

Leave of Absence Guidance Document

St. Peter's Farnworth

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LEAVE OF ABSENCE GUIDANCE St. Peter's Farnworth

SECTION 1 – PRINCIPLES AND PROCEDURE

1. AIM OF THE GUIDANCE

1.1 The overall objective of this guidance is to:

- provide a process by which staff can make a request for leave of absence.
- identify the major circumstances where leave of absence may be appropriate.

2. GUIDING PRINCIPLES

- 2.1 The School is committed to providing teaching and learning efficiently, effectively and economically to its children/young people. Equally, the School wishes to preserve its reputation as a fair and equitable employer who provides good working conditions where the highest standards of teaching and learning can be achieved and maintained. The School is mindful of its responsibility to balance the needs of the individual employee with the requirement to deliver high standards of teaching and learning to its children/young people.
- 2.2 The School recognises that there are occasions where a member of staff may be absent during term time for reason other than sickness absence.
- 2.3 All staff will be expected to minimise the leave of absence that they apply for during term time.
- 2.4 This guidance applies equally to all staff except where nationally or locally agreed terms and conditions allow for a differing provision.
- 2.5 Where reference is made to another policy or procedure it is the processes within that procedure that shall take precedence.

3. PROCEDURE

- 3.1 Where practical all applications for leave of absence should be made in writing to the head teacher in good time to facilitate reaching a reasonable decision and for any contingency arrangements to be made. (Please complete the attached form)
- 3.2 The Governors or Head Teacher will review the application and inform the individual of their decision as soon as practical especially in those cases

where leave of absence is not granted. Whilst decisions will normally be communicated verbally a decision will be confirmed in writing if so requested by the individual.

- 3.3 The granting of leave of absence, be this paid or unpaid, is at the discretion of the Governing Body or Head Teacher as appropriate.
- 3.4 The Governors or Head Teacher can authorise paid leave of absence up to a total of 5 days within an academic year. This would not normally exceed 3 days on any one occasion. This will be pro-rata for part-time employees.

SECTION B - EXAMPLES OF CIRCUMSTANCES WHERE LEAVE OF ABSENCE MAY BE APPROPRIATE

As this list is not exhaustive leave of absence in a circumstance not outlined below may be granted. As with the granting of any leave of absence this will be at the discretion of the Governors or Head Teacher as appropriate.

4. ADOPTION

- 4.1 The Employment Act 2002 introduced a new statutory right for adoptive parents to take paid adoption leave following the adoption of a child. Adoption leave is not available where a child is already known to the adopter(s), as in a step-family adoption or adoption by existing foster carers. (A child is defined as a person under the age of 18).

5. BEREAVEMENT

- 5.1 Leave of absence will be granted to a member of staff in the event of the death of a relative, up to a maximum of 5 days as set out in the table below

Relation	Maximum Days – All Staff
Spouse	5 days with pay
Civil partner	5 days with pay
Child	5 days with pay
Parent	5 days with pay
Brother/Sister	3 days with pay
Grandparent	1 day with pay
Aunt/Uncle	1 day without pay
Cousin	1 day without pay
Parent in law	1 day without pay
Friend	1 day without pay

The actual period of paid absence would depend on the circumstances of the case and the nature of the deceased's relationship with the member of staff.

- 5.2 Additional unpaid leave may be granted in excess of any paid leave granted under the above arrangements.
- 5.3 In any other cases of bereavement leave of absence will be without pay.

6. CAREER BREAK/SABBATICAL

- 6.1 A career break is an extended period of absence of between one and three years from the workplace without pay. There is no guarantee that a post will be available for the member of staff to return to.
- 6.2 A sabbatical is a period of up to twelve months unpaid absence from the workplace with a guaranteed return to work at the end.

7. DOMESTIC EMERGENCY

- 7.1 The school recognises that unavoidable domestic emergencies can arise that will require the immediate attention of staff. In such circumstances the school should be contacted as soon as possible to allow alternative cover arrangements to be made.
- 7.2 To allow suitable alternative domestic arrangements to be made, up to 1 day paid leave of absence may be granted.
- 7.3 Leave of absence for sickness of relatives will normally be unpaid. It can be agreed that annual leave or flexi time be used, if available, dependent on the designation of Staff.

8. EXAMINATION AND STUDY LEAVE

- 8.1 For those courses of study which the school is supporting staff to undertake, half a day paid leave to sit each examination and half a day paid study leave per examination will be available.
- 8.2 Examination and study leave for other occupational courses will be at the discretion of the Governors or Head Teacher.
- 8.3 Leave of absence for non occupational subjects will not normally be granted.

9. INTERVIEW LEAVE

- 9.1 All employees are entitled to paid leave of absence to attend for interview if the prospective employer is a Local Authority or a school within the remit of a Local Authority.

9.2 Dependent upon the designation of the member of staff, annual leave, flexi time or unpaid leave of absence would need to be used to attend for interview with another public sector body or a private company. This would include independent and public schools.

10. MATERNITY AND MATERNITY SUPPORT LEAVE

10.1 All employees are entitled to Ordinary Maternity Leave (OML) of **26 weeks** and Additional Maternity Leave (AML) of **26 weeks**.

10.2 A pregnant employee is entitled to paid time off to attend ante-natal care. If requested evidence of appointments must be provided.

10.3 The duration of maternity support (paternity) leave is up to a maximum of 2 weeks. An employee is entitled to receive the following maternity support leave with pay:

	All staff
Week 1	5 days full pay
Week 2	£124.88 or 90% of normal weekly earnings, whichever is the lower

10.4 For children due on or after 3 April 2011 or, in the case of adoption, expected to be placed on or after this date, mothers and adopters will be able to transfer a portion of their maternity or adoption leave to the child's father, or their spouse, partner or civil partner. Additional Paternity Leave can only be taken when the mother or adopter has returned to work.

10.5 For further information please see the Maternity Policy and the Paternity Leave Policy both dated September 2010.

11. MEDICAL APPOINTMENTS

11.1 Hospital/Consultant Appointments

11.1.1 Members of Staff will be granted time off with pay to attend for a hospital appointment subject to:

- The appointment being for treatment or for a consultation as part of a treatment programme. This does not include participation in for example in clinical surveys.
- The appointment is not discretionary.
- Proof of the appointment being provided if requested.

Appointments should be scheduled outside normal working hours where discretion exists unless any resultant delay would lead to deterioration in the medical condition

11.1.2 Subsequent hospital/consultant appointments should be made outside normal working hours where possible.

11.2 GP and Dentist Appointments

Appointments should be scheduled outside normal working hours where discretion exists unless any resultant delay would lead to deterioration in the medical condition.

12. NON REGULAR FORCES/TERRITORIAL ARMY

- 12.1 Up to 10 days paid leave per year for official training or exercises.
- 12.2 Further unpaid leave may be granted at the discretion of the Governors or Head Teacher.
- 12.3 Reservists who are recalled for service will be granted unpaid leave of absence. Continuity of pensionable service will not be broken provided that contributions are maintained within the rules of the pension scheme. Staff will be reinstated on their return to employment with no detriment to their position or contractual entitlements due to being recalled.

13. PARENTAL LEAVE

- 13.1 An employee has the right to parental leave if they have one year's continuous service, and; is the parent of a child born after 15 December, 1999 who is under five years old, or is the parent of a disabled child born after 15 December, 1999 who is under 18 years old, or has adopted a child under the age of 18 after 15 December, 1999. The entitlement to parental leave lasts for five years from the date on which the child is placed for adoption or until the child's 18th birthday – whichever is first
- 13.2 The amount of parental leave is 13 weeks for each child, (18 weeks for parents of disabled children).
- 13.3 Parental leave will be unpaid.
- 13.4 The nature of the job to which an employee is entitled to return after leave periods depends on the length and timing of their parental leave.
 - 13.4.1 **Leave of four weeks or less** - the employee must be given their job back at the end of the leave.
 - 13.4.2 **Leave of greater than four weeks** - the employee must be given their job back or, if this is not possible, then a job which is suitable and appropriate.
 - 13.4.3 **Leave four weeks or less but taken immediately after additional maternity leave (AML)** - The employee must be given their job back or, if this was not possible at the end of the AML period and continues to be impossible, then a job which is suitable and appropriate.
- 13.5 Seniority and pension rights built up by an employee before taking leave are retained.

- 13.6 The member of staff is required to give at least 21 days' notice in writing. If requested, an employee must confirm the age of the child and their relationship to them.
- 13.7 The school will have the right to postpone the leave for up to six months from the date the employee wished to take the leave. This right arises if the employer's business would be "unduly disrupted" by the employee's absence, e.g. at times of exams, SATS, Inspections, the school being in special measures or intensive support or at other important periods in the academic year. The employer must give notice of postponement within seven days of the request for leave confirming: the reasons for postponement; and the period of rescheduled leave. Leave cannot be postponed when the employee gives notice to take it immediately after their maternity leave or the adoption of a child.
- 13.8 Any part of a week which is taken as parental leave will constitute a whole week.
- 13.9 An employee cannot take more than four weeks' leave for each child in any year. For these purposes, a year commences on the date of adoption or birth or the date on which the employee satisfies the qualifying condition of one year's employment.

14. PUBLIC DUTIES

- 14.1 All requests for leave of absence for the following or similar public duties will require the prior approval of the Governors or Head Teacher as appropriate.
- 14.1 **Local Authority Service**
The maximum unpaid leave that an employee can take for being a Member of a Local Authority or a committee or sub committee thereof is 208 hours per annum.
- 14.2 **Magistrates**
A maximum of 1 days paid leave per month will be granted in line with the magistrate's cycle.
- 14.3 **Jury Service**
Paid leave up to a maximum of two weeks as required unless an exemption is granted. Employees should not volunteer for any trial that they are advised will last in excess of two weeks. The jurors allowance will be offset against normal pay.
- 14.4 **Governors**
Employees who are elected to a post of governor within or outside of Bolton Council are not entitled to paid leave of absence to undertake these duties.

15. RELIGIOUS OBSERVANCE

- 15.1 The school recognises the personal commitment of individuals to observe their religious duties.
- 15.2 For further information please see the Religious Leave of Absence Policy dated September 2010.

16. TRADE UNION ACTIVITIES

- 16.1 Representatives engaged on employee relations business on behalf of their members who work for Bolton Council will be permitted to take reasonable time off during working hours for Teacher Association/Trades Union duties and activities for such purposes as negotiating on terms and conditions and attending disciplinary and grievance interviews.

REQUEST FOR LEAVE OF ABSENCE – STAFF

I would like to request leave of absence during term time from:

commencing: Date.....Time.....

to: Date.....Time.....

Reason for requesting leave of absence during term time:

..... Signed by Staff Member

To be completed by the Head teacher

Leave of absence approved by:

.....
Signed by Head teacher

This leave has been approved and the member of staff has been notified that the leave of absence is:

With pay		Making time up?	
Without pay			