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| <b>Policy Title:</b>          | <b>Leave of Absence for School Teachers</b>  |                                 |
| <b>Version:</b>               | 9.0  |                                 |
| <b>Date of Issue:</b>         | Autumn Term 2021   |                                 |
| <b>Date of Review:</b>        | Autumn Term 2022   |                                 |
| <b>Author &amp; Role</b>      | County Model Policy Adopted  |                                 |
| <b>Ratified by:</b>           | Governors Policy Committee   |                                 |
| <b>Date:</b>                  | October 2021   |                                 |
| <b>Responsible signatory:</b> | <b>Chair</b><br>A Blundell   | <b>Vice Chair</b><br>W Blundell |
| <b>Amendments / Comments</b>  | Model Policy amended   |                                 |
| <b>Outcome:</b>               | This Policy:<br>details colleagues' responsibilities for leave of absence for schoolteachers (including those on the Leadership Spine. |                                 |
| <b>Cross Reference:</b>       | Discretionary Leave Policy<br>Parental Leave<br>Paternity Leave<br>Shared Parental Leave   |                                 |

### **EQUALITY AND DIVERSITY STATEMENT**

Astley Park School is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics and all will be treated with dignity and respect.

### **POLICY REVIEW**

To ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, please contact the author of the policy.

**Astley Park School**

**LANCASHIRE COUNTY COUNCIL****LEAVE OF ABSENCE POLICY (SEPTEMBER 2021)****1. INTRODUCTION**

- 1.1 This document sets out the policy framework for leave of absence for all staff.
- 1.2 This scheme applies to staff in Community and Voluntary Controlled Schools and teaching staff in centrally managed services. It is commended to the Governing Bodies of Voluntary Aided and Foundation Schools.
- 1.3 Leave of absence is a contractual right and minimum entitlements to paid and unpaid leave within the scheme must be met. Schools may exercise discretion to award leave, paid or unpaid in excess of the minimum but should be mindful of treating staff consistently and fairly and the risk of setting a precedent for requests which fall outside of the scheme. All requests for such leave should be considered on an individual basis, with due sensitivity to the circumstances.
- 1.4 This scheme does not apply to sickness absence, maternity/adoption leave or time off for Trade Union activities for which there are separate provisions.
- 1.5 Where possible, employees will be encouraged to arrange appointments outside of the school day/term time. The Leave of Absence provisions only apply where this is not possible.
- 1.6 Leave of absence must be applied for at least one week in advance wherever possible

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

- 2.1 Applications for leave of absence must, normally, be received at the point when the member of staff is first aware that leave of absence will be required or at least seven days prior to the first day of intended absence (except in the case of emergency/unforeseen circumstances when the Headteacher should be informed at the earliest opportunity). Failure to give adequate notice of the request without good reason may result in the request not being approved.
- 2.2 All applications for leave of absence shall initially be made to the Headteacher on a standard pro forma. (See sample attached at **Appendix A**).
- 2.3 For requests for Leave of Absence which clearly fall within this scheme, these should be considered by the Headteacher who will be responsible for communicating the decision (using the sample pro-forma attached at Appendix A) to the individual.
- 2.4 For requests for Leave of Absence which do not clearly fall within this scheme (or any other scheme) these should be referred by the Headteacher to the relevant Governors Committee who will take into account the following:-
  - The reason for the request
  - If the request is for paid or unpaid leave

- The impact granting such leave will have on the continuity of education, any additional burden on colleagues and the impact on the school budget
- Whether any similar requests have been approved or not approved previously
- The precedent that may be set by granting such leave
- Any advice sought from the Schools HR Team
- The impact on equality

2.5 In these circumstances the relevant Committee should communicate their decision in writing giving full reasons for approving or not approving the leave using the sample pro-forma attached at **Appendix A**.

2.6 Requests for leave submitted by the Headteacher should be directed to the Chair of Governors, who will be responsible for considering the request or referring the matter to the relevant Committee of the Governing Body (depending upon whether the request falls under the Scheme or not).

### 3. NOTES

3.1 Periods of leave are expressed in days. In practice, leave may be taken as days, half days or lesser periods as may be agreed.

3.2 Maximum periods of leave allowed relate to an academic year.

3.3 For teachers in Centrally Managed Services, references to the Headteacher should be taken as referring to the relevant Senior Manager. In such cases, the functions ascribed to the Governing Body will be undertaken by the relevant Head of Service. Reference to 'school' should be taken as referring to the 'service'.

3.4 For those schools who have entered into a Service Level Agreement with Lancashire County Council Payroll Service all absences granted under this scheme, whether paid or unpaid, should be entered promptly onto the Oracle system.

3.5 For those staff who work fewer than 5 days per week the amount of approved leave will be reduced pro-rata.

3.6 A summary table outlining all provisions is attached at **Appendix B**.

3.7 Guidance notes regarding certain provisions are attached at **Appendix C**.

3.8 Guidance for Time off for Trade Union Duties is attached at **Appendix D**.

3.9 Separate provisions exist for [Maternity Leave](#), [Adoption Leave](#), [Paternity Leave](#), [Maternity Support Leave](#), [Shared Parental Leave](#) and [Parental Leave](#).

3.10 The employee is prevented from entering into any other contracted/paid employment with the Council or any other employer during either the paid or unpaid leave period.

**APPLICATION FOR LEAVE OF ABSENCE**

NAME \_\_\_\_\_ Position \_\_\_\_\_

No. of days requested:- \_\_\_\_\_ Date(s) for which Leave of Absence is requested:- \_\_\_\_\_

Reason for request:-

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Is the request for paid or unpaid leave? \_\_\_\_\_

No. of days Leave of Absence previously granted in this academic year \_\_\_\_\_

Signed.....

Date.....

For office use only:-

Approved by \*Headteacher/relevant Committee of Governing Body? \*Yes/No

If yes, is Leave of Absence granted paid or unpaid or a combination? \*Paid/Unpaid/A combination.

If a combination of paid and unpaid please state details \_\_\_\_\_

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If not approved please state reason \_\_\_\_\_

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(\*Please delete as appropriate)

## LEAVE OF ABSENCE ENTITLEMENTS (SEE SEPARATE GUIDANCE NOTES)

| CATEGORY   | MAXIMUM ENTITLEMENT (PAID LEAVE UNLESS OTHERWISE STATED)  |
|--|---|
| <b><i>Contractual Leave</i></b>  |   |
| Sick Leave   | See separate <a href="#">Absence Management Policy</a>  |
| Maternity Leave  | See separate <a href="#">Maternity Leave Scheme</a>   |
| Adoption Leave   | See separate <a href="#">Adoption Leave Scheme</a>  |
| **Paternity leave  | Up to 2 weeks for qualifying employees  |
| **Maternity Support Leave  | 5 days at or around the time of the birth   |
| (** NB Employees entitled to both Paternity Leave and Maternity Support Leave are only entitled to 2 weeks leave in total)                                   |   |
| Trade Union activities/duties  | See separate <a href="#">Facilities Time Agreement</a> and Time off for Trade Union Duties at <b>Appendix D</b> |
| <b><i>Public Service (Paid) (18 days in total for all public service duties excluding those marked with an *)</i></b>  |   |
| Parliamentary Candidates   | 15 days paid, 5 days unpaid   |
| Members of other Local Authority Councils and Committees.  | 18 days   |
| Appointment by Minister of the Crown, Association of Local Authorities, or Local Authority, to serve on Committee, Panel, Tribunal etc (or election to such) | 12 days   |
| Magistrates/Justices of the Peace  | 18 days   |
| Teachers who are Governors of schools other than their own   | 18 days   |
| *Jury Service  | Separate provisions apply <a href="#">here</a>  |
| *Attendance at Court/Tribunal as a Witness   | No maximum  |
| *Reserve Armed Forces (see <a href="#">here</a> for more information)  | No maximum  |
| *Training or active service with reserved armed forces   | 2 weeks with pay for summer camp if this falls within the person's normal working time                          |
| <b><i>Public Service (Unpaid) (18 days in total for all public service duties)</i></b>   |   |
| Candidates for election to a local authority   | Day of election   |
| Official delegate to annual conference of a major political party  | Duration of conference  |
| Election Duty  | 1 day   |
| <b><i>Discretionary Leave/Leave associated with role in school</i></b>   |   |
| Voluntary Organisations/ representing county/country at sport etc.   | As required – subject to approval   |
| Teachers who are Governors of their own school   | As required - subject to approval   |
| Attendance at external meetings relevant to the person's role/needs of the school  | As required - subject to approval   |

| CATEGORY  | MAXIMUM ENTITLEMENT (PAID LEAVE UNLESS OTHERWISE STATED)  |
|---|---|
| <b>Personal Leave (paid)</b>  |   |
| Job Interviews  | Reasonable time off – subject to approval   |
| Illness of a dependant/accompanying a dependant to a medical appointment  | Up to 6 days with pay – <b>only the first day of each occasion is with pay unless exceptional circumstances apply</b>           |
| Funerals of close relatives   | 1 day (Up to 3 days in total if unavoidable travel or acting as a personal representative)                                      |
| Foster Care/ <u>Special guardianship</u> (to facilitate fostering arrangements)                                 | Up to 3 days in total if Special Needs  |
| Prospective parents (other than the expectant Mother)   | 1 ante-natal visit and up to 3 scans (unless exceptional circumstances)   |
| Degree ceremony/passing out parade of spouse/partner, son or daughter   | 1 day (Up to 3 days in total if unavoidable travel)   |
| Ante natal visits/scans   | As necessary  |
| Pre-adoption visits   | As necessary/reasonable   |
| Time off for medical treatment, eg IVF  | As necessary  |
| <b>Personal Leave (Unpaid)</b>  |   |
| House Removal   | 1 day   |
| Wedding of a close relative   | 1 day   |
| Religious observance  | Up to 3 days  |
| Elective surgery (eg cosmetic surgery not arising from serious injury or illness)                               | As required – subject to approval   |
| Time off for dependants (NB this is a statutory entitlement and is separate to 'Illness of a Dependant' above). | As required – See Guidance Notes at <b>Appendix C</b>   |
| Personal Leave for other matters, eg to care for a seriously ill person, extended holiday, pilgrimage etc       | Up to 2 months – subject to approval. If further unpaid leave is requested this should be approved by the Governing Board.      |
| <b>Professional Leave</b>   |   |
| Work outside the auspices of the Authority connected to Education, eg TV work/lectures                          | 5 days paid, 5 days unpaid  |
| Participation in work of recognised exam boards   | 12 days paid, 6 days unpaid   |
| In-service training where course is financed from school budget   | Duration of course  |
| School visits for the purpose of professional development   | As necessary – subject to approval  |
| OFSTED Inspections/DfE performance management work  | As necessary.   |
| <b>Study Leave</b>  |   |
| Time off for attending college/University to study for a formal qualification, eg GCSE, NVQ, BTEC, Degree       | As agreed by the Governing Board prior to the course of study commencing taking into account the relevance of the qualification |

|   |   |
|---|---|
|   | to the person's role and the needs of the school.   |
| Time off for study leave/exams for a formal qualification, eg GCSE, NVQ, BTEC, Degree | As agreed by the Governing Board prior to the course of study commencing taking into account the relevance of the qualification to the person's role and the needs of the school. |
| Time off for private study/exams not relevant to role or approved by the school       | Employee should submit a Flexible Working Application   |
| Attendance at interview or degree ceremony  | Up to 2 days with pay providing course of study has been funded by school and/or is relevant to role.   |



**LEAVE OF ABSENCE GUIDANCE NOTES****1. PUBLIC SERVICE LEAVE**

1.1 18 days in total (both paid and unpaid) are granted for Public Service duties as outlined in Appendix B excluding:

- Jury Service
- attendance at court/tribunal as a witness
- official working groups
- Reserve Armed Forces – training or active service

**2. DISCRETIONARY LEAVE/LEAVE ASSOCIATED WITH ROLE IN SCHOOL**

2.1 All leave within this category will be as required and subject to approval taking into account the person's role and the needs of the school.

**3. PERSONAL LEAVE**

3.1 Leave will be granted where it has not been possible for appointments/events to take place outside of normal working hours/term time or, in the case of caring for dependents, where it is not possible for the caring responsibility to be carried out by another carer.

3.2 6 days with pay are available in relation to leave of absence for the purpose of caring for a dependent when they are ill and/or their normal caring arrangements breakdown. For each occasion, unless there are exceptional circumstances, any leave beyond 1 day will be without pay and a total of 6 days per year will be granted.

3.3 In relation to 'Time off for Dependents' this is a separate statutory entitlement in order to deal with an emergency involving a dependant. A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care. This should be referred to when all Personal Leave has been exhausted. Further details can be accessed [here](#).

3.4 For attendance for an interview reasonable time off will be available, taking into account the circumstances of individual schools. Advice should be sought from the Schools' HR Team where necessary. Pre-interview visits will be allowed at the discretion of the Headteacher.

3.5 For time off for medical treatment eg fertility treatment absences as a hospital outpatient or GP appointments (for tests etc.) will be allowed as necessary, outside the Leave of Absence Scheme, where appointments cannot reasonably be arranged outside working time.

If an employee is admitted to hospital as a day patient or in-patient this would fall within the sickness absence provisions, as they would not be in a position to attend work even if they wished to. Should a school have concerns regarding the length of any subsequent period of sickness absence following medical treatment they are advised to contact Occupational Health who will advise on any likely recovery period and expected length of absence from work, which may differ from the former.



Where it is considered that the number of repeated requests for time off for medical treatment have reached unreasonable proportions any decision to refuse a request must be based upon a clear business reason(s) and if necessary advice should be sought from Occupational Health.

- 3.6 For time off for elective surgery (eg eye laser surgery, plastic/cosmetic surgery/vasectomy) – it is expected that such procedures should be undertaken outside of normal working hours taking into account the relevant recovery period. Where this is not possible leave without pay may be granted. For cosmetic surgery as a result of serious illness or injury, time off will be in accordance with the sickness absence scheme.

#### 4. **PROFESSIONAL LEAVE**

- 4.1 Professional leave is for the purposes of bringing further expertise and CPD into the school and/or contributing to the wider education sector through involvement with, for example, exam board work and Ofsted.
- 4.2 All requirements for professional leave should be discussed with the Headteacher who will assess what benefits such leave will bring to the school, the employee and the wider education sector.
- 4.3 Professional Leave with normally be paid unless alternative arrangements apply, eg the school is re-imbursed directly by other agencies.

#### 5. **STUDY LEAVE**

- 5.1 The provisions within this policy are purely for guidance due to the many different types of study methods and qualification now available. Schools may wish to draft a separate Study Leave Policy.
- 5.2 Time off for any leave associated with the course of study, including attendance at college, revision time, exams, passing out/degree ceremony should be agreed in advance of the course starting.
- 5.3 Any leave approved by school for the purposes of obtaining additional qualifications should take into account the individual's role, the benefit to school, the impact on other staff and the cost to school.
- 5.4 Where time off is requested for a course of study which is not relevant to the employee's role or of benefit to the school this should be considered in accordance with the [Flexible Working Policy](#).

Astley Park School

**GUIDANCE FOR MANAGERS ON TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES****Introduction**

Trade union representatives have a statutory right to reasonable paid time off from employment to carry out trade union duties and trade union training. They also have a statutory right to reasonable unpaid time off when taking part in trade union activities.

There are positive benefits for schools in supporting the role of the trade union representative. Effective trade union representatives can aid in the resolution of problems and conflicts at work and, by granting reasonable time off to represent or accompany members, formal procedures can be progressed more speedily.

The role of the trade union representative can be demanding and complex and, in order to perform effectively, sufficient time off should be given from their normal duties, where appropriate, to undertake trade union duties and relevant training.

It is important to draw a distinction between trade union duties, which are paid, and trade union activities, which are unpaid.

**Trade union duties**

Duties are likely to be the following:

- providing advice to trade union members;
- meetings to prepare for and represent/accompany trade union members at formal hearings etc.;
- attending meetings with school management representatives to discuss individual cases/disputes;
- meetings with officer representatives as part of formal/informal consultation/negotiation.

**Trade union activities**

Activities are organised and conducted by the trade union and can be, for example:

- attending workplace meetings to discuss and vote on the outcome of negotiations with the Local Authority and/or School;
- voting in union elections;
- having access to services provided by a Union Learning Representative;
- branch meetings of the union where the business of the union is under discussion.

**Considering a request for time off**

When a trade union representative submits a request for time off, the request should be reasonable and the time off sufficient to undertake the duty or activity. Time off should be granted subject to a balance between the needs of the school and the needs of the employee to be represented.

The trade union representative should provide the Headteacher with the following information when making a request for time off, giving as much notice as possible:

- the reason for the request (but preserving personal confidential information);
- the date, time and duration of time off required;
- details of any training course to be attended (for example, the content of the training course).

A mutually convenient time should be agreed where possible which minimises the effect on school.

#### **Factors to take account of when considering a request for time off:**

##### **Reason**

The reason for the time off and the scale or complexity of the issue.

##### **Time**

The amount of time that has already been granted to deal with this particular issue, or to undertake TU duties for other members.

##### **Availability**

Whether other trade union representatives are available to undertake these duties.

How the workload of the employee can be managed during their absence and the likely impact on the service.

##### **Needs of the TU member**

The needs of the employee requesting representation.

The working patterns of the trade union representative and the employee requesting representation.

Headteachers should consider each request for time off on its merits, taking into account the above factors and must act reasonably when considering requests and balance each request for time off with the needs of the school. Headteachers should be flexible wherever possible, particularly where the trade union representative is involved in matters where their non-release may delay a disciplinary hearing, for example.

The amount of time requested to be taken off will fluctuate depending on the nature and complexity of matters trade union representatives are involved in and the numbers of trade union representatives available at a given time to undertake the duties.

#### **Procedure for recording time off for trade union duties/activities**

Trade union representatives should submit any request for time off to the Headteacher using the Oracle system. The Headteacher will approve the request or otherwise and record on Oracle.

**Astley Park School**