



Houlton
CofE Academy Trust

Leave of Absence Policy

Communicating Love; Inspiring
Communities to Flourish

2022

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Statement of intent

Here at the **Houlton Church of England Multi Academy Trust**, we appreciate the hard work of all our staff. We understand that holidays are precious time away from the regular stress of work and we strongly encourage all staff to take annual leave where possible. We also recognise that, on occasion, leave may need to be taken due to unforeseen circumstances, and we will try our utmost to accommodate the needs of our staff.

This policy outlines the Trust's duties regarding staff leave of absence as well as provisions for staff to follow when requesting leave.

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.
- The operational needs of our schools and Trust 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 Trust Board is with the Headteacher, in accordance with the professional duties defined in the School Teachers Pay and Conditions Document.
- Informal resolution is always encouraged as the first step to resolving difficulties, but where genuine grounds can be provided, a dispute or grievance about a request for leave of absence or payment during leave of absence may be dealt with through the Schools Grievance Procedure; there is no right of appeal to a leave request being declined.
- All requests for leave must provide the school with reasonable notice.
- 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.

1. Legal framework

1.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- The Parental Bereavement Leave Regulations 2020 (Jack's Law)
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- Equality Act 2010
- DfE (2011) 'Teachers' Standards'
- DfE (2022) 'School teachers pay and conditions document' (STPCD)

2. Roles and responsibilities

2.1. The Trust Board are responsible for:

- Reviewing this policy and ensuring it is adhered to across the Trust.
- Ensuring that this policy is implemented fairly, consistently and in line with the board's equality duties.
- Signing off any special leave requested by the headteacher.

2.2. The Headteacher has delegated responsibility for:

- Creating and implementing this policy in line with their statutory duties.
- Implementing a special leave reporting structure for staff and reporting any requests to the governing board.
- Delegating responsibilities to line managers to sign off annual leave in line with this policy.

2.3. Staff are responsible for:

- Arranging annual leave during school holiday periods.
- Requesting special leave as soon as possible.
- Submitting annual leave requests to their line manager.
- Arranging leave for a convenient time, i.e. not in conflict with other relevant staff leave.
- Adhering to this policy at all times.

3. Leave Arrangements

(a) Teacher annual leave

- 3.1. Teachers are required to be available for work for 195 days each year; of which, 190 shall be days they may be required to teach pupils and five will be for other duties.
- 3.2. Teachers are not permitted to request annual leave to take a holiday within term-time.
- 3.3. Term-time leave may be permissible in exceptional circumstances, outlined in other leave of absence below.

(b) Support staff annual leave

- 3.4. Entitlement to annual leave for support staff is specified in their individual contracts of employment.
- 3.5. **Headteachers** are responsible for approving annual leave for their respective support staff.
- 3.6. The provision for support staff employed on a term-time only basis is the same as for teaching staff above. The annual leave year for support staff runs from 1st April to 31st March.

- 3.7. For all year round staff, the school expects annual leave be taken during the school holidays.
- 3.8. Where support staff request leave during term-time, their request will be granted having given due regard to the exigencies of the service.
- 3.9. Staff **may carry forward a maximum of five days annual leave** where a minimum of 20 days leave has been taken in the current leave year. Any leave carried forward must be taken before 30th June that year and with the prior written consent of their **Headteacher**.
- 3.10. Support staff may not take annual leave when they are required to be in school for a specific purpose.

(c) Other leave of absence

- 3.11. Annual leave entitlement for workers with irregular hours will be based on the last 52 weeks or the total number of weeks they have worked so far for the school.
- 3.12. Staff may request sabbatical leave from their **Headteacher** – leave will be granted based on the following considerations:
- Job role
 - Number of years continuous service
 - Performance standards to date
 - Length of time requested
- 3.13. Staff requesting sabbatical leave must give at least **three months'** advance notice.

- 3.14. Staff who request sabbatical leave of absence will receive a response within **two weeks** of their request – any rejected requests can be appealed to the **governing board**.
- 3.15. The school will comply with any statutory regulations regarding allowance of time off for employees.
- 3.16. The school recognises that there may be times when employees will need to take additional time away from work and will comply with this in line with their statutory duties.
- 3.17. Staff seeking to take leave of absence must gain approval from the **Headteacher** in advance, where possible.
- 3.18. Retrospective leave may be requested in exceptional circumstances, e.g. family emergency.
- 3.19. It is at the headteacher's discretion whether to grant leave – any refusal will be reasonable and justified.
- 3.20. Employees can appeal to the governing board if their request for leave has been rejected.
- 3.21. The procedures outlined in this policy will be reviewed **annually** by the **governing board** to ensure they remain unbiased and fair for all staff.
- 3.22. There may be situations where paid leave is not appropriate, and in this case unpaid leave or time off in lieu arrangements will be considered.
- 3.23. The following are examples of leave of absence which may be requested (this is not an exhaustive list):
- Bereavement leave
 - Time off to care for dependants

- Urgent domestic/personal reasons
 - Jury service/witness summons
 - Justice of the Peace (Magistrate) duties
 - Other public duties
 - Personal health and welfare
 - Examination and revision leave
 - Religious observance
 - Service in non-regular armed forces/volunteer reserve services
- 3.24. A minimum of four weeks' paid leave will be granted for staff who have lost a child under the age of 18, or who have suffered a still birth from 24 weeks of pregnancy.
- 3.25. If an employee takes leave without permission from the school, the leave will be considered unauthorised unpaid leave and may result in disciplinary action, including dismissal.
- 3.26. An employee must notify their line manager/ Headteacher as soon as practically possible in the event of an emergency.
- 3.27. The Headteacher may approve up to five days' paid leave per leave year (pro rata for part time) for Compassionate, Emergency or Exceptional leave for a close relative (is defined as a husband, wife, partner, son, daughter, father, mother, brother or sister, parent in law or next of kin).
- 3.28. **Moving House** - Up to 2 days' paid leave may be granted for staff moving house in connection with taking up employment within the school. Other staff moving may be granted 1 day's leave at the discretion of the headteacher.
- 3.29. **Volunteer Reserve Forces Leave** - 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. Headteachers may however grant up to 14 days leave (paid or unpaid) at their discretion where training falls within an employee's normal working hours.

Leave may be refused if it would have a detrimental impact on the running of the school. In any case teachers and other classroom based staff will only grant paid leave if the force's unit cannot arrange exercises during holiday periods

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 school's 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 www.teacherspension.co.uk

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

See Table 1-5 Appendix 2 for an outline of the various entitlements.

4. Monitoring and review

- 4.1. This policy will be reviewed on an **annual** basis by the **Trust board** and **headteacher**.
- 4.2. The next scheduled review date for this policy is **September 2021**
- 4.3. Any changes to this policy will be communicated to all staff members.

Appendix 1

Application for Leave of Absence

This form must be used when an employee requires time off work under the Leave of Absence Policy. This form should **not** be used for cover requests when the employee is at work but undertaking alternative duties.

All requests approved are subject to arrangements being in place to ensure the consistent provision and operation of the school.

Name		Job Title	
Reason for request – if the request relates to time off to support a dependant or attend a funeral, please state the person’s relationship to you.			
Date from		Date to	
Time from if part-day leave		Time to	
Cover required (<i>continue overleaf if necessary</i>):			
Date	Class	Details/Notes	
Employee’s Signature			Date
Headteacher’s Comments			
Headteacher’s Signature			Date

Decision

<u>Paid</u> leave of absence is <u>approved</u> for these dates:	From	To
<u>Unpaid</u> leave of absence is <u>approved</u>	From	To
Request for leave of absence is <u>declined</u>	From	To
Reason request is declined:		

Completed forms should be returned to the Headteacher/School Office.

Appendix 2 – Leave provisions

Type of Leave	Description	Days	Counted as Annual leave entitlement	Paid or Unpaid
Bereavement <i>Child</i>	child under the age of 18, or who have suffered a still birth from 24 weeks of pregnancy.	Minimum 20 days	No	Paid
Bereavement <i>Spouse/ Partner</i>	Husband, wife, partner	Minimum 20 days	No	Paid
Bereavement <i>Close relative</i>	A close relative is defined as a father, mother, brother or sister.	Up to 5 days	No	Paid
Bereavement <i>Other relatives</i>	Leave will usually be granted for the employee to attend the funeral. However at the Headteacher's discretion consideration will be given to requests for additional leave where the employee is the primary person making funeral arrangements.	1 day	No	Paid

Bereavement <i>Close friends</i>	Leave may be granted for attendance at the funeral of a close friend. Additional leave may be granted if travelling to the funeral necessitates a longer period of absence at the Headteachers discretion.	$\frac{1}{2}$ day	No	Paid
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Type of Leave	Description	Days	Counted as Annual leave entitlement	Paid or Unpaid
Dependant <i>Immediate crisis</i>	This leave may be requested to allow an employee to deal with an immediate crisis or set up alternative care arrangements when normal arrangements break down. The leave is intended to enable an employee to deal with an emergency situation and not to provide the care themselves. Leave can also be requested to attend medical appointments with dependants.	Up to 5 days per academic year	No	Paid

Dependent <i>Serious illness</i>	Sympathetic consideration will be given in the case of serious or life-threatening illnesses of a dependant. A dependant is defined, as the employee's wife, husband or partner, child, or someone who lives as part of the family. It also includes someone for whom the employee is the main carer.	Discretionary – up to 95 working days	No	Paid
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Type of Leave	Description	Days	Counted as Annual leave entitlement	Paid or Unpaid
Domestic crisis Emergency leave	The School recognises that circumstances may make it necessary and unavoidable for an employee to be absent due to a domestic crisis (including damage or disruption to property e.g. flood, burst pipes, house fire; transport or other)	Up to 5 days per academic year	Yes	Discretionary
Fertility treatment	Each request will be considered individually in the context of the particular circumstances. Note: undergoing IVF treatment is regarded as pregnant for the period following implantation of the fertilised ova until the end of the protected period.	Discretionary	No	Paid

Type of Leave	Description	Days	Counted as Annual leave entitlement	Paid or Unpaid
Dental treatment	Emergency appointments only where it has not been possible to arrange them outside normal working hours.	Discretionary	No	Discretionary
Medical appointments and treatment	Emergency appointments or where it is not possible to arrange outside normal working hours e.g. hospital appointments	Discretionary	Yes	Discretionary

Type of Leave	Description	Days	Counted as Annual leave	Paid or Unpaid
Time to Train	Employees have a right to request leave to undertake training which they believe will improve their effectiveness in their role and overall performance of the school.	Discretionary - depending on course requirements	No	Discretionary

Study leave and time off for examinations	Leave may be requested for periods of study to prepare for examinations relevant to their employment.	Discretionary	No	Discretionary
	Leave may be requested for time off to sit examination. Paid leave will only be granted if the exam is relevant to the individual's employment.	½ day per examination	No	Paid where relevant to employment
Graduation	Leave may be requested for the employee to attend their own graduation	Discretionary	Yes	Discretionary
Requests for CPD	Leave may be requested to attend CPD events.	As agreed with HT	No	Paid

Type of Leave	Description	Days	Counted as Annual leave entitlement	Paid or Unpaid
Court Appearances	Where the employee is called to court to act as a witness or as the accused.	Discretionary	No	Paid
Jury Service	Employees are entitled under national conditions of service to receive paid leave of absence for jury service. Employees may be required to request a postponement when the service falls on key academic dates	Duration of service	No	Paid, less the loss of earning entitlement under the juror's allowance regulations
Elections candidates	Employees standing as a candidate at local or central government elections. If employees are planning to stand for election they are required to discuss with the Headteacher the ongoing impact on their employment should they be elected and how this can be accommodated.	Discretionary	Yes	Unpaid

<p>Volunteer Reserve Forces</p>	<p>Teachers – leave of absence is at the discretion of the Headteacher and due to conditions of service will only be granted in exceptional circumstances.</p> <p>Support Staff – leave of absence for training or voluntary service is at the discretion of the Headteacher.</p>	<p>Up to 14 days</p>	<p>No</p>	<p>Discretionary</p>
<p>Other Public Duties</p>	<p>Employees who hold certain public offices have a right to 'reasonable' time off to perform their duties. This could include acting as a Magistrate, Justice of the Peace, a local councillor or member of a tribunal, serving on an NHS Trust, school governing body, policy authority, environmental agency, etc.</p>	<p>Up to 2 days per year</p>	<p>No</p>	<p>Unpaid</p>

Type of Leave	Description	Days	Counted as Annual leave entitlement	Paid or Unpaid
Moving house	Employees should make all efforts to move outside of their normal working hours. Where this is not possible or where an employee is moving to take up his/her post at the school, sympathetic consideration will be given to granting leave of absence.	2 days where job related 1 day (subject to impact school)	No Yes	Paid Discretionary
Religious observance	The School recognises the importance of religious observance and will attempt to accommodate the needs of the employee.	Discretionary up to 2 days	No	Discretionary
Job-seeking and retraining in a redundancy situation	An employee who is 'at risk' of redundancy can take reasonable time off with pay to look for another job or arrange training	As required	No	Paid

Secondments	A temporary transfer of an employee to another associated organisation for operational, developmental or project purposes. The secondment will be governed by an agreement between all parties involved.	Normally up to 12 months	No	Paid by employer to which seconded
Adverse Weather conditions	Where severe weather conditions prevail, employees are expected to make every effort to attend work, using alternative modes of transport where possible. Employees who are genuinely unable to attend work should where possible and with agreement of the Headteacher work from home.	Discretionary	No	Discretionary
Attendance at Interview	Leave of absence can be requested to attend interviews.	Discretionary	Yes	Discretionary

Visits to new employers before commencement	Leave of absence can be requested to visit a new employer's workplace prior to the employee's commencement with them.	Discretionary	Yes	Discretionary
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Type of Leave	Description	Days	Counted as Annual leave entitlement	Paid or Unpaid
Unpaid leave e.g. sabbaticals, voluntary service overseas, etc.	An extended period of absence from work, after which the employee intends to return to work. To be eligible the employee must have: <ul style="list-style-type: none"> - At least 2 years' service with the School - Satisfactory performance in all aspects of work - A satisfactory attendance and conduct record 	Discretionary	No	Unpaid

Trade Union activities (including Health and Safety representatives)	Subject to operational requirements reasonable paid time off will be granted to recognised TU representatives for the purposes of representing members in the school, TU training, attending official TU meetings, attending meetings arranged by the school to which representatives are invited and undertaking union learning activities.	As agreed	No	Paid
Wedding <i>Own</i>	It is expected that employees will arrange their own wedding during school closure periods and therefore leave of absence will not be required. In exceptional circumstances beyond the employee's control, e.g. term- dates are changed after the wedding has been booked, leave of absence will be granted.	Discretionary	Yes	Discretionary
Wedding <i>Friends and relatives</i>	Only unpaid discretionary leave will be considered.	Maximum 1 day	Yes	Unpaid

<p>Other matters not covered by provisions</p>	<p>The Headteacher has the discretion to consider requests for leave of absence for any reason other than those detailed above. Each request will be considered on a case-by-case basis and on its individual merits.</p>	<p>Discretionary</p>	<p>Yes</p>	<p>Discretionary</p>
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Appendix 3

Career Breaks

It is recognised that during an employee's 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 dependant 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 give consideration to 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 dependant needs care at short notice.

With the exception of continuity of service all other terms of the employment contract with the school will be suspended (i.e unpaid, no reckonable service – unless LGPS members buyback lost membership). 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.

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, with the exception of 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. Staff should agree

with the school the best way of keeping in touch throughout the career break in terms of where to send key updates and information and availability for possible meetings.

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 3 months, for teaching and classroom-based staff the expectation would be for this to equate to a term, and the maximum is 1 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 2 years between each break.

Restructuring and/or Reductions in staffing

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 in order 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 make contact with 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 give consideration to the extension along the same lines as the original request and may grant up to 1 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 employee's 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 and any breach could result in action being taken under the schools Disciplinary Procedure.

Appendix 4

Letter to LGPS staff taking unpaid leave

Dear,

I am writing to in line with the LGPS requirements to notify you within 30 days of returning to work from unpaid leave that any period of unpaid leave e.g. additional maternity, paternity or adoption leave will not count for pension purposes unless you elect to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence.

If you are granted unpaid leave of absence, including jury service and parental leave etc, the period will not count for pension purposes unless you elect to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of absence. The amount of pension lost is calculated as the appropriate fraction of your assumed pensionable pay for that period of absence (i.e. 1/49th of your assumed pensionable pay if you were in the main section of the scheme or 1/98th if you were in the 50/50 section).

If you wish to purchase the amount of lost pension and you make the election within 30 days of returning to work then the cost of the APC is split between you and the school.

You will pay one-third of the cost and the school will pay the rest. This is known as a Shared Cost Additional Pension Contributions (SCAPC). You can pay these additional contributions in a one-off lump sum or through regular payments from your wages. The maximum period of absence you can elect to buy back by a SCAPC is a period of 3 years.

If you have membership of the LGPS before 1 April 2014 you will have built up benefits in the final salary scheme. If you choose to pay for the lost pension in the scheme the amount you pay will go towards covering the protections associated with the pre 1 April 2014 membership.

If you wish to look into buying back the lost pension you will need to find the amount of pay you lost for the period of the absence from your payslip then go to www.warwickshire/pensions. There you will find a section named Pension Contributions, scroll down and use the online calculator to work out how much it will cost you.

To find out more contact the Pensions Section for further information on paying Additional Pension Contributions. Advice can be sought from 01926 412682 or by emailing pensions@warwickshire.gov.uk