

## LANCASHIRE COUNTY COUNCIL

### LEAVE OF ABSENCE FOR SCHOOL TEACHERS (MAY 2020)

#### INTRODUCTION

1. This document sets out the policy framework for leave of absence for schoolteachers (including those on the Leadership Spine).
  - 1.1 This scheme applies to teaching staff in Community and Voluntary Controlled Schools and centrally managed services. It is commended to the Governing Bodies of Voluntary Aided and Foundation Schools.
  - 1.2 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. All requests for such leave should be considered on an individual basis, with due sensitivity to the circumstances.
  - 1.3 This scheme does not apply to sickness absence, maternity/adoption leave or time off for Trade Union activities for which there are separate provisions.
2. Arrangements for Supply cover for teacher absence is a matter for individual schools.
3. Leave of absence is considered in terms of 5 separate areas as follows:-
  - (a) Contractual Leave - (Section 6)
  - (b) Public Service Leave - (Section 7)
  - (c) Personal and Dependency Leave - (Section 8)
  - (d) Professional Leave - (Section 9)
  - (e) Discretionary Leave - (Section 10)
4. **APPLICATIONS FOR LEAVE OF ABSENCE**

The following procedures should be followed:-

- (a) Applications for leave of absence must, normally, be received at the point when the Teacher 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 so that alternative arrangements can be made to meet the teacher's commitments may result in the request not being approved.
- (b) All applications for leave of absence shall initially be made to the Headteacher on a standard pro forma. (See sample attached at **Appendix A**).

- (c) 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.
- (d) 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

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**.

## 5. NOTES

- (a) Periods of leave are expressed in days. In practice, leave may be taken as days, half days or lesser periods as may be agreed.
- (b) Maximum periods of leave allowed relate to an academic year.
- (c) 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'.
- (d) Where leave of absence without pay is granted, deductions from salary will be made on the basis of 1/365 of annual salary for each day of absence.
- (e) For those schools who have entered into a Service Level Agreement with the BTLS Payroll and Pension Service all absences granted under this scheme, whether paid or unpaid, should be entered promptly onto the Oracle system.
- (f) The amount of approved leave will be reduced pro-rata for part-time teachers.
- (g) A summary table outlining all provisions is attached at **Appendix B**.
- (h) Separate provisions exist for Maternity Leave, Adoption Leave, Paternity Leave, Maternity Support Leave, Shared Parental Leave and Parental Leave.
- (i) 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.

## 6. CONTRACTUAL LEAVE

- (a) This refers to leave granted to teachers as a contractual entitlement under the terms of such national or local agreements as may be in force.

These are currently as follows:-

**Teachers Sick Pay Regulations** – See separate Absence Management Procedures

**Maternity and Adoption Leave Provisions** – See separate Maternity and Adoption Leave Schemes

**Trade Union Facilities Agreement** – See separate Facilities Agreement

**Health & Safety Representatives** - Leave of absence with pay will be available to Safety Representatives as necessary for performing duties as defined in the Health and Safety at Work Regulations.

## 7. PUBLIC SERVICE LEAVE

- (a) Teachers undertaking public service or civic duties will normally be given leave WITH PAY as follows:-
- (i) Members of local authority councils and committees will be allowed not more than 21 days paid leave for the purpose of undertaking approved duties.
  - (ii) Justices of the Peace will normally be allowed up to 18 days paid leave to undertake duties in connection with their Magistracy. On application by the teacher concerned, the relevant Committee of the Governing Body may exceptionally authorise further paid leave where necessary.
  - (iii) Teachers appointed by a Minister of the Crown, by an Association of Local Authorities or by a Local Authority to serve on a Committee, Tribunal, Panel or similar body, will be allowed up to 12 days paid leave in connection with these duties. On appointment or election to such bodies, teachers should ascertain from the outset the extent of their likely commitment and any other relevant terms and conditions of their appointment such as the payment of fees or honoraria. These details should be submitted with the initial request for leave and will be taken into account in determining the extent of any leave and on what basis it may be granted. (See also 7(b)(v) below).
  - (iv) Teachers ***required*** to attend a court or tribunal as a juror or witness will be allowed leave with pay as necessary. Individual teachers should complete a "loss of earnings" claim supplied by the Court. Where attendance allowances are paid in connection with public service, the amount paid will be recouped by the Human Resource, Payroll and Pension Service. The teacher should contact AskHR to agree arrangements for this recoupment. Where on jury service or other activities, the absence extends over 30 days, the teacher's superannuation position can be affected and in these cases, advice should similarly be sought through AskHR/Teacher Association Representatives.

In the case of Jury Service, the Court will provide a form to the teacher which should be forwarded to the Human Resource, Payroll and Pension Service for the insertion of the daily rate of pay. The completed form is then returned to the teacher to produce to the Court - where the amount payable by the Court will be inserted and payment made direct to the teacher - the form should then be forwarded to the Human Resource, Payroll and Pension Service who will make the necessary deduction from salary, to ensure total income is as normal.

Where teachers are required to attend a court or tribunal other than as a juror or witness, leave of absence will be granted as necessary. The question of salary payment for such absences will be at the discretion of the relevant Committee of the Governing Body.

- (v) A Children's Services case conference on a child who is "at risk" may recommend that a Core Group be set up. Once such a Group is set up, it is important that all members participate. Occasionally, a child's teacher may be part of a Core Group, particularly where they are the only stable adult with whom the child has a relationship.

Meetings of Core Groups normally take place every six weeks and last about an hour. If a teacher is a member of a Core Group it should be possible to schedule meetings for times which cause no disruption to the school day. Where this is not possible, however, membership of a Core Group will be regarded as Public Service.

- (vi) Leave of absence with pay will be granted to teachers attending training or active service with the reserved armed forces. Any pay received by the teacher for attendance at such training or active service must be notified to the schools payroll provider so that the necessary adjustments to salary can be made. NB If a Teacher is called up for service (mobilised) they should be placed on Leave Without Pay as they will be paid an allowance by the Ministry of Defence for the period of the mobilisation. Further details can be found [here](#).

- (b) Teachers undertaking public service or civic duties will normally be given leave WITH/WITHOUT PAY as follows:-

- (i) Teachers who are Parliamentary candidates (including the European Parliament) will be allowed up to 20 days leave of absence, the first 15 days with pay and 5 further days without pay.
- (ii) Teachers who are candidates for election to a local authority will be allowed to take unpaid leave on the day of the election only.
- (iii) Teachers selected as official delegates to the national conference of a political party will be allowed leave without pay for the duration of the conference.
- (iv) Leave is not normally available for polling duties or to be a party worker or for duties as a census officer or enumerator.

- (v) Teachers appointed or elected by a Minister of the Crown, by an Association of Local Authorities or by a Local Authority to serve on a Committee, Tribunal, Panel or similar body will be allowed, where necessary, up to an additional 6 days unpaid leave in connection with these duties.

(c) Discretionary Leave

- (i) The relevant Committee of the Governing Body may extend paid leave for teachers who are members of local authorities, or Justices of the Peace or carrying out other duties where this is necessary to enable the duties of the office to be carried out satisfactorily.

## 8. PERSONAL LEAVE

(a) Teachers will be allowed leave WITH PAY for personal reasons as follows:-

- (i) **Attendance for an interview for any employment** – 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.
- (ii) **Illness of a dependant** - normally granted for emergency/unforeseen circumstances. The expectation is that the leave will be granted in order for alternative caring arrangements to be made. 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.
- (iii) **Paternity Leave, at or around the time of the birth** - Up to 2 weeks leave for qualifying employees paid at the standard SMP Rate (See separate guidance on School Portal)  
**Maternity Support Leave, at or around the time of the birth** - 5 days paid leave will be available. (See Maternity and Childcare Information Pack on School Portal) *(NB Employees who are entitled to both Paternity and Maternity Support Leave are only entitled to 2 weeks leave in total)*
- (iv) **Attendance at the funeral of a close relative e.g. parent, grandparent, spouse/partner, son, daughter, brother, sister, father-in-law, mother-in-law or a dependant** – 1 day. The allowance for paid leave will normally be one day, with provision for a second, or exceptionally a third day of paid leave to be available where this is essential and unavoidable due to the travelling distances involved or where acting as the personal representative of a deceased close relative as defined above.
- (v) **Attendance at a degree conferment or similar ceremony (eg passing out parade) involving the teacher's spouse/partner, son or daughter** - 1 day's paid leave as necessary. The allowance for paid leave will normally be one day, with provision for a second or exceptionally a third day of paid leave to be available where this is essential and unavoidable due to the travelling distances involved.
- (vi) **Foster care/\*Special Guardianship** – 1 day will be available to facilitate the fostering of a child. (Except in cases where the child has special needs when 2-3

days will be available) (\*visit <https://www.gov.uk/government/publications/special-guardianship-guidance> for further information)

- (vii) **Prospective Parents (other than the expectant mother)** – 1 ante-natal visit and reasonable time off for scans as necessary

**(b) 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 Unit 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).

**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.

- (c) Notwithstanding Section 8, Paragraph (a) (iii), Teachers will be allowed leave WITHOUT PAY for personal reasons as follows:-

**(i) Time off for dependants.**

There is the right to take a reasonable amount of unpaid leave to deal with incidents involving a 'dependant' - defined as the teacher's parent, spouse/partner, child or someone who lives as part of the family or for whom the teacher is the main carer.

The time off may be:-

- to help when a dependant falls ill or is injured;
- to cope when the arrangements for caring for a dependant unexpectedly break down;
- when a dependant gives birth;
- when a dependant dies or
- to deal with an unexpected incident involving a dependant child during school hours/or on a school trip

**(ii) House removal - One day.**

- (iii) **Religious Observance** necessarily undertaken in school time - not more than three days unpaid leave.
- (iv) **Attendance at the wedding** of a close relative - 1 day
- (v) **Speed Awareness Course** – Teachers opting to attend this course as an alternative to prosecution will be expected to make every attempt to attend this course outside of their normal working hours. In circumstances where this is not possible time off WITHOUT PAY will be granted.
- (vi) The Headteacher, acting in accordance with arrangements agreed by the Governors, may approve unpaid leave of absence not exceeding two days per school year for personal circumstances beyond those specified above.

## 9. PROFESSIONAL LEAVE

- (a) Approval for leave of absence for teachers undertaking in-service training or other professional activity outside the auspices of the school will be determined by the relevant Committee of the Governing Body having regard to the needs of the school, to the need of all teachers for professional study and extension.

**NOTE:** *Teachers in receipt of Teacher Association Facility time should not be expected to use such time for INSET courses*

- (b) Where leave of absence has been approved, the following terms and conditions will apply in respect of the activities specified.
  - (i) Except where otherwise provided, where the School has approved the attendance of a teacher on an in-service training course or for full-time secondment to an extended course of study, leave with pay will be granted for the duration of the course.
  - (ii) Not more than 18 days leave will normally be available for a teacher to participate in the work of recognised examination boards, including committee and panel work of which up to 12 days will be paid leave.

This refers to work other than that associated with the preparation and assessment of candidates under the auspices of the teacher's school.

On notification of intended nomination for, or prior application for appointment or reappointment to such positions with examination boards, teachers should ascertain, from the outset, the extent of their likely commitment and any other relevant terms and conditions of their appointment including reimbursement for supply cover. These details should be submitted with the initial request for leave and will be taken into account in determining the extent of any leave and on what basis it may be granted.

Where leave of absence for more than 10 days in an academic year is involved in connection with external examination work, the Head (and where appropriate the Governors) should seek the views of the Authority's

advisory staff and take these into account together with any representations made by the teacher in determining their response to the request for leave.

- (iii) Up to 10 days leave will be available for a teacher to undertake work outside the auspices of the Authority in connection with the education service, eg television or radio work or to give lectures. Of the 10 days available the first 5 days will be with pay and any further days up to a maximum of 5 will be without pay.
- (iv) Where a teacher is undertaking approved private study for a recognised degree or diploma, not more than 20 days paid leave will be available over the duration of the course as a whole. The amount of paid leave granted for specific courses shall be determined by the relevant Committee of the Governing Body.
- (v) Paid leave of one or two days, as necessary, is available for a teacher attending for interview, undertaking an examination or attending a degree/diploma conferment ceremony in connection with a recognised course of study.
- (vi) Headteachers or teachers engaged by OFSTED for school inspection work or by DfE contractors for performance management purposes should ascertain the extent of their likely commitment and any other relevant terms and conditions including reimbursement for supply cover. Release is at the discretion of the School. Where paid leave of absence is granted, this will include agreement as to the use of any payment by OFSTED or DfE contractors.

#### 10. **DISCRETIONARY LEAVE**

- (a) The relevant Committee of the Governing Body may approve leave of absence for reasons not contained in the scheme, or for longer periods than those stipulated not exceeding four months.



**APPLICATION FOR LEAVE OF ABSENCE – TEACHERS**

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)



## SUMMARY OF LEAVE OF ABSENCE ENTITLEMENTS

CATEGORY	MAXIMUM ENTITLEMENT (PAID LEAVE UNLESS OTHERWISE STATED)
<b><i>Contractual Leave</i></b>	
Sick Leave	See separate Absence Management Policy
Maternity Leave	See separate Maternity Leave Scheme
Adoption Leave	See separate Adoption Leave Scheme
Trade Union activities/duties	See separate Facilities Time Agreement
<b><i>Public Service</i></b>	
Parliamentary Candidates (including European Parliament)	15 days paid, 15 days unpaid
Candidates for election to a local authority	Day of election (unpaid)
Official delegate to annual conference of a major political party	Duration of conference (unpaid)
Members of other Local Authority Councils and Committees.	21 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 paid, 6 days unpaid
Magistrates/Justices of the Peace	18 days
<sup>+</sup> Jury Service	No maximum
<sup>+</sup> Attendance at Court/Tribunal as a Witness	No maximum
Voluntary Organisations/ representing county/country at sport etc.	Discretionary (no min/max)
Teachers who are Governors of schools other than their own	18 days
Teachers who are Governors of their own school	Discretionary (no min/max)
Meetings called by CSA eg SACRE, Official Working Groups	No maximum
Social Services Core Groups	No maximum
Reserve Armed Forces (see <a href="#">here</a> for more information)	No maximum

CATEGORY	MAXIMUM ENTITLEMENT (PAID LEAVE UNLESS OTHERWISE STATED)
<b><i>Personal Leave</i></b>	
Job Interviews	Reasonable time off
House Removal	1 day without pay
Illness of parent, spouse/ partner, son, daughter or dependant	Up to 6 days with pay – only the first day of each occasion is with pay
Funerals of close relatives	Up to 3 days
**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)	
Prospective parents (other than the expectant Mother)	1 ante-natal visit and reasonable time off for scans as necessary
Foster Care/Special Guardianship (to facilitate fostering arrangements)	1-3 days
Wedding of a close relative	1 day without pay
Degree ceremony/passing out parade of spouse/ partner, son or daughter	1-3 days
Religious observance	1-3 days unpaid
Ante natal visits	As necessary
Pre-adoption visits	As necessary
Time off for medical treatment	As necessary
Elective surgery	Unpaid
Time off for dependants	Unpaid (See Paragraph 8(c)(i))
Speed Awareness Course	Unpaid

CATEGORY	MAXIMUM ENTITLEMENT (PAID LEAVE UNLESS OTHERWISE STATED)
<b><i>Professional Leave</i></b>	
Work outside the auspices of the Authority	5 days paid, 5 days unpaid
Participation in work of recognised exam boards	12 days paid, 6 days unpaid
Attendance at interview, degree ceremony or undertaking an examination in connection with their course of study	1-2 days
In-service training where course is financed from school budget	Duration of course
Study leave for course funded by the school but undertaken outside of school time	Up to 20 days over duration of the course
School visits for the purpose of professional development	As necessary
OFSTED Inspections/DfE performance management work	As necessary. Paid or unpaid

**Note:** Separate provisions exist for Maternity Leave, Adoption Leave, Paternity Leave, Maternity Support Leave, Shared Parental leave and Parental Leave [here](#).