



Leave of Absence Policy and Procedure

Authority Guidelines on Staffing Procedures for Community, Voluntary Controlled, Community Special Schools and Early Years Centres (and those adopted by Governing Bodies of other maintained or non-maintained schools)

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Leave of Absence Policy and Procedure

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1. Introduction

This local agreement is produced following consultation with Teachers' Professional Associations and Green Book Unions in respect of non-contractual leave of absence for all school employees.

The policy allows both Governing Bodies and the Local Authority to adopt a fair and consistent approach when receiving requests from all employees in school for leave of absence.

High levels of attendance support teaching programmes, pupils learning and other areas of schoolwork. The Governing Body is committed to managing attendance so that any disruption to the pupil's education or the effective running of the school is minimised. Equally, it recognises that during the course of employment, colleagues will occasionally be absent from work through ill health, maternity and other authorised circumstances. This policy focuses on other areas of authorised absence.

Absence of any employees employed in school during term time means some impact on the children's education. Therefore, requests from any member of staff for absence to be taken during term time must be regarded by all as the exception. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will not be granted.

The Director of Children's Services, following consultation with Teachers' Professional Associations and Green Book Unions, has delegated the authority to grant leave of absence with or without pay to Governing Bodies. It is recommended that the Governing Body delegates this responsibility to either the Headteacher or the Chair of Governors.

The Diocesan Director of Education for the Diocese of Chester and the Director of Education for the Diocese of Shrewsbury Education Service have recommended that in Aided Schools and Academies the Governing Body should delegate this responsibility to a Staffing or Personnel Committee who would decide requests for leave of absence.

To allow the policy to be easily followed, a table has been attached as Appendix 1 with clearly marked Paid Leave of Absence and Unpaid Leave of Absence. For ease of reference it has been split into the categories, Professional and Personal.

NB Do not forget to record all absences on Self-Serve (or the appropriate form from your payroll provider).

The provisions within this policy are not exhaustive, and if any requests for leave fall outside this policy, Headteachers or Governors should refer the matter to the school's Human Resources advisers in the first instance.

2. Requesting leave of absence

All requests for leave of absence must be made using the attached pro-forma. Please see Appendix 4.

3. Appeal procedure

In the case of an appeal against a decision of the Headteacher or Chair of Governors (see 1 - Introduction) to grant leave of absence with or without pay, the appeal should be considered by the school's Appeal Committee, please see Appendix 5.

4. Responsibility of the Headteacher, Chair of Governors and Governing Body

The Headteacher or Chair of Governors may grant Leave of Absence with pay for up to 5 working days (pro-rata for part time workers) in any one academic year in respect of absences as outlined in Appendix 1. In making a decision the Headteacher or Chair of Governors will take into consideration both the difficulty and cost of obtaining supply cover. In applying a maximum approval, the academic year will commence on 1 September and finish on 31 August.

NB Only in exceptional circumstances can the Headteacher or Chair of Governors grant leave of absence either with pay or without pay in excess of 5 working days.

5. Applying for leave of absence

Applications from employees for leave of absence for reasons other than those outlined in Appendix 1 should be referred in writing to the Headteacher or Chair of Governors (see Section 6 – Procedure for Requesting Leave of Absence).

5.1. Medical and dental appointments

It is expected that dental and medical appointments will be made out of school hours wherever possible. It is recognised that in some circumstances, such as an appointment being expected from a hospital, that this may not always be possible. However, appointments in work time should be kept to a minimum and cause as little disruption as possible.

5.2. Notice for requesting leave of absence

Employees should give as much notice as possible bearing in mind that some reasons cannot be forecast. In these circumstances, applications should be submitted retrospectively, as soon as possible after the event.

Requests for leave of absence will be considered, taking into account:

- the principles of this policy
- the best interests of the children's education and the needs of the school
- treating staff in a fair, reasonable and consistent way
- national and local terms and conditions of employment

NB Where the application for leave of absence refers to relatives of the first degree, this is taken to mean:

- husband or wife, civil partner or permanent partner
- brother or sister

- parents or corresponding relatives-in-law
- child or children

Additionally, the Governing Body has decided to include grandparents or other relatives and carers who have taken on the main caring role for people, who are not related but occupy a similar position in the family. In order to support the request for leave of absence, the employee will be expected to provide information in relation to their family circumstances.

6. Foster caring

The Governing Body has the discretion to grant up to the equivalent of 5 days' leave of absence with pay (pro-rata for part time workers) in any one academic year.

- up to 5 days' paid leave for employees who are going through the application process to become a foster carer, as part of the fostering assessment process
- Up to 5 days' paid leave each year for employees who are foster carers, in order to attend training related to their position as foster carers, or to attend meetings, panels, hearings or any other key events or activities in support of foster children and young people in their care
- further support to cover any extra training which may be needed or to cover unforeseen emergencies related to their fostering role remains at Headteacher's or Governor's discretion

7. Carer's Leave

This leave is a day-one right, available to all employees without any qualifying period (a day one right). It applies to anyone caring for a spouse, civil partner, child, parent or other dependant (this does not have to be a family member) who needs care because of a disability, old age or any illness or injury likely to require at least three months' care. **Employees do not need to give evidence of their dependant's care needs.**

This leave is unpaid. The maximum duration of the leave is one week per year. An employee **can either take a whole week off or take individual days or half days** throughout the year.

Employers cannot deny an employee's request for carer's leave, but they can ask the employee to take it at a different time if the impact on school operations would be unduly disrupted. The postponement cannot be longer than 1 month. **The employer must put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave.**

Employees need to give their employer notice before they want their leave to start. **If the request is for half a day or a day, the notice period must be at least 3 days.**

If the request is for more than one day, the notice period must be at least twice as long as the requested leave.

NB. The request does not have to be in writing.

8. Procedure for requesting leave of absence

Give as much notice as possible:

Planned – as soon as possible or minimum of 10 working days is expected

Unplanned – at the earliest opportunity

A leave of absence request form must be completed and submitted to the Headteacher or Chair of Governors (as appropriate).

Then, as appropriate, A, B, C or D below:

A

Paid leave of absence outlined in Appendix 1

- Headteacher or Chair of Governors (as appropriate) to approve or reject

B

Unpaid leave of absence outlined in Appendix 1

- Headteacher or Chair of Governors (as appropriate) to approve or reject

C

Leave of absence requests not covered in Appendix 1

- A completed form must be submitted to the Headteacher or Chair of Governors, indicating whether this would be with or without pay (as appropriate), to approve or reject.

D

Unforeseen or sudden causes of absence

- A completed form must be submitted to the Headteacher or Chair of Governors (as appropriate) retrospectively but as soon as possible after the event.

The Headteacher or Chair of Governors to complete the request form indicating the decision to the employee either approving or rejecting the request.

Any written appeal against a decision should be submitted to the school's Appeal Committee (See Appendix 5).



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Appendices

Updated: April 2024

1. Tables showing paid and unpaid leave of absence
2. Other employee-friendly documents available for school employees
3. Guidance on Parental Bereavement Leave
4. Leave of absence request form
5. Appeals procedure for leave of absence requests

Appendices

Appendix 1 – paid and unpaid leave

Table showing paid leave of absence and unpaid leave of absence (including contractual leave of absence)

Statutory requirements

Table A: Paid leave for professional reasons

| Paid leave for professional reasons | Maximum entitlement in any one academic year |
|--|---|
| 1. Officials of Trade Unions <i>To perform relevant duties or undertake approved training.</i> | Refer to the local agreement. |
| 2. Health & Safety and Learning Representatives <i>To perform duties and undertake associated training.</i> | Refer to the local agreement. |
| 3. Members of another school's Governing Body | Whenever possible to be organised outside school hours. |
| 4. Magisterial duties | Up to 36 sessions paid leave in any academic year. A session is a half day sitting. |
| 5. Candidates for Parliamentary or Local Elections | At the discretion of the governing body. |
| 6. Jury Service or attendance as a witness in Court proceedings | For the required period subject to the employee claiming for loss of earnings. This is not discretionary. |

| Paid leave for professional reasons | Maximum entitlement in any one academic year |
|--|---|
| 7. Commitments to HM Services <i>eg TA, Royal navy Reserve (minus attendance payments)</i> | To be carried out during school holidays. |
| 8. Sitting examinations <i>Related to appropriate professional development.</i> | <p>Teachers: For examinations scheduled during teaching day ½ day for each particular examination and ½ day may be available for associated course revision.</p> <p>Support staff: Employees are entitled to paid leave of absence for sitting for approved examinations. Additional leave may be granted for final revision for approved examinations.</p> |
| 9. Attending degree or professional qualification ceremony <i>When the employee's spouse, permanent partner, civil partner, son or daughter is an actual participant.</i> | 1 day. |

The Headteacher and Governing Body have the **discretion** to grant **up to the equivalent of 5 days' leave of absence with pay** (pro-rata for part time workers) in any one academic year, which covers all the reasons listed below (see Section 4 of policy – Responsibility of the Headteacher, Chair of Governors and school's Governing Body). ***NB All information shared with the school will be treated as confidential.***

Table B: Paid leave for personal reasons

| Paid leave for personal reasons | Maximum entitlement in any one academic year |
|---|--|
| 1. In exceptional circumstances to support a dependent of relatives of the first degree. <i>This does not include an employee, tenant, lodger or boarder.</i> | As required, at the discretion of the Headteacher and/or Governing Body. |
| 2. Attending recruitment and selection interview and process | Up to a maximum of 3 working days. |
| 3. Attending induction day at new place of employment | At the discretion of the Headteacher and/or Governing Body. |
| 4. Illness of a close relative or relatives of the first degree | Up to a maximum of 5 working days. |
| 5. Death or critical illness of relatives of the first degree | Up to a maximum 5 working days. |
| 6. Parental bereavement leave <i>See Appendix 3 for details.</i> | All staff have a statutory entitlement to 2 weeks' paid absence, irrespective of how long they have worked for their employer, following either of these events: <ul style="list-style-type: none"> ● death of a child up to 18 years old ● stillbirth, from 24 weeks of pregnancy |
| 7. Attending a funeral of relatives of the first degree | 1 day. |

| Paid leave for personal reasons | Maximum entitlement in any one academic year |
|--|--|
| 8. Attending a funeral in a professional education capacity | Actual time required but up to a maximum of ½ day plus travel time. |
| 9. Process of adoption of a child <i>Preparation Group training course and panel interview.</i> | 3 days for Preparation Group Training Course – ½ day for Panel Interview. |
| 10. Process of fostering a child <i>Going through application process and other key events.</i> | See section 6 of policy, above. |
| 11. House removal | 1 working day with as much advance notice as possible. |
| 12. Major Religious devotion days <i>Other than statutory holidays.</i> | Up to 3 days. |
| 13. Weddings or civil partnerships <i>Relatives of the first degree.</i> | 1 day. |
| 14. Hospital Appointments and medical screening <i>eg Breast/Cervical</i> | Appointment plus travel time where attendance in school time cannot be avoided. You will be expected to attend school prior and post where possible. Evidence of appointments will be required. |
| 15. Emergency Doctor and Dental Appointments | Appointment plus travel time where attendance in school time cannot be avoided. You will be expected to attend school prior and post where possible. Evidence of appointments will be required. |

Table C: Unpaid leave for personal reasons

| Unpaid leave for personal reasons | Maximum entitlement in any one academic year |
|---|--|
| 1. Court hearings <i>Other than those covered under paid leave – including divorce proceedings, custody of children, maintenance payments and other Court appearance where teacher is defendant or involved in non-criminal proceedings.</i> | At the discretion of the Headteacher or Governing Body. |
| 2. Funerals <i>Other than relatives of the first degree, close relatives as in paid leave table.</i> | At the discretion of the Headteacher or Governing Body, actual time required but up to a maximum of ½ day plus travel time if local, or 1 day if out of the Borough. |
| 3. House removals <i>In excess of 1 day.</i> | At the discretion of the Headteacher or Governing Body. |
| 4. Hospital appointments <i>For children where both parents wish to attend.</i> | At the discretion of the Headteacher or Governing Body. |
| 5. Attendance on courses <i>For personal development not considered beneficial to the school.</i> | At the discretion of the Headteacher or Governing Body. |

Table D: Unpaid leave (requests)

| Unpaid leave (requests) | Maximum requested leave in any one academic year |
|---|--|
| 1. Fertility Treatment <i>Evidence is required of appointments, and GP's recommendations if treatment is not available locally.</i> | Appointment, plus travel time at the discretion of the Headteacher or Chair of Governing Body. |
| 2. Weddings <i>Employee's own wedding or civil partnership, or for those other than relatives first degree.</i> | You are expected to organise your own wedding outside of working hours. |
| 3. Extended leave of absence. | At the discretion of the Headteacher or Governing Body. Up to one year can be requested , providing notice in line with contract of employment. |
| 4. Sabbatical Normally linked to personal development outside the usual confines of the job. The employee should state the proposed objectives and perceived benefits for both the employee and employer. | At the discretion of the Headteacher or Governing Body. Up to one year can be requested in the first instance, providing notice in line with contract of employment. |
| 5. Carer's Leave A day one entitlement to unpaid leave to give or arrange care for a 'dependant' who has: <ul style="list-style-type: none"> ● a physical or mental illness or injury that means they're expected to need care for more than 3 months ● care needs because of their old age. | Employees can take up to one week of leave every 12 months. A 'week' means the length of time the employee usually works over 7 days. |

Contractual and statutory leave of absence

As per national or local agreement.

- Adoption Leave

- Maternity Leave

- Parental Bereavement Leave
- Parental Leave
- Paternity Leave
- Shared Parental Leave
- Sick Leave
- Time off for Dependants
- Carer's Leave

Appendix 2 – other related documents

Other employee-friendly documents available for school employees

- Time off For Dependants
- Paternity Leave Scheme
- Adoption Leave
- Maternity Scheme
- Shared Parental Leave Scheme
- Career Break Scheme
- Flexible Working Policy and Procedure

Please ask your headteacher or School Business manager for a copy

Appendix 3 – Parental Bereavement Leave

Parental Bereavement Leave Guidance note for schools

1. Employment Law

The Parental Bereavement (Leave and Pay) Act 2018, known as Jack's Law, implements a statutory right to a minimum of 2 weeks' leave for all employed parents if they

- lose a child **under the age of 18**
- suffer a stillbirth **from 24 weeks of pregnancy**, irrespective of how long they have worked for their employer

The law allows a parent who has been employed in a job for 6 months or more (please see paragraph 2 below) to claim statutory pay for this period, subject to meeting eligibility criteria; this is in line with the approach for other parental entitlements, such as paternity leave and pay.

The right to Parental Bereavement Leave with pay came into force on 6 April 2020.

2. What is the current position on Bereavement Leave?

The School already has arrangements for employees to take time off with pay following a bereavement, including preparation for and attendance at funerals. However, the introduction of the statutory provision sets out a clear right to time off for the loss of a child under 18 years (with pay where eligible).

To ensure a fair and consistent approach in line with this guidance, the School provides time off **with full pay** for anyone exercising this right.

In addition, it is recommended that the Governing Body waives the qualifying period for pay, meaning that employees of the School will be **entitled to two weeks'** parental bereavement leave with pay, from day one.

NB: This is above the statutory provision, in recognition that the employee is going through a very difficult time in their life and should not endure any financial hardship as well.

3. Who does Parental Bereavement Leave apply to?

Parental Bereavement Leave applies to parents who have suffered the loss of a child under the age of 18, including adults with 'parental responsibility' such as:

- adopters
- foster parents
- guardians
- kinship carers, who may be close relatives or family friends that have assumed responsibility for looking after a child in the absence of parents

This leave also applies to parents who suffer a stillbirth after 24 weeks of pregnancy. In this instance, female employees will still be entitled to up to 52 weeks of maternity leave

and pay, as will a mother who loses a child after it is born.

4. How much time off is given for those requesting Parental Bereavement Leave?

All employees have a 'day one' right to 2 weeks' bereavement leave and full pay.

Employees can take leave as a single block of two weeks, or as 2 separate blocks of 1 week each, within the 56 weeks, starting with the date of the child's death; a block of leave can start on any day of the week.

If the loss of more than one child is experienced, the entitlement is granted for each child.

The School adopts a flexible, accommodating, and sensitive approach to employees going through parental bereavement who make requests for time off with pay. It may be taken at very short notice.

Appendix 4 - Leave of Absence Request Form

| | | |
|---|---|---|
| Name | | |
| Job Title | | |
| Requested Date(s) | From To | AM /PM / Full Day <i>Delete as appropriate</i> |
| Reason for Request: | | |
| | | |
| Relationship (if required) eg brother/sister | | |
| Type of Leave of Absence request. | Paid / Unpaid <i>Delete as appropriate</i> | |
| Signed | | |
| Date | | |
| | | |
| Leave of Absence Approved | Yes / No | |
| Reason for refusing leave of absence (if appropriate): | | |
| | | |
| Signed | | |
| Role/Post | | |
| Date | | |

Appendix 5 - Appeals procedure for leave of absence requests

Introduction

The employee has the right of appeal to the Schools Appeal Committee against any decision to refuse an application to take either Paid or Unpaid leave.

The appeal must be in writing and must include a copy of the pro forma request and any further explanation for the reason for appealing the decision.

All appeals against a leave of absence request or payment for leave of absence should be submitted in writing to the Clerk to Governors.

Appeals should be submitted within 5 working days of the decision.

Appeal Hearing

1. The Headteacher or Chair of Governors to outline the reasons for the meeting.
2. The employee (or his/her representative) to put their reasons for the absence request and put forward their case.
3. The members of the Schools Appeal Committee to ask questions of the Headteacher or Chair of Governors.
4. The Headteacher or Chair of Governors ask questions of the employee (or his/her representative).
5. The members of the Schools Appeal Committee to ask questions of the employees (or his/her representative).
6. The Headteacher or Chair of Governors to sum up.
7. The employee (or his/her representative) to sum up.
8. Following the summing up, both parties, together with their representatives will withdraw.
9. The Chair of Governors may announce its decision to the Headteacher and/or the employee and his/her representative personally or subsequently in writing. Whichever method is chosen both parties should be informed in a like manner. A decision notified orally should be confirmed in writing by the Clerk to the Governors.
10. The outcome of any appeal should be confirmed in writing with the employee within 10 working days of the appeal.