



Leave of Absence Policy

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Name of Policy Writer	EducateHR Ltd
Lead Professional	Director of HR
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Preface – note on interpretation of TLT policies

All policies currently in use within Together Learning Trust Multi Academy Trust (TLT MAT) are designed and intended for use at individual constituent school (and governing body) level in accordance with the relevant scheme of delegations.

*This means that for employees whose role involves working directly for TLT MAT, or employees based at a **supported** academy, references in the policies to headteacher or head of school should be interpreted throughout as relating to the Chief Executive Officer (CEO) of TLT MAT and references to the governing body (or chair of governors) should similarly be interpreted, respectively, as relating to the TLT MAT board (or chair of trustees) **unless** a scheme of delegations is in place which clearly states otherwise.*

1. Introduction

- 1.1 This policy serves to assist the headteacher and governing body 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.

2. Purpose and scope

- 2.1 This procedure applies to all staff working in the academy.
- 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 and Adoption Leave (including 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 academy may agree to grant individual employees time off during term time (whether paid or unpaid) for a variety of reasons.

3. Requesting leave of absence

- 3.1 An employee who requires leave of absence should submit a written request giving reasons and appropriate notice). The official form for such requests (Appendix 2) should be completed by the member of staff in all cases and submitted to the headteacher for consideration as soon as possible.
- 3.2 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.
- 3.3 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 and the employee's contractual arrangements. In this context, a distinction may be made, when determining applications for leave, between those instances when the staff member is in control of the circumstances (and has a choice in arranging the date of a proposed ceremony) and those where the staff member has no such control.
- 3.4 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. There is no form of appeal against the decision made by the headteacher as this is simply a management decision.

4. Absence entitlements

- 4.1 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.
- 4.2 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).
- 4.3 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 absences will be recorded and monitored.

5. Unauthorised absence

- 5.1 If an employee takes leave of absence without the prior consent of the headteacher this constitutes unauthorised absence and may warrant a sanction under the academy's Disciplinary Policy.
- 5.2 Staff (other than those who have previously gained official approval for absence under this policy) who do not attend their place of work as scheduled (or, if homeworking, do not establish contact with the headteacher/line 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 Policy) will be deemed to be absent without leave.
- 5.3 If a staff member fails to contact the headteacher/line manager during the first day of absence, the headteacher/line manager should attempt to contact the staff member by telephone/text/e-mail to establish why they are not at work and when they will return to work.
- 5.4 If the headteacher/line 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 and or email should instruct the staff member to contact the headteacher/line manager or other specified contact immediately, remind them of the procedure for notification of absence and indicate the possible outcome/action should no contact be made (such as loss of pay, disciplinary action etc).
- 5.5 If there has still been no contact after five working days of absence, the headteacher/line manager should write to the staff member again, using recorded delivery.
- 5.6 This letter should:
 - require that the staff member contact the headteacher/line 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 additionally result in disciplinary action being taken against them.

- 5.7 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.

6. Time off for dependents

- 6.1 All employees have the right to a reasonable amount of time off (one or two days) 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 academy. This includes staff on fixed term contracts. In these circumstances, there is no qualifying period of service.
- 6.2 Accordingly, a member of staff is entitled to take a reasonable amount of **unpaid** time off to:
- help, or make care arrangements, when a dependent becomes ill, gives birth or is injured or assaulted
 - make arrangements following the death of a dependent
 - deal with unanticipated disruption to, or termination of, arrangements for the care of a dependent.
- 6.3 In the context of time off for dependents, a dependent is defined as:
- a spouse or partner
 - a child
 - 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.
- 6.4 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).
- 6.5 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 childminder, nanny, nurse or carer.
- 6.6 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.
- 6.7 It is the responsibility of the member of staff to:
- inform the academy as soon as is reasonably practicable
 - let the academy know how long he or she expects to be off work, if this is possible.

- 6.8 It is not necessary for this notice to be given in writing. There is no requirement for the member of staff to produce evidence, either of their relationship to the dependent, or the incident that triggers a request for leave.
- 6.9 If the academy believes that the member of staff is abusing the right to time off, the matter should be dealt with through the Disciplinary Policy.

7. Time off for (partner) antenatal appointments

- 7.1 All employees are entitled to accompany their partner* in attendance at up to two antenatal appointments. The second occasion is unpaid.
Nb 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
- 7.2 The employee should provide a signed declaration stating that:
- they have a qualifying relationship (see [definition](#)) with a pregnant woman or her expected child;
 - the purpose in taking time off is to accompany a pregnant woman to an antenatal 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.

8. Parental leave

*NB Please note **parental leave** should not be confused with **Shared Parental Leave** (legislation applicable since 2015) which is dealt with in the Maternity, Paternity and Adoption Leave (including Shared Parental Leave) Policy.*

- 8.1 Eligibility for parental leave is applicable to all staff within the academy. Parental leave applies to both parents and is distinct from 'maternity leave' and 'shared parental leave'.
- 8.2 Staff members are entitled to parental leave (a period of unpaid leave) once he or she has been continuously employed for a year **and**:
- are the parent (named on the birth certificate) of a child who is under 18 years old
 - has adopted a child under the age of 18 (the right lasts until the child's 18th birthday); or
 - has acquired formal parental responsibility for a child who is under 18 years old.
(a step-parent will have to apply to the court to acquire formal parental responsibility if they wish to take parental leave in respect of their spouse's child or children.)
- 8.3 All members of staff are entitled to (a total of) 18 weeks' unpaid leave in respect of each child who qualifies as above.
- 8.4 The key elements of parental leave are:

- leave may be taken in blocks of one week upwards (this minimum period does not apply in relation to a child with disabilities)
- the member of staff must give at least 21 days' notice of taking leave
- the employer can postpone leave for up to six months, for example, for business reasons
- a member of staff may not take more than four weeks' leave in respect of any individual child during one leave year
- outstanding parental leave can be carried over to a new employer, but a further qualifying period of service of one year is needed before there is any entitlement to take this leave.

8.5 When a member of staff takes parental leave of four weeks or less, they are entitled to return to the job in which they were employed before the absence.

9. Other policies and procedures

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

- Adverse Weather Policy
- Staff Attendance Management Policy
- Disciplinary Policy
- Maternity, Paternity and Adoption Leave (including Shared Parental Leave) Policy
- Training and Continuing Professional Development

Definitions

***Meaning of "qualifying relationship"**

An employee has a qualifying relationship with a woman or her expected child if they meet any of the following criteria:

- They are the pregnant woman's husband or civil partner.
- They live with the pregnant woman in an enduring family relationship but are not one of her relatives. There is no definition of "enduring family relationship" but it is intended to include unmarried cohabiting partners, and explicitly includes both same-sex and opposite-sex relationships.
- They are the expected child's father.
- They are one of a same-sex couple who is to be treated as the child's other parent
- They are the potential applicant for a parental order under *section 54* of the HFEA 2008 in relation to a child who is expected to be born to a surrogate mother

Appendix 1: Leave entitlements for all school based staff

Subject to your leave of absence form being approved the following entitlements may apply:

The term 'close relative' should normally include spouse, partner, parent, sibling, or child. **Any paid leave entitlement will be pro-rata for part-time employees.**

Reasons for Absence	Period of Absence (Working Days)	Paid or Unpaid
Unpaid Leave of Absence		
<p>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.</p>		
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 headteacher/manager.	1 day paid
Wedding – other than member of immediate family	Wedding other than above – one day at discretion of headteacher.	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 (FT support Staff only) and any flexible working provision (where appropriate) before making requests for leave of absence.	Up to 3 days paid annually dependent upon when religious festivals fall.

Examinations not related to work	Usually unpaid but if it benefits the job role at the discretion of the Headteacher	Unpaid*
Graduation Ceremonies - self or immediate family	Graduation ceremony of self or any immediate family member receiving Degree or equivalent.	1 day paid
Bereavement / serious illness – close relative.	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 (18 and over) or any other persons deemed appropriate by the headteacher/manager.	Paid
Parental Bereavement Leave (children under 18) (For more information regarding pregnancy loss or neonatal death please see the maternity, paternity & adoption leave policy)	Maximum 2 weeks paid.	2 weeks 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 usually unpaid or at the discretion of the headteacher	Unpaid*
House Removal		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*
Pre-arranged medical / dental appointment	Arrangements should be made before or after school or during school holidays where possible.	Paid - if the appointment cannot be rescheduled
Childs School Event	Up to ½ a day per occasion. Up to 2 occasions per year. Leave will be approved at the discretion of the Headteacher (time may be requested in lieu or as additional cover)	Unpaid*
Professional & Public Duty		
Interviews	Interviews in an educational setting	Paid (max 5 days in a year)
	Other interviews	Unpaid*
Professional Courses/Qualifications	Related to the employees work and approved by Headteacher/line manager	Paid
Jury Service / Witness in Court	Time off paid as required, less court allowance.	Paid (claim court allowance)
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. (Claim reimbursement from Exam board where applicable)
Statutory Tribunals	If attending in official capacity. School to deduct any allowance received.	Paid
Approved Governing Body duties	Attendance at a meeting of a Governing Body, approved as necessary.	Paid up to 5 days annually
National Education Conferences	Conferences on educational matters, as may be permitted.	Paid

Trade Union duties	Refer to Local Authorities Facilities Agreement (Support Staff) or Teacher Union Representatives arrangements (Teachers).	
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Emergency Time off for Dependents		
Illness, accident or injury Childcare arrangements disrupted Child taken sick / accident at school	Up to a maximum of 3 occurrences in a year, each occurrence lasting no more than a day. Over 3 occurrences unpaid.	Paid
Child not at school e.g. exclusion, boiler failure, Inset Day		Unpaid*
Ante-natal		
Ante-natal Appointments – expectant mother		Paid
Ante-natal Appointments – partner of expectant mother		Up to 2 occasions – 1st occasion paid

Note: where unpaid* is shown on the policy relating to teaching posts, time in lieu can be given back to the school by the individual, such as providing supply cover (additional to rarely cover) where required, instead of taking the time off unpaid. This option is available at the discretion of the headteacher and where it meets the needs of the school.

Appendix 2

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

Part A – for completion by employee

School:	
Name:	
Job title:	

Reason for requesting time off:

<input type="checkbox"/>	Parental leave	<input type="checkbox"/>	Jury service
<input type="checkbox"/>	Compassionate leave	<input type="checkbox"/>	Witness duty
<input type="checkbox"/>	Time off for dependents	<input type="checkbox"/>	Union duties
<input type="checkbox"/>	Reserve forces	<input type="checkbox"/>	Public duties
<input type="checkbox"/>	Medical appointment or procedure	<input type="checkbox"/>	Blood donation
<input type="checkbox"/>	Religious observance (please detail)		
<input type="checkbox"/>	Other (please detail)		

Dates of requested time off: From: (DD/MM/YY) To: (DD/MM/YY)

Actual number of working days absent: (days)

Times of absence: From: (HH:MM) To: (HH:MM)
(if part-day leave)

Reason for request:
(please give full details of circumstances applicable)

Signature: Date:

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

Part B – for completion by headteacher (or line manager where applicable)

School:	
Name:	
Job title:	

Dates of requested time off: From: (DD/MM/YY) To: (DD/MM/YY)

Actual number of working days absent: (days)

Times of absence:
(if part-day leave) From: (HH:MM) To: (HH:MM)

Time off **APPROVED**

Time off **NOT APPROVED**

with pay

without pay
(in which event headteacher to inform payroll)

Signed: *(headteacher or line manager)*

Date:

Date decision conveyed to employee:

Completed form (both part A and part B) to be held by school

NB If leave is to be unpaid, copy part B only to payroll