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## POLICY STATEMENT

## LEAVE OF ABSENCE POLICY

<b>APPROVED</b>	<b>April 2023</b>
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# FAIRLANDS PRIMARY SCHOOL

## LEAVE OF ABSENCE POLICY

### 1. Objective and scope

The principal purpose in setting out this policy is to ensure that requests are dealt with fairly and consistently. This policy covers annual leave, family leave and miscellaneous leave. There is a separate policy for shared parental leave and health and attendance.

The policy applies to all employees of the school. This policy does not form part of any employees' contract of employment.

### 2. Principles

- Annual leave and occupational sick leave will be in accordance with the relevant conditions of service for teachers and support staff.
- Other leave of absence will normally be on an unpaid basis, unless otherwise specified.
- All leave allowances should be applied pro rata to an employee's contracted hours, unless otherwise stated.
- A dependant is defined as a husband, a wife, a civil partner, a cohabiting partner, a child, a parent, someone who lives in the same household as you or anyone else who reasonably relies on you to make arrangements for the provision of their care.
- The operational needs of the school will be paramount and, except in emergency circumstances, adequate notice of a request for leave of absence must be given.
- The responsibility for exercising discretion on behalf of the local governing body is the headteacher's, in accordance with the professional duties defined in the School Teachers Pay and Conditions Document.
- It should not be assumed approval has been given until a response has been provided by the headteacher.
- Where the request for leave concerns the headteacher requests should be made to the chair of governors.

### 3. Annual leave entitlement for employees covered by Local Government Terms and Conditions

For support staff contracted to work for 52 weeks' per year, the leave entitlement is dependent on grade and continuous local government service (Appendix 1). This leave will normally be taken during the school holidays and must be agreed with the headteacher or nominated person in reasonable time, prior to the leave being taken. Only in exceptional circumstances and with the express consent of the headteacher, can leave be taken at other times. Support staff may carry forward up to five days' to the next annual leave year, provided this is done with the headteacher's consent and leave is taken prior to 31<sup>st</sup> May the following year.

**Employees will not be permitted to take leave in term time unless express consent from the headteacher has been given, e.g., as part of wellbeing leave arrangements. If leave is approved, this will be unpaid for term time only employees.**

Time off in term time will not automatically be approved for surprise holidays, or for birthdays and anniversaries. It is the employee's responsibility to make this known to their family members.

Pension deductions will not automatically be made for any periods of unpaid leave. If an employee wishes to request to pay Additional Pension Contribution (APC) to cover the amount of pension 'lost' during a period of unpaid leave they should make an election to the Local Pensions Partnership within 30 days of returning to work.

### 4. Teachers' working time

A teacher employed full-time must be available for work for 195 days in any school year. 190 of those days must be days of which they may be required to teach pupils and perform other duties and five 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.

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.

The STPCD provisions regarding directed time do not apply to teachers who are paid on the leadership scale, or on the pay range for leading practitioners, or those acting up in such a role.

## **5. Special occasional leave of absence**

### **5.1 Emergency leave**

An emergency is when leave is being requested less than 24 hours in advance of the date of absence, for a reason that the employee didn't know about beforehand.

#### **5.1.1 Minor emergencies**

Minor emergencies involving the employee directly, such as flooding or boiler breakdown at home; unexpected disruption of care arrangements for a dependant; minor personal crisis. Leave for minor emergencies will normally be approved but unpaid.

In the case of unexpected sickness of the employee, the procedure outlined in the Health & Attendance policy should be followed.

For minor emergencies involving a dependant of the employee, such as sudden sickness of the dependant, only the first day of absence will be approved and paid.

#### **5.1.2 Compassionate and emergency leave**

Compassionate and emergency leave can be requested when employees need to take time off work to deal with a serious emergency or crisis, either for themselves or involving a dependant. The leave is to deal with the immediate issues and to sort out long-term arrangements if necessary. The circumstances under which employees will be approved to take compassionate and emergency leave are:

- serious incident involving a dependant or immediate family member e.g., gives birth, falls seriously ill, is injured or assaulted, or dies
- serious personal crisis
- unexpected termination of care arrangements

An employee must notify their line manager as soon as practically possible in the event of an emergency.

The headteacher may approve up to five days' paid leave per leave year (pro rata for part timers) for compassionate and emergency leave. The time off is to enable an employee to cope with a crisis, and where necessary to make longer term care arrangements for a dependant.

### **5.2 Disability leave**

For those who have declared to their employer a disability as defined by the Equalities Act 2010, up to five days' paid disability leave may be approved (pro rata for part time employees).

Reasons for using disability leave might include:

- attending a doctor's or complementary medicine practitioner's appointments
- assessment for conditions such as dyslexia
- hearing aid tests
- training with guide or hearing dog
- counselling/ therapeutic treatment or recovery time after blood transfusion or dialysis

- treatment for physiotherapy (sessional or residential)

Disability leave may not be used to cover an absence due to ill health.

### **5.3 Career break/extended leave**

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, dependant relative.

Extended leave can be for up to a year in duration. Sufficient notice that allows the appointment of a replacement should be given wherever possible. Further guidance on Career Breaks is set out in Appendix 2.

### **5.4 Moving house**

Up to two days' unpaid leave will be approved.

### **5.5 Service with auxiliary forces**

Reservists are required to inform their line manager that they are a member of the Reserve Forces. Reservist employees will also be required to grant permission for the Ministry of Defence (MoD) to write to the headteacher to make sure the school are aware and provide details of mobilisation obligations and rights as an employee reservist.

Reservist training normally takes place during evenings and weekends. Line managers may however grant up to five days' leave at their discretion where training falls within an employee's normal working hours.

Additionally, up to two weeks per year can be approved to attend 'annual camp'. Employees are required to give as much notice as possible for line managers to arrange appropriate cover.

Leave may be refused if it would have a detrimental impact on service delivery. In any case, teachers and other classroom-based employees will only approve paid leave if the force's unit cannot arrange exercises during holiday periods.

### **5.6 Mobilisation**

Mobilisation is the process of calling Reservists into full-time service to serve alongside the Regular Armed Forces on operations. The Ministry of Defence aims to give as much notice as possible of mobilisation (but at least 28 days). In circumstances where a reservist employee is mobilised they will not be paid by the school and should be placed on a Career break for payroll purposes to ensure their continuous service is not broken.

If an employee who is mobilised wishes to remain in the LGPS the schools payroll provider should be informed who will calculate the amount of contributions that the employee and the Ministry of Defence (MoD) must pay. For Teachers the relevant form must be completed, available online at [teachers.pensions.com](http://teachers.pensions.com).

For further information on mobilisation, please refer to the SaBRE (Supporting Britain's Reservists and Employers) website: [www.sabre.mod.uk](http://www.sabre.mod.uk)

### **5.7 Carry-over of annual leave**

The school expects employees who are covered by local government terms and conditions of employment to take their full entitlement of leave in each leave year, which runs from September to August. Where this is not possible, with the knowledge of and by arrangement with the headteacher, employees may carry forward five days to the next annual leave year, provided this is taken prior to 31 May.

### **5.8 Sporting events**

If an employee is selected to participate in a sporting event at national or international level as a representative of their country, up to a maximum of five days paid leave (or the equivalent of one of the employee's normal working weeks) in a rolling twelve-month period may be granted.

This provision includes team managers or coaches required to attend the event. It also includes time off for an employee who is the parent/guardian of a child under the age of 16, and who is required to accompany the child while participating in the sporting event.

There is no age limit if required to accompany a disabled participant.

## **5.9 Attendance at court proceedings**

### **5.9.1 Jury service**

If an employee is called to serve on a jury, there is a requirement for an employee to attend by virtue of the Juries Act 1974. The employee must notify their manager of the summons.

The jury citation letter will require to be produced, to be checked by the employee's manager prior to authorisation of leave.

An employee will be granted leave with pay to attend.

### **5.9.2 Witness summonses and subpoenas**

Employees subject to a witness summons or subpoena will be allowed paid time off work to attend court, as much notice of such a requirement should be given.

## **5.10 Public duties**

Employees may be approved up to eighteen days leave per annum paid leave 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 three days leave per annum will be paid.

In addition to this, unpaid leave can be approved for employees carrying out public duties.

### **5.11 Study/examination leave**

For employees who are sitting examinations relevant to their current post or career, providing the school is paying the fees, half a day study per examination plus half a day per examination will be paid.

### **5.12 GCSE duties & activities**

For teachers who are engaged in activities for examining groups, please refer to appendix II of the Burgundy Book, Memorandum of Agreement for the Release of Teachers.

### **5.13 Time off for trade union duties**

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 in the school in which they are elected. Duties that warrant time off with pay include:

- consultation on terms and conditions of employment or the physical conditions of work
- consultation on recruitment and selection policies, redundancy and dismissal arrangements

- meetings with school management or LA officers on matters of joint concern
- representing a union member at a grievance or disciplinary hearing
- attendance at relevant training courses organised by the trade union

The County Council has a separate agreement with Trade Unions and Professional Associations to provide paid time off for their county representatives. The nominated county representatives are allowed pre-agreed, time off each week to carry out their duties and the school is reimbursed from a council budget.

#### **5.14 Bad weather conditions**

There may be circumstances when the 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 normally be treated as unpaid leave.

#### **5.15 Maternity, paternity, adoption, carers' leave and antenatal care**

There are specific entitlements for maternity, paternity, adoption, carer's leave, and antenatal care contained in the Family Care Policy.

#### **5.16 In Vitro Fertilisation (IVF)**

All employees, regardless of hours worked or length of service, are entitled to five days paid leave per annum (pro rata for part time employees) for the purpose of attending IVF appointments and undergoing fertility treatment. The headteacher may also grant unpaid leave at their discretion.

#### **5.17 Parental leave**

We respect that there will be occasions when working parents wish to take time off work to care for or spend time with their child or children. No-one will be treated detrimentally for taking or seeking to take parental leave in accordance with this policy.

Parental leave is available to employees who have been continuously employed for a period of twelve months' and who meet one of the following conditions:

- the parent of a child who is under 18 years of age.
- adopted a child under the age of 18 (the right to parental leave lasts for a period of 5 years from the date of adoption or until the child's 18th birthday, whichever is the sooner).
- acquired formal paternal responsibility for a child who is under five years of age.

You must be taking the leave to spend time with or otherwise care for the child.

If you are eligible for parental leave, you will be entitled to up to eighteen weeks' unpaid parental leave per child, which is to be taken up until the child's 18th birthday. If you work part time, your entitlement to leave will be proportionate to the weekly hours or days worked subject to;

- a maximum of 4 weeks per year
- leave being taken in blocks of one week.

Parents of children who have disabilities have the right to:

- take leave up to the age of 18
- up to 18 weeks unpaid leave.

To apply for parental leave, you must provide proper notice of the period of leave that you propose to take. This notice must be given to the headteacher/line manager at least 21 days before the date on which leave is to start and must specify the dates on which the period of leaves is to begin and end.

The expectation is that the headteacher and employee will be able to agree a suitable time for such leave, subject to:

- postponement by up to six months if the period proposed is unduly disruptive
- where the husband, wife, civil partner, or cohabiting partner of a mother gives notice of their intention to take leave starting when the child is born, the headteacher cannot postpone this leave.

## **5.18 Funerals, weddings and one-off significant family events**

### **5.18.1 Funerals**

Leave will be approved and paid for one day off to attend the ceremony of an immediate family member of the employee (parent, husband, wife, civil partner, cohabiting partner, a sibling, a grandparent, or a child). Additional leave may be requested as compassionate emergency leave.

When the child of an employee dies, the employee is entitled to two weeks paid leave, to be taken flexibly within 56 weeks from date of bereavement.

### **5.18.2 Weddings**

Leave to attend your own wedding, or the wedding of an immediate family member, will only be approved for one day's unpaid leave. Additional leave of absence related to wedding arrangements will not normally be granted during the school term. Only in very exceptional circumstances (for example when a husband, wife, civil partner or cohabiting partner is to be in the armed forces and is unable to take leave during the school holiday period) will such requests be considered.

### **5.18.3 One-off significant family events**

One off, significant family events e.g., child's graduation, will normally be approved as unpaid, subject to adequate notice so that replacement cover can be arranged if necessary. Holidays to celebrate anniversaries, birthdays and recurrent events are not considered to be one-off.

## **5.19 Religious festivals**

Employees who celebrate holidays or festivals on days other than those allocated by the local governing body and who have fixed annual leave (e.g., term-time) will be allowed, subject to the requirements of the school, up to a maximum of two of their working days, with pay to participate in such religious festivals.

## **5.20 Job interviews**

The local governing body recognises the increasing tendency for prospective employers to require interviewees to attend for more than one day, especially for school management posts. There is also a growing tendency to expect prospective candidates to undertake a preliminary visit before the formal interviews.

To maintain a fair balance between the operational needs of the school and to minimise the burden on other employees, and to be fair to employees who will be seeking to further their career in the education sector, the local governing body will grant leave of absence for interviews as follows:

- Up to a maximum of five days paid leave of absence for interviews, to cover both formal and informal stages of the process, during any one academic year.
- Further leave of absence for this purpose will normally be on an unpaid basis.
- For support staff any days beyond the initial five days could be made up during holiday periods, instead of being on an unpaid basis, provided that their work can be carried out during holiday time.

## **5.21 Time off for medical appointments**

Reasonable paid leave will be approved for employees to attend non-emergency medical appointments, which are unable to be arranged out of working hours. Before arranging medical appointments, for either themselves or dependants, employees should seek the approval of their line manager if it is necessary to take time off work. Employees should make every attempt to make these appointments at the beginning or end of the day or during lunch breaks to minimise the time they must be absent from work.

Appointments for optical, dental, orthopaedic, or other routine medical treatment should not be taken during working hours.

Non-emergency medical appointments for dependants will usually be unpaid.

## **5.22 Other exceptional reasons**

All other requests will be considered as 'other exceptional reasons' on a case-by-case basis.

Approval will depend on a full consideration of the exceptional nature of the request and the impact on the school. If there is no legal requirement to approve the leave (Appendix 4), then the decision is entirely at the discretion of the headteacher.

If approved, such requests are likely to be unpaid.

## **6. Appeals**

If an employee disagrees with the decision made by the headteacher, in the first instance, they should request a meeting with the headteacher to seek further clarification of the reasons why leave has not been granted.

After meeting with the headteacher, if an employee is still not satisfied, they have the right of appeal where they feel that extenuating circumstances have not been fully recognised in the consideration of an application.

Appeals should be addressed, in writing, to the chair of governors within five working days of receipt of the initial response to the request for leave.

The appeal will be reviewed by the chair of governors, who will either uphold the initial decision, or ask the headteacher to reconsider their decision. The outcome will be communicated in writing to the employee within five working days.

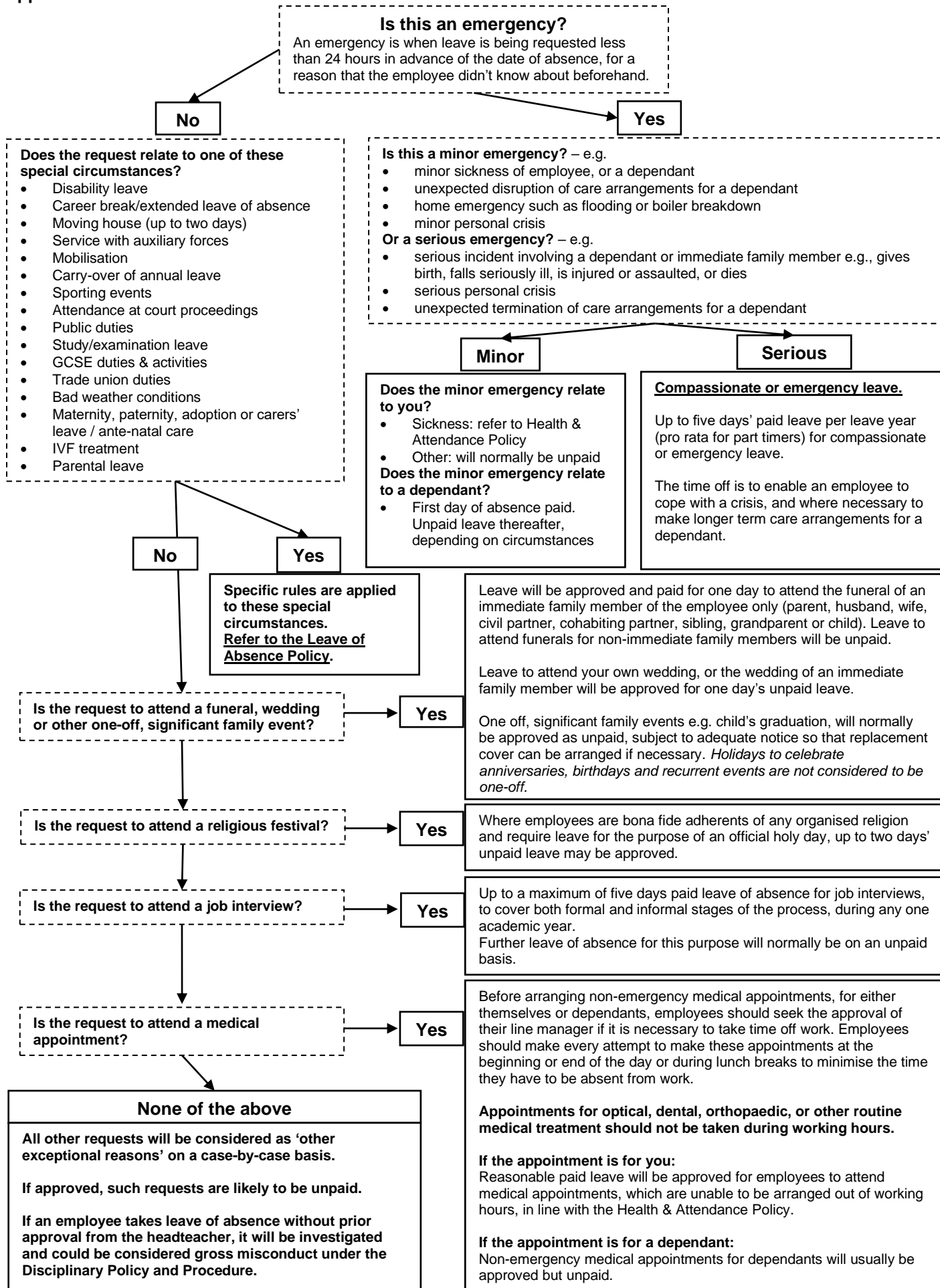
No further appeals will be considered.

## **7. Unapproved absence**

If an employee takes leave of absence without prior approval from the headteacher, it will be investigated and could be considered gross misconduct under the Disciplinary Policy and Procedure.



**Appendix 1: Flow Chart**



## Appendix 2: Holiday entitlements for local government employees

The leave year runs from the 1 September to the following 31 August. For school-based employees working 52 weeks per year, leave will normally be taken during the school holidays. Only in exceptional circumstances and with the express consent of the headteacher can leave be taken at other times or carried forward to the next leave year.

Annual leave entitlement for school-based employees working 52 weeks' per year is in accordance with the following table:

<b>TABLE A</b>			
<b>Grade</b>	<b>Less than 5 Years continuous service</b>	<b>5 to 10 Years continuous service</b>	<b>10 or more years continuous service</b>
HB to H7	24	28	29
H8 to H9	26	28	29
M1 to M5	28	30	31
All entitlements incorporate the concessionary day			

Annual leave entitlements will be pro rata for part-time employees working less than 52 weeks per year.

Employees engaged on a term time only basis will not be permitted to take leave at any other time except during school holiday periods unless express consent from the headteacher has been given.

### **Appendix 3: Career breaks**

It is recognised that during an employees' working life there will be times when personal commitments may take priority over work e.g., bringing up children, longer term care for sick or dependent relatives, or pursuing a course of further education. The school may be able to accommodate such personal commitments, where operationally practicable, through career breaks. Employees should also consider flexible working requests depending on their individual needs.

Career breaks enable employees to take an unpaid break from work for personal reasons whilst maintaining continuity of service with the school. The employee should try to give as much notice as possible to commence a career break (ideally 3 months) but a shorter notice can be accepted at the headteacher's discretion for example where a dependent needs care at short notice.

Except for continuity of service, all other terms of the employment contract with the school will be suspended. On return, at an agreed date following the career break, the employee will be able to return to the same or similar post within the school without competitive selection. (See below regarding restructures whilst an employee is absent on a career break)

A career break may be considered appropriate for example:

- to extend a period of maternity/adoption leave
- to care for dependants
- to enter full time education
- extended foreign travel.

These reasons are not all inclusive and others may be considered, except for taking up other full time paid employment.

Employees who are on a career break may in exceptional circumstances take up a part time role for example to support a university course or extended travel. Permission must be sought from the school before taking this up.

#### **Eligibility**

All permanent employees with at least two years continuous service with the school regardless of the number of hours worked are eligible to apply for a career break.

#### **Length of career break**

The minimum length of break is three months, for teaching and classroom-based staff the expectation would be for this to equate to a term, and the maximum is one year. There is no limit to the number of career breaks an employee can take, providing they return to work at the school for a minimum of two years between each break.

#### **Pensions Deductions**

Pension deductions will not automatically be made during a Career Break. If an employee wishes to request to pay Additional Pension Contributions (APCs) to cover the amount of pension 'lost' during this period, they should make an election to the Local Pensions Partnership (LPP) within 30 days of returning to work.

Employees can visit [www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension](http://www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension) and click the 'Buy Lost Pension' option to calculate the cost to buy back lost pension. Contact your school's payroll provider to find out the amount of lost pensionable pay.

After using the quote on the website above employees should, using the application form provided on this website, submit the application to your school's payroll provider and send a copy to the Local Pensions Partnership.

Contact the LPP on 01992 555 466 or [hertsccl@localpensionspartnership.org.uk](mailto:hertsccl@localpensionspartnership.org.uk) with any questions about the purchase of lost pension.

### **Organisational change**

Consideration of planned organisational change should be taken before a career break is authorised particularly where there is potential for a reduction in posts.

If an employee is on a career break when a restructure is being considered, every effort should be made to contact them for them to have input into any consultations or feedback processes. Employees may be given the opportunity to return to work early if they wish to if the temporary cover can be ended at no additional cost.

Employees on a career break must be included in selection processes even if the headteacher is unable to contact them.

### **Extending the career break**

If the employee wishes to extend their career break, if the break taken was to be less than one year, they must do so in writing normally giving as much notice as possible. The headteacher will consider the extension along the same lines as the original request and may grant up to one year in total.

### **Cutting short the career break**

There will be no automatic right to cut short a career break but the headteacher will consider such requests from an employee if they can be accommodated.

If the employee does not return from the career break

If an employee does not wish to return from a career break, they should confirm this in writing at least 4 weeks' prior to their expected return date, for those employed under School Teachers Pay and Conditions of Service the appropriate notice must be given in accordance with those terms. If, on the school writing to the employee to confirm the return date, the employee does not respond, their contract will be terminated on that expected return date.

### **Conduct during a Career break**

Employees should be aware that they remain employees of the school during a career break. Whilst an employees' off duty hours are their personal concern, they should not put themselves in a position where their duties and private interests conflict. The standards of the School's Code of Conduct should be maintained during a career break.

### **Returning to Work after a Career Break**

When an employee returns to work following a career break, they may need support to integrate back into the school. This should include:

- updating them on any changes that may have occurred in the school
- going through work plans and priorities
- setting up meetings with colleagues to update on work that has been done/is being done.
- ensure the returnee undertakes any statutory update training specifically relating to safeguarding.
- register the returnee on any relevant training and skills development courses.

It is also important that the returnee review important documentation and policies to understand changes.

**Appendix 4: Overview**

Type of Leave		Legal Requirement	Paid	Unpaid	Paragraph
Annual leave entitlement for local government employees		✓	✓		3 & Appendix 2
Emergency leave	Minor personal emergencies	No		✓	5.1.1
	Minor emergencies involving dependant	No	First day	From second day	5.1.1
	Serious emergencies: compassionate emergency leave	✓	Up to 5 days		5.1.2
Disability leave		✓	✓		5.2
Career breaks/extended leave of absence		No		✓	5.3 & Appendix 3
Moving house - up to two days		No		✓	5.4
Service with auxiliary forces		✓	✓		5.5
Mobilisation		✓	✓		5.6
Carry-over of annual leave		No	✓		5.7
Sporting events		No		✓	5.8
Jury service		No	✓		5.9.1
Witness summonses and subpoenas		✓	✓		5.9.2
Public duties		✓	According to duty		5.10
Study/ examination leave		No	✓		5.11
GCSE duties & activities		No	Refer to Burgundy Book		5.12
Trade union duties		✓	✓		5.13
Bad weather conditions		No		✓	5.14
Maternity, paternity, adoption or carers' leave / ante-natal care		✓	Refer to Family Care Policy		5.15
In Vitro Fertilisation (IVF)		No	✓		5.16
Funeral		No	One day		5.17.1
Wedding		No		One day	5.17.2
One-off, significant family events e.g. child's graduation		No		One day	5.17.3
Religious festivals		No		✓	5.18
Job interviews		No	✓		5.19
Time off for medical or other appointments		No		✓	5.20
Other exceptional reasons		No		✓	5.21

