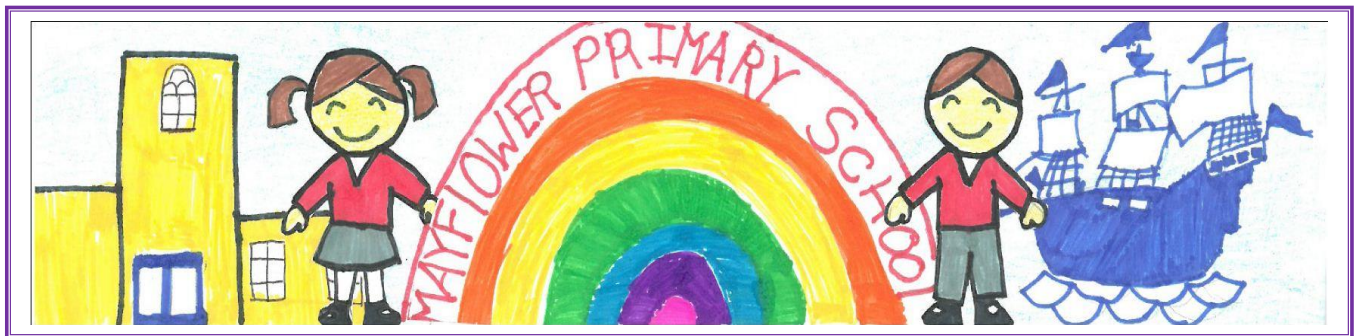
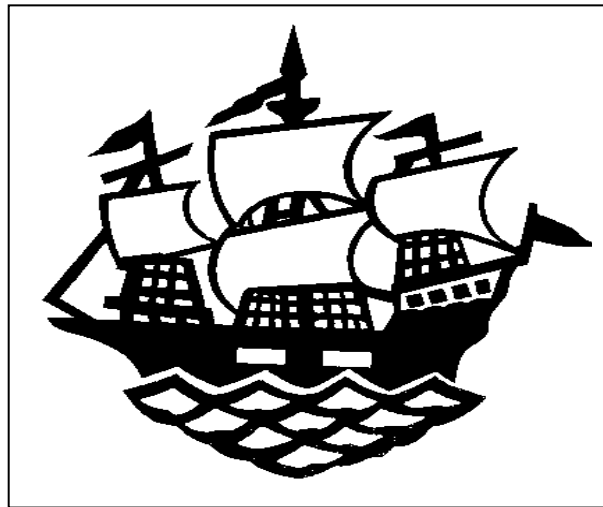


# MAYFLOWER PRIMARY SCHOOL



## LEAVE OF ABSENCE POLICY 2023-2024

Leave of absence is a period of time where an individual maintains [employee status](#) while taking time away from their primary job. As a caring employer, we wish to ensure clarity in what can be allowed, give equality of opportunity for all, and work in support of all staff to maintain the best rates of attendance possible.

<b>Policy Date:</b>	August 2021	<b>Version:</b> 4	
<b>Policy Review Date:</b>	Sept 2023	Head Teacher: Luke Whitney	
<b>Ratified by Governing Body:</b> September 2021			
Mr. K. Bhogaita	(Chair of Governors)	Insert Signature	

## **Purpose**

This policy sets out the circumstances in which teachers will be granted paid or unpaid leave of absence during term time. It aims to promote a fair, reasonable, non-discriminatory and consistent approach to granting such leave, recognising that there are occasions where discretion and flexibility need to be exercised.

The policy recognises that teachers do not have the discretion to take annual leave, and so provides for leave of absence in certain circumstances where other employees would be expected to use annual leave, such as to attend functions of significance to their family members or when moving house.

## **Scope**

This policy is recommended to governing bodies for adoption in schools for teachers in all LA establishments. It also applies to teachers employed to work in any centrally-managed service.

## **Legislative Framework**

The Education (Teachers) Regulations 1993, as amended by the Education (Teachers) (Amendment) (No 2) Regulations 1997, contain provisions specific to teachers.

In addition, a range of general legislation provides the right to time off for certain reasons, such as the Employment Relations Act 2004, Employment Rights Act 1996 and the Work and Families Act 2006.

This policy differentiates between leave of absence governed by statute and that over which some discretion may be exercised.

## **Authorisation of Leave of Absence**

In schools with delegated budgets, the authority to grant leave (with or without pay) rests with governors. However, headteachers have delegated powers to manage this policy. Leave for headteachers should be authorised by Chairs of Governors.

## **Reasons for and Amounts of Leave of Absence**

**Appendix 2** sets out the reasons for which paid or unpaid leave of absence will be granted, the recommended maximum number of days per year, funding arrangements and further guidance.

## **Exercise of Discretion**

When considering non-statutory requests for leave of absence, the Head Teacher will have regard for fairness and consistency within the context of:

The operational needs of the school including continuity of educational provision and health and safety;

- Budgetary implications
- The individual needs of the teacher concerned;
- The length of time requested;
- The amount of notice given.

Where permission has been granted, pay should not normally be deducted where the school does not incur costs and is not specifically identified on **Appendix 2** in the policy.

Teachers may ask for written reasons why a request has been declined or partly awarded.

### **Requests for and Recording of Leave of Absence**

Requests for leave of absence should be made, giving as much notice as possible, by letter (stating the reason for the request and the relevant date(s)) or completion of a request for leave of absence form. A sample form that governing bodies may wish to adopt is at **Appendix 1**. Advance requests obviously cannot be made in the case of domestic emergencies, but teachers should notify the school as soon as possible of the reason for their absence and either complete a request form or provide a letter on their return to work.

The Head Teacher will retain accurate written records of leave requested, granted and not granted for reference purposes and for scrutiny by governors.

### **Time off for Medical Visits, Health Screening and Amica Counselling**

Teachers are expected to request medical appointments, e.g. doctor, hospital, dentist, health screening, counselling, outside normal working hours wherever possible and to attend work before/after visits where appropriate. However, it is recognised that hospital appointments are generally outside the individual's control and so greater flexibility and sensitivity should be exercised by the Head Teacher in such cases.

Optician appointments must **always** be made outside working hours, **except** where the council's scheme for regular DSE use applies and in exceptional situations, e.g. emergencies or where the teacher's optical condition constitutes a disability (for example, retinopathy appointments).

With the exception of emergencies, prior permission to attend appointments during working hours must be sought. Where a series of visits is anticipated, the timing and frequency should be discussed in advance with the Head Teacher so that arrangements can be made both to assist the employee to attend and to minimise the impact on service delivery.

## **Donation of Blood or Plasma**

Employees wishing to donate blood or plasma will be allowed to do so during normal working hours. Prior permission for absence should be obtained in the same way as for medical visits.

## **Right of Appeal**

Any right of appeal against a decision not to grant leave would be to the relevant Governors' Appeals Committee. The Head Teacher will be happy to provide further details on request.

## **Policy Abuse**

Any leave taken under this policy must be used only for the purpose for which it was requested. Failure to comply with any aspect of the policy may be dealt with under the disciplinary policy and could result in disciplinary action, up to and including dismissal.

## **Policy Review**

The Governing Body of Mayflower Primary School commit to updating this policy on an annual basis, in-line with recommendations made by Leicester City Council.

## **Appendix One: Leave of Absence Request Form**

## Appendix 2: Recommended Maximum Number of Days Leave per Academic Year

Head Teachers may grant up to 5 working days paid leave of absence, in total, per academic year, for all reasons combined. Governors may extend this provision by a further 5 working days per academic year in exceptional circumstances.

No more than 10 days (18 days for Magistrates/Justices of the Peace) paid leave per year (pro rata for part-time employees) will be granted for the following types of special leave combined:

- Service on public bodies (including governing bodies)
- Volunteer members of non-regular forces \*
- Sporting competitions (in the City, County or Country)

The recommended maximum, for other requests for leave, are detailed in the table below with related guidance.

Reason	Recommended Maximum Number of Days given per year	Funding	Guidance (in all circumstances, as much notice as possible should be given)
Serious illness or death of a close relative or friend, domestic emergency, attendance at funerals (not limited to close relatives) etc.	5	School	<p>An 'emergency' is defined as 'an unexpected event requiring immediate attention'. A teacher will, therefore, be unable to give notice of the leave requirement. The time required to address the emergency will be for a finite period. Once the need for immediate action has been addressed, the emergency will be considered to be over. Whilst headteachers should aim to be as flexible as possible when granting emergency/domestic distress leave, they must be mindful of the needs of the school.</p> <p>Headteachers should discuss all requests for such leave with the teacher in an attempt to reach an amicable agreement, which may include combining paid emergency/domestic distress leave with an element of unpaid leave. In addition, all teachers have the right to time off to care for a dependent in certain circumstances, including when the arrangements for a dependent's care are unexpectedly disrupted and where the employee</p>

			<p>has advance notice of the unavailability of childcare but is unable to make suitable alternative arrangements.</p> <p>Therefore, headteachers need to consider the circumstances of the employee and the availability of alternative childcare in considering requests for time off to care for dependents/close relatives. Whilst the statutory right is to unpaid leave, the council provides for paid leave. 'Dependent' is defined as a spouse, child, parent or person who lives in the same household as the teacher, other than their employee or tenant. For this policy, the definition of a 'close relative' includes child, parent, and spouse/partner. It also covers other relatives/close friends where the teacher can demonstrate that they have been responsible for the individual's upbringing or are the main carer.</p>
Function of importance to family members	1	School	<p>Paid leave will be given for, for example, the graduation ceremony of a son/daughter, the wedding of a close relative (includes child, parent, brother/sister, any other relative who normally resides with the teacher or a person who stands in loco parentis to the teacher or vice versa) on the actual day of the event.</p>
Moving house	1	School	<p>Paid leave, on the day of the move, will be given for.</p>
Job interviews for posts within local government	5	School	<p>NB: Teachers who are in a redundancy situation can apply for reasonable paid leave for job hunting with any prospective employer.</p>
Examinations	5	School	<p>For the actual period of the examination (NOT study leave) for the improvement of a teacher's qualifications, including reasonable travelling time.</p>
Religious Festivals	1 (option to grant 1 additional day's unpaid leave)	School	<p>For observance of major religious festivals by a member of the faith concerned.</p> <p>Although there is no express right to time off work for this purpose, headteachers should sympathetically consider</p>

			<p>such requests where it is reasonable and practical for teachers to be away from work.</p> <p>The Employment Equality (Religion or Belief) Regulations 2003 protect workers from discrimination on the grounds of religion or belief (as well as those who have no religion or belief).</p> <p>Forward planning by both headteachers and teachers for time off is necessary. Teachers should give as much notice as possible of a leave request and be aware that the headteacher may not always be able to accommodate it. Headteachers should be mindful that such occasions are of significant personal importance to the teacher concerned, so uncertainty over whether time off will be granted until very near the occasion itself can cause unnecessary distress. Some religious festivals are based on the lunar months and, therefore, dates change from year to year. For example, the Muslim festivals of Eid-ul-Adha or Eid-ul-Fitr are approximately 11 days earlier every standard year. Furthermore, the dates of these festivals may not become clear until close to the actual day. However, although teachers may not know the exact date, they should be able to advise the possible dates. Whilst it may be possible for one employee, or a small number of employees, to be absent, it may be difficult if numerous requests are made. Where this is the case the headteacher is recommended to discuss the matter with the employees affected, and their trade unions/professional associations, with the aim of exploring all the available options to minimise the potential disadvantage to staff of a particular religion/belief and balance the needs of the school and other employees.</p>
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			No time off in lieu will be granted where a religious festival occurs at the weekend or outside term time.
Visits to other schools or colleges, educational visits, in-service education	5	School	
Annual training (non-regular forces)	Up to two weeks	School	Employees serving in the Reserve Forces will be entitled to up to two weeks leave (*average earnings), less any payments received from the Reserve Forces (excluding out of pocket expenses), to attend their annual training camp. Any further requests, if considered, should be as unpaid leave.
Representing county/country at national/international sporting events	5	School	
Delegate at: <ul style="list-style-type: none"> <li>▪ Church Synods (or equivalent)</li> <li>▪ Trade Union conferences</li> <li>▪ Local Government conferences</li> </ul> Committee member of a national education body	5	School	
Governing Body meetings (as a governor)	5	School	Leave of absence will be granted for official duties in connection with service as a governor, for example membership of a working party, in addition to attendance at governing body meetings.
Time off for work in the community	1	School	Teachers may request one day's paid leave per academic year to support charitable work in the community and develop their skills. This work must directly assist the community, have relevance to the work of the school/local authority and be consistent with its priorities. A teacher wishing to participate must be able to show that there is a benefit to those they are assisting and that the work helps develop them in their own job. Advance approval, giving adequate notice, should be sought. Approval is subject to the overriding needs of the school. No additional cost should fall on the school, which means that teachers who will have to be directly

			<p>replaced cannot be released.</p> <p>The teacher will be required to sign an undertaking acknowledging that, during this leave, the school/local authority bears no responsibility for them/their actions, they accept the responsibility of being seen as a Leicester City Council employee and that they should conduct themselves in accordance with the relevant Code of Conduct.</p>
Public duties		School	<p>No specific amount of time off is laid down in law and there is no obligation to pay for leave that is granted. However, this policy provides for up to 10 days paid leave per year (pro-rata for part-time teachers), or 18 days per year (pro-rata) when serving as a Magistrate/Justice of the Peace, to be granted, subject to the needs of the school. Any leave authorised for other reasons will be in addition to leave for public duties.</p> <p>Teachers thinking of taking on public duties are encouraged to investigate the time off likely to be required, which will vary depending on the nature of the role, and discuss this with their headteacher at the earliest opportunity. It will aid this discussion if they think through the implications for their job and consider some possible solutions. The headteacher can then discuss with the teacher how the time off can best be accommodated.</p> <p>Time off must be agreed with the headteacher in advance. It may not be possible to grant paid leave at the requested time in all cases and a headteacher may not be able to grant a request if it is felt to be unreasonable. Whether a request for time off is classed as 'reasonable' depends on:</p> <ul style="list-style-type: none"> <li>▪ what the duties are,</li> <li>▪ the time needed to carry them out,</li> </ul>

			<ul style="list-style-type: none"> <li>▪ the impact on the school,</li> <li>▪ how much time has already been taken for public duties.</li> </ul>
Member of a Local Authority	15, 18 or 20	Central	<p>Where the duties of office and attendance at meetings will involve absence from work, a teacher intending to stand for election as a member of a District Council must inform the Strategic Director of Children's Services of this intention in writing. The letter should confirm that their headteacher has been informed and estimate the likely periods and frequency of absence.</p> <p>The headteacher should make the teacher aware of the limitations/ requirements of this policy. Absences must be reported on the monthly service return. Absence for part of a session will be treated pro-rata.</p> <p>Paid leave will be granted on the following basis:</p> <ul style="list-style-type: none"> <li>▪ Leader/Deputy Leader, Mayor or Chairman of large district council (population exceeding 250,000) – up to 20 days pa</li> </ul>
Magistrate or Justice of the Peace	18	Central	<p>Magistrates are asked to commit at least 26 half-days per year to sit in court. Employers are required by law to grant reasonable time off work for magistrates to fulfill this commitment. This policy provides for a maximum of 18 days per year (pro-rata for part time teachers) to be granted, subject to the needs of the service.</p> <p>Magistrate duty rotas are provided well in advance, so planning for these absences should be straightforward.</p> <p>A teacher wishing to serve as a magistrate must apply in writing to the governing body, which should make them aware of the limitations and requirements of this policy. Applications will be dealt with individually according to the requirements of the Lord Chancellor's Office. Where the application is supported by the governing body, and</p>

			<p>subsequently accepted by the Lord Chancellor's Office, the Strategic Director of Children's Services should be informed of the teacher's status as a magistrate. Magistrates are not paid for their services.</p> <p>Teachers granted time off to carry out these duties should claim the allowances available and the equivalent sums will be deducted from salary for each half day/day of absence and these deductions credited centrally. Time-off for magistrate duties should be recorded on the monthly return to enable Payroll to make the appropriate deductions. If an employee is absent for half a day, this should be clearly indicated on the service return (i.e. 'am only' / 'pm only').</p>
Meetings re: national/provincial council affairs	10	Central	
Certain committees when specifically nominated	10	Central	Where the employee receives a fee, this must be paid over to the council.
Regional or Area Health Authority	10	Central	
Tribunal or similar body	10	Central	Where the employee receives a fee, this must be paid over to the council.
Youth Offending Panel	10	Central	
Candidate for Parliamentary or Local Authority election	1	Central	A teacher offering themselves as a candidate for parliamentary/local authority election will not be paid for absences while campaigning, from the date of the writ to the day of the election. A teacher standing as a candidate for such elections is granted paid leave on the day of the poll only.
Duties associated with local or national elections	Day of poll only	Central	
Jury service	As required	Central	<p>Teachers called for jury service must be granted leave as required – headteachers could find themselves in contempt of court for not allowing such leave.</p> <p>Allowance for loss of earnings is to be claimed from the court and an equal amount will be deducted from the employee's pay.</p> <p>Jury service usually lasts for 10 days, but some trials take longer – jurors</p>

			are usually warned in advance if a trial is expected to last a long time. The
Attending court as a witness	As required	Central	<p>A teacher issued with a witness summons must be granted time off to attend court – headteachers could find themselves in contempt of court for not allowing such leave.</p> <p>Allowance for loss of earnings is to be claimed from the court and an equal amount will be deducted from the employee's pay.</p> <p>The headteacher should be advised as soon as the teacher is summoned, and the teacher should provide a copy of the letter received from</p>
Other reasons		School	<p>Teachers may request paid or unpaid leave of absence for other exceptional situations not listed above. It is recommended that headteachers seek HR advice in such circumstances.</p> <p>Teachers instigating legal action themselves would be required to take any time off as unpaid leave.</p> <p>If a teacher requests extended leave for the purpose of going on a pilgrimage the headteacher should attempt to accommodate the request, bearing in mind that this may be an once-in-a-lifetime experience. Any extended leave granted would be on an unpaid basis, apart from the first day which would be paid in line with time off for religious festivals above.</p> <p>Teachers with relatives abroad may have particular religious/cultural needs for occasional extended leave for births, weddings and deaths. Headteachers should attempt to accommodate such requests if reasonable and practicable.</p> <p>Leave should not be granted for holidays or to accompany a spouse/partner on a business trip/function. One exception to this would be if the holiday was booked before the</p>

			teacher took up employment and the school had been notified of this in advance, in which case the leave granted would normally be unpaid.
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Schools that buy into the Leicester City Council HR service are welcome to seek advice for any queries relating to leave, and/or in the event of an employee requesting leave for reasons that are not covered above.

**Date Policy presented to Staff:** Thursday 24<sup>th</sup> August 2023

**Date Ratified by the Governing Body:** Wednesday 27<sup>th</sup> September 2023