the Headteacher, who will give serious consideration to their request. Such extended leave will be without pay if granted. Absence requests that have been arranged to take place during term time by a third party, without the employees' knowledge, such as a planned Hajj escorted tour/journey are not exempt from the leave of absence process. It is the employee's obligation to notify their family/friends that they are not permitted to take leave of absence (regardless of pay) during term time as outlined in this policy. Transport and accommodation **MUST NOT** be arranged prior to completing the leave of absence process and the request being approved.

## 17. Extended leave of absence

17.1 Requests for longer periods of leave will be considered on an unpaid basis, for example, in the case of a lengthy period of caring for a chronically sick, disabled, or terminally ill, dependent relative. Extended leave may be for up to a year's duration depending on the circumstances. Sufficient notice that allows the appointment of a temporary replacement post-holder should be given wherever possible.

## 18. Service with Auxiliary Forces

18.1 Volunteer members of UK Armed Forces are allowed two weeks' paid leave to attend an annual summer camp. Teaching and term time only staff are only granted paid leave if the force's unit cannot arrange exercises during holiday periods. Confirmation of these circumstances will be required.

## 19. Mobilisation

19.1 When Reservists are needed to fulfil their part of the UK's defence strategy, they are 'mobilised' or 'called out' into full time service with the regular forces or military operations and have a statutory right to be released from work to undertake this duty. While the Reservist is mobilised the school does not have to continue to pay them, the Ministry of Defence (MOD) will pay their salary. For further information on mobilisation, please refer to the DRM (Defence Relationship Management) website: <https://www.gov.uk/government/groups/defence-relationship-management>

## 20. Attendance at court proceedings

### 20.1 Jury Service

The school cannot refuse time off for employees who have been summoned for Jury Service. Leave to carry out jury service will be granted where notice from the court has been received and a copy of the notice letter should be provided to the employees' line manager no later than 7 days after its receipt.

Employees are however required to claim the allowance for loss of earnings from HM Courts & Tribunals Service (HMC&TS) and an equivalent amount will be deducted from the employee's salary. This means that the employee is not disadvantaged and receives the equivalent of their normal salary for the period of Jury Service. A failure to claim or advise the school's payroll provider of the amount of allowance received may result in full pay being deducted for the period of absence.

Employees will be expected to attend work as normal if they are not required to attend the service for any full or half working days where it is reasonably practical to expect them to return to the workplace. The length of Jury Service is determined by the court.

### Deferment of Jury Service

In exceptional and extenuating circumstances where it is not permissible to release an employee at the time called for jury service the school may request that the employee make arrangements for the jury service to be deferred. It is however recognised that the Courts decision on any deferment is final.

The school will not support an application for deferment where an employee doesn't wish to undertake the public duty.

## 20.2 Witness summonses and subpoenas

Time off to attend court as a summoned or subpoenaed witness is not discretionary. Any witness expenses **must** be claimed and declared to the relevant payroll provider. Failure to do so may result in pay being stopped for the relevant period. Time off to attend court as a voluntary witness is discretionary. The Headteacher will consider the individual circumstances including the impact on the school and the cover arrangements.

## 21. Public Duties

21.1 There is no statutory requirement to pay employees who fulfil public roles. However, the Governing Body takes seriously its corporate social responsibility to support its community by recognising the value our staff add in undertaking their public duties and its contribution to their personal development.

21.2 Accordingly, the Headteacher has discretion to allow up to 10 days' paid leave per annum to carry out the duties of the office of Leader, Mayor, JP or Chairman of Local Authorities. For employees who are school or college Governors, up to 3 days' paid leave per annum will be granted. In addition, reasonable unpaid leave may be granted for employees carrying out public duties.

### 21.3 Definition of public duties

- A magistrate (also known as Justice of the Peace)
- A local councillor
- Member of local authority
- A school governor
- Member of managing or governing body of an educational establishment
- Member of the General Teaching Councils for England and Wales
- Member of a statutory tribunal
- Member of a health authority
- A member of a school council or board in Scotland
- Member of the Environment Agency or the Scottish Environment Protection agency
- Member of Police Authority
- Member of prison independent monitoring board (England and Wales) or a member of the prison visiting committees (Scotland)
- A member of Scottish Water or a Water Customer Consultation Panel

- Member of a trade union (for trade union duties)

## **22. Time off for Trade Union duties**

22.1 The school recognises the legal requirement for employers to allow reasonable time off work for the school's elected representatives of recognised trade unions to carry out their duties. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work;
- consultation on redundancy and dismissal arrangements;
- meetings with school management or LA officers on matters of joint concern;
- representing a union member at formal grievance, attendance, capability or disciplinary interviews or meetings;
- attendance at relevant training courses organised by the trade union.

22.2 Time off should be considered in conjunction with the school's Trade Union facility agreement.

## **23. Study leave**

23.1 For employees who are sitting examinations relevant to their current post or career, a request for study leave may be submitted. This is to be agreed with the Head teacher and is paid leave.

## **24. GCSE duties & activities**

24.1 Teachers who are engaged in activities for examining groups may be released with pay by the school where they satisfy the conditions set out in appendix II of the Burgundy Book, Memorandum of Agreement for the Release of Teachers.

## **25. Moving house**

25.1 Where possible arrangements should be made for the move to take place outside normal school days. Where this is not possible an employee may be granted one day's paid leave. The Headteacher's agreement must be sought beforehand.

## **26. Emergency school closure / Adverse weather conditions**

26.1 There may be circumstances when an employee is unable to attend work due to bad weather but the school remains open as usual. All reasonable effort should be made to attend work. Alternative arrangements may be agreed with the Headteacher, e.g. working from home or at a different location. Where this is not possible, non-attendance will be treated as unpaid leave.

26.2 If the school is closed for health and safety reasons or other emergency reasons as determined by the Headteacher or Chair of Governors and employees cannot work from home or at another location, time off with pay will be granted for the duration of the disturbance.

## **27. Interviews**

27.1 An employee may take up to one day's paid leave for an interview, subject to a reasonable total within any one term. The Headteacher's agreement must be sought beforehand.

27.2 Time off to attend any induction or meetings at a new school or employee will be at the discretion of the Headteacher which may be either paid or unpaid depending on the level of

new role, period of time requested and in consideration of the impact of the requested leave on the operation of the school.

## 28. Holidays in term time

28.1 Holidays in term time are not permitted and will be granted **only** in very exceptional circumstances. Employees must not therefore book holidays in term time without the express written permission of the Headteacher. Absence requests that have been arranged to take place during term time by a third party, without the employees' knowledge, are not exempt from the leave of absence process. It is the employee's obligation to notify their family/friends that they are not permitted to take leave of absence (regardless of pay) during term time as outlined in this policy. Transport and accommodation **MUST NOT** be arranged prior to completing the leave of absence process and the request being approved.

## 29. Unauthorised Absence

29.1 If an employee absents themselves without the prior consent of the Headteacher this may warrant an investigation under the school's Disciplinary procedure.

2792 If an employee, returning from a holiday abroad or an extended leave for religious/cultural reasons, and are delayed in returning from the country they have visited, for reasons out of their control, such as transport strikes, delayed flights, an emergency in the country or family/personal accident etc. and this delay takes them into the term time, then in such circumstances it is the responsibility of the employee to contact the headteacher as soon as they are aware of the situation, maintain communication and to keep the absence to a minimum of any unforeseen stayover.

29.3 On their return to work the headteacher will consider the reasons for the delay, the employees initial planned trip taking into consideration whether there maybe flight delays and their efforts to return to work. The days absent from work will be unpaid and consideration will be given whether the absence requires an investigation under the school's disciplinary procedure.

## 30. Disability Leave

30.1 Leave of absence may be granted at the discretion of the Headteacher/ Service Manager/Senior Manager for time off work for a reason related to an employee's disability. Disability Leave is not a right, each case will be considered on its merits and leave may be granted with or without pay. In order to qualify for Disability Leave, an employee must be disabled within the meaning of the Equality Act 2010.

30.2 The period of disability leave will be agreed between the employee and the Headteacher/Service Manager/Senior Manager and will depend on all the facts and circumstances of the particular case.

30.3 Disability Leave will cover cases where an employee is well but needs to take time off work for treatment, rehabilitation or assessment related to his/her disability. This may include cases where an employee needs to be absent from work for a routine assessment or a hospital or specialist check- up. It may also cover cases where an employee needs a period of time off work for recuperation and/or rehabilitation, for example following an operation or a blood transfusion relating to his/her disability.

- 30.4 Disability Leave may be planned or unplanned. It may be for a short time or for a longer period. Where disability leave is planned, the employee must produce evidence of the appointment or treatment and must agree to the Headteacher/Service Manager/ Senior Manager seeking further information and evidence if it is considered appropriate. This may include obtaining advice from a GP, specialist or from Occupational Health. Employees who can control the timing of their appointments/treatment must consider the needs of the Organisation and if possible, arrange appointments outside of the normal working day.
- 30.5 Where disability leave is unplanned, evidence relating to the leave must be obtained by the employee and provided to the Headteacher/ Service Manager/Senior Manager as soon as reasonably practicable.

## **31. Sabbaticals/Career breaks**

- 31.1 The Governing Body recognises employees may wish to take an unpaid break from work for an extended period of time to either study, travel, volunteer abroad or look after children until school age. Requests for an extended break to seek employment elsewhere will not be considered.
- 31.2 The Governing Body is committed to retaining valuable employees in whom it has invested; such requests will be considered providing that they have with a minimum of 5 year's continuous service may request a break of up to 1 year's duration.
- 31.3 In consideration of a request the Governing Body will consider the operational and school requirements including the impact on the quality of teaching and learning provision for pupils, the need for continuity of the post and the ability to provide adequate cover.
- 31.4 Any such agreed breaks will be unpaid.
- 31.5 The break does not count towards continuity of service and therefore is no accrual of terms and conditions such as annual leave; sick pay etc. Any outstanding leave must be taken prior to the commencement of the break.
- 31.6 If a request is approved the Head Teacher will agree with employees in advance terms of communication whilst the employee is on a career break and in the event of redundancy the school will follow the school's Restructure and Redundancy Policy.

### **31.7 Notification Procedure**

Requests must be put in writing at least 3 months' in advance of the date from which it is planned to take effect.

### **31.8 Return Notification Procedure**

Employees must give 3 months' notice of their return and it cannot be guaranteed that the employee can a return to their previous job with the same terms and conditions, however, where possible the school will endeavour to find a role of broadly similar status and nature. Prior to the return, employees will be subject to satisfactory enhanced DBS checks and medical clearance in case of any update/change of situation during the time away from the school.

## 32. Appeals

32.1 Employees have the right of appeal against the Headteacher's decision to refuse an application for leave of absence in writing within 10 days' of the date of the decision letter to the Clerk to Governors whose details will be outlined in that letter. Headteachers can appeal to a Governors Appeal Committee. The Headteacher or Chair of Governors will need to objectively justify why they have refused any request and the Chair of Governors or Appeal Committee decision is final. All appeals should be submitted in writing on the appeal form (**Appendix B**). The Chair of Governors/the Appeal Committee will decide whether it is appropriate for a meeting to be held with the employee which will be arranged as soon as practicable following receipt of the appeal. In any event the Chair of Governors/the Appeal Committee will confirm the outcome of the appeal in writing as soon as practicable following receipt of the appeal. During the course of the appeal process the original decision will stand and at appeal can be confirmed or revoked. The decision of the appeal is final Appendix A - Leave of Absence Request Form



## Appendix A - Leave of Absence Request Form

All applications should be made at least 10 working days prior to absence

<b>Name:</b>			
<b>Job Title / Department:</b>			
<b>Date form submitted:</b>			
<b>1. What is the reason for your request? (Please supply as much detail as possible) Where your reason is particularly confidential, you should give brief details and be prepared to amplify these at a meeting)</b>			
<b>2. What is/are the date(s) and time requested for the leave of absence? <i>Please specify if any duties / out of school activities will require cover if leave request is approved</i></b>			
<b>3. In your opinion, what arrangements could be made to accommodate your leave of absence? (Please consider issues such as the impact on services to pupils, on your own workload and on that of your colleagues. Please suggest ways in which, in your view, these issues could be addressed).</b>			
<p>Please return this pro forma to the Headteacher as soon as possible. Please also retain a copy of this pro forma for your own records.</p> <p><b>Unpaid leave is not pensionable therefore the taking of unpaid leave will have pension implications. Further advice can be sought from Teachers Pensions (<a href="http://teacherspensions.co.uk">teacherspensions.co.uk</a>) or LGPS (<a href="http://lgps.org.uk">lgps.org.uk</a>)</b></p>			
<b>Signed Employee:</b>		<b>Date:</b>	
<b>Received by Headteacher:</b>		<b>Date:</b>	
<b>Authorised by the Headteacher &amp; returned</b>		<b>Date:</b>	
<b>Paid</b>	<b>Yes/ No</b> – delete as appropriate	<b>Date to Payroll:</b>	

## Appendix B - Leave of Absence Appeal Form

Please complete this form if you are dissatisfied with the outcome of your Leave of Absence Request. Please return the form with any supporting documents to the Appeal Manager /Committee within 10 school working days of the date of the letter of your application.

<b>Name:</b>			
<b>Job Title / Department:</b>			
<b>Date form submitted:</b>			
<b>1. What is the reason for your appeal? (Please supply as much detail as possible including why you disagree with the reasons for the rejection of your leave of absence request )</b>			
<p>Please return this pro forma to the Appeal Manager as outlined in your original decision letter within 10 days of the date of your original decision letter. Please also retain a copy of this pro forma for your own records.</p> <p><b>Unpaid leave is not pensionable therefore the taking of unpaid leave will have pension implications. Further advice can be sought from Teachers Pensions (<a href="http://teacherspensions.co.uk">teacherspensions.co.uk</a>) or LGPS (<a href="http://lgps.org.uk">lgps.org.uk</a>)</b></p>			
<b>Signed Employee:</b>		<b>Date:</b>	
<b>Received by Appeal Manager:</b>		<b>Date:</b>	
<b>Leave of absence granted</b>	<b>Yes/No</b> - delete as appropriate	<b>Date:</b>	
<b>Paid</b>	<b>Yes/ No</b> – delete as appropriate	<b>Date to Payroll:</b>	

## Appendix C – Entitlements by Type of Leave

(All leave requests are subject to the approval of the headteacher) Before agreeing or refusing leave requests this document should be read in conjunction with the main policy.

TYPE OF LEAVE*	STATUTORY REQUIREMENT	NOT STATUTORY	PAID	UNPAID	PARAGRAPH
Annual leave entitlement for Local Government staff	X		X		4
Time off to care for dependents in emergency	X		X (up to 3 days)	X Any additional days	7
Compassionate, domestic emergency or exceptional leave	X		X (up to 3 days)		8
Time off for significant events		X	X (up to 1 day)	X (up to 1 day)	9
Time off for dental and medical appointments		X		X	10
Time off for fertility treatment		X		X	11
Time off to attend ante-natal appointments	X		X		12
Time off to accompany expectant mothers	X			X	13
Time off for religious observance		X	X (up to 3 days)		14
Extended leave of absence		X		X	15
Service with Auxiliary Forces	X		X		16
Mobilisation	X			X	17
Attendance at court proceedings	X			X	18
Public duties		X	X (up to 3 days)		19
Time off for Trade Union duties	X		X		20
Study leave		X	X		21
GCSE duties and activities	X		X		22
Moving House		X	X (up to 1 day)		23
Emergency school closure		X	X		24
Interviews		X	X		25

## Appendix D - Leave of Absence Refusal Letter Template

It is advised that you contact One Education HR & People prior to refusing leave

Private and confidential

<Employee name>

<Address>

<Date>

Dear <employee name>,

Re: Leave of absence request

Thank you for submitting your leave of absence request on **<date of submission>** and attending the meeting on **<date >**.

You have requested leave from **<insert date(s)>** to **<insert date(s)>** for **<insert the request reason>**.

In accordance with the **school/Academy's** leave of absence policy all leave of absence requests are considered on their own merits and the circumstances at the time of the request. Additionally I have taken into account the impact of your absence would have on the **school/academy**, your colleagues and pupils.

After careful consideration I have made the decision to refuse your application due to **<insert reason>**

***eg Employees of <name> school are not permitted to take holidays in term time and this is stated in their contract of employment / staffing in school on that day is already low due to earlier requests being granted /our statutory duties including staffing ratio's to ensure pupil welfare and safeguarding would be compromised and leave the team vulnerable /You have exhausted your entitlement to <type of leave>***.

I am sorry if this disappoints you however I must ensure the needs of the **school / academy** and the needs of our students are met on a daily basis.

If you wish to appeal against my decision please appeal in writing within 10 working days of this letter to the Clerk to Governors, **<insert name and contact details>**.

I must remind you that if you do not attend work on any days you have requested leave, this will be deemed as unauthorised absence and you may be subject to disciplinary proceedings.

Please contact me if you wish to discuss this matter further.

Yours sincerely

<name>

Headteacher/Principal