



Leave of Absence Policy

01 February 2022



Version Control

Current version	Previous version	Summary of changes made
13 May 19	25 Jul 17	Updated statutory elements of pay
25 Jul 17	04 Nov 14	Updates regarding parental leave and statutory maternity payments. Sections renumbered. Section 8 replaces previous Religious Observance Policy. Formatting of paragraphs, headings and appendices standardised.

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1 Introduction

- 1.1 Red Lane Primary School is committed to providing teaching and learning efficiently, effectively and economically to its children and young people. Equally, the school wishes to preserve its reputation as a fair and equitable employer who provides good working conditions where the highest standards of teaching and learning can be achieved and maintained.
- 1.2 The school is mindful of its responsibility to balance the needs of the individual employee with the requirement to deliver high standards of teaching and learning to its children and young people.
- 1.3 The school recognises that there are occasions where a member of staff may be absent during term time for reason other than sickness absence. All staff will be expected to minimise the leave of absence that they apply for during term time.
- 1.4 This guidance applies equally to all staff except where nationally or locally agreed terms and conditions allow for a differing provision. Where reference is made to another policy or procedure it is the processes within that procedure that shall take precedence.
- 1.5 The overall objective of this guidance is to;
 - provide a process by which staff can make a request for leave of absence
 - identify the major circumstances where leave of absence may be appropriate

2 Procedure

- 2.1 Where practical all applications for leave of absence should be made in writing to the head teacher in good time to facilitate reaching a reasonable decision and for any contingency arrangements to be made.
- 2.2 The Governing Body or Head Teacher will review the application and inform the individual of their decision as soon as practical especially in those cases where leave of absence is not granted. Whilst decisions will normally be communicated verbally a decision will be confirmed in writing if so requested by the individual.
- 2.3 The granting of leave of absence, be this paid or unpaid, is at the discretion of the Governing Body or Head Teacher as appropriate.
- 2.4 The Governing Body or Head Teacher can authorise paid leave of absence up to a total of five days within an academic year. This would not normally exceed three days on any one occasion. This will be pro-rata for part-time employees.

3 Domestic emergency

- 3.1 The school recognises that unavoidable domestic emergencies can arise that will require the immediate attention of staff. In such circumstances the school should be contacted as soon as possible to allow alternative cover arrangements to be made.

- 3.2 To allow suitable alternative domestic arrangements to be made, up to one day paid leave of absence may be granted.
- 3.3 Leave of absence for sickness of relatives will normally be unpaid. It can be agreed that annual leave or flexi time be used, if available, dependent on the designation of staff.

4 Medical appointments

Hospital or consultant appointments

- 4.1 Members of staff will be granted time off with pay to attend hospital appointments subject to;
- the appointment being for treatment or for a consultation as part of a treatment programme (this does not include participation in for example in clinical surveys)
 - the appointment is not discretionary
 - proof of the appointment being provided if requested
- 4.2 Appointments should be scheduled outside normal working hours where discretion exists unless any resultant delay would lead to deterioration in the medical condition.
- 4.3 Subsequent hospital or consultant appointments should be made outside normal working hours where possible.

GP or dentist appointments

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

5 Bereavement

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

Relation	Maximum days for all staff
Spouse	Five days with pay
Civil partner	Five days with pay
Child	Five days with pay
Parent	Five days with pay
Brother/Sister	Three days with pay
Grandparent	One day with pay
Aunt/Uncle	One day without pay
Cousin	One day without pay

Relation	Maximum days for all staff
Parent in law	One day without pay
Friend	One day without pay

5.2 The actual period of paid absence would depend on the circumstances of the case and the nature of the deceased's relationship with the member of staff. Additional unpaid leave may be granted in excess of any paid leave granted under the above arrangements.

5.3 In any other cases of bereavement leave of absence will be without pay.

6 Parental, adoption, maternity and paternity leave

Parental leave

6.1 Parental leave is granted to an employee if they have one years' continuous service and who;

- Has, or is expected to have, parental responsibilities
- will use the leave for the purpose of caring for the child; and
- is named on the child's birth or adoption certificate or has legal parental responsibility for a child under the age of 18

6.2 Parental leave can be taken until the child's 18th birthday.

6.3 Parental leave can be added to the end of maternity or adoption leave. Staff who wish to support their partner immediately following the birth or placement of a child should submit their request at least 21 days prior to the expected week of childbirth or placement.

6.4 If a member of staff intends to take a period of parental leave immediately following maternity leave, they should submit the request at the same time as their notification of arrangements for returning to work.

6.5 Parental leave will be unpaid and must be taken as whole weeks (e.g. one week or two weeks) rather than individual days. Any part of a week which is taken as parental leave will constitute a whole week.

6.6 For a disabled child in receipt of Disability Living Allowance, the provisions differ;

- Staff may take time off as individual days rather than weeks e.g. to accommodate regular hospital visits

6.7 Seniority and pension rights built up by an employee before taking leave are retained.

6.8 The total amount of unpaid parental leave is 18 weeks. Employees can take up to four weeks parental leave each year. The member of staff is required to give at least 21 days' notice in writing. If requested, an employee must confirm the age of the child and their relationship to them.

- 6.9 The school will have the right to postpone the leave for up to six months from the date the employee wished to take the leave. This right arises if the employer's business would be "unduly disrupted" by the employee's absence, for example;
- at times of exams, SATS or inspections
 - the school being in special measures or intensive support
 - any other important periods in the academic year
- 6.10 The employer must give notice of postponement within seven days of the request for leave confirming;
- the reasons for postponement
 - the period of rescheduled leave
- 6.11 Leave cannot be postponed when the employee gives notice to take it immediately after their maternity leave or the adoption of a child.
- 6.12 An employee cannot take more than four weeks' leave for each child in any year. For these purposes, a year commences on the date of adoption or birth or the date on which the employee satisfies the qualifying condition of one year's employment..

Return to work

- 6.13 An employee who returns during or at the end of carer leave or parental leave, when this is taken at the end of ordinary maternity or adoption leave, is entitled to return to the same job on the same terms and conditions.
- 6.14 If parental leave is taken at the end of additional maternity or adoption leave, the employee has the right to return to the same job on the same terms and conditions, or, if this is not reasonably practicable (for a reason other than redundancy) to a job that is both suitable and appropriate for the employee.
- 6.15 Should an organisational change or redundancy situation arise during the period of leave, the employee should be consulted and will be entitled to rights in line with the school's procedures at the time.

Adoption

- 6.16 The [Employment Act 2002](#) introduced a new statutory right for adoptive parents to take paid adoption leave following the adoption of a child. A child is defined as a person under the age of 18. Adoption leave is not available where a child is already known to the adopters, as in a step-family adoption or adoption by existing foster carers.
- 6.17 For further information please see the [Adoption Policy](#).

Maternity and paternity support leave

- 6.18 All employees are entitled to Ordinary Maternity Leave of 26 weeks and Additional Maternity Leave of 26 weeks.
- 6.19 A pregnant employee is entitled to paid time off to attend ante-natal care. If requested evidence of appointments must be provided.
- 6.20 The duration of maternity support (paternity) leave is up to a maximum of two weeks. An employee is entitled to receive the following maternity support leave with pay;

Week	All staff
Week 1	5 days full pay
Week 2	£148.68 or 90% of normal weekly earnings, whichever is the lower.

- 6.21 For children due on or after 5 April 2015 or, in the case of adoption, expected to be placed on or after this date, employees with caring responsibilities for babies or newly adopted children will have the opportunity to share up to 52 weeks' Shared Parental Leave ('SPL') should they wish to do so (subject to eligibility criteria).
- 6.22 For further information please see the [Adoption Policy](#), [Maternity Policy](#) or [Paternity Policy](#).

7 Public duties

- 7.1 All requests for leave of absence for the following or similar public duties will require the prior approval of the Governing Body or Head Teacher as appropriate.

Local Authority Service

- 7.2 The maximum unpaid leave that an employee can take for being a Member of a Local Authority or a committee or subcommittee thereof is 208 hours per annum.

Magistrates

- 7.3 A maximum of 1 days paid leave per month will be granted in line with the magistrate's cycle.

Jury Service

- 7.4 Paid leave up to a maximum of two weeks as required unless an exemption is granted. Employees should not volunteer for any trial that they are advised will last in excess of two weeks. The jurors allowance will be offset against normal pay.

Governors

- 7.5 Employees who are elected to a post of governor within or outside of Bolton Council are not entitled to paid leave of absence to undertake these duties.

8 Religious observance

- 8.1 The school recognises the personal commitment of individuals to observe their religious duties.

Time required away from school for religious observances

- 8.2 Some religious adherents may request short periods away from the workplace for special prayers or observances e.g. Jumma (the Friday prayer) is a congregational

prayer for Muslims which requires them to travel to their local or nearest Mosque. Similarly there are certain days of obligation for Christians. Another example is the beginning of Shabbat during Winter months for Jews.

- 8.3 Such requests are likely to involve no more than an hour of working time. Staff who are on flexible work arrangements should adjust their working arrangements accordingly by negotiation with their line manager.
- 8.4 Friday mid-day prayers are particularly important to Muslims and may take a little longer than other prayer times. Because this is a particularly important time it is often advisable to consider whether this is a good time to hold meetings or events which Muslim colleagues or customers are expected to attend.

Leave for religious festivals

- 8.5 Staff whose religious beliefs require the observance of festivals which fall on days which would normally count as working days will have to negotiate with their manager for this religious leave. Options available include exchange for annual leave, flexible working hours leave, paid or unpaid leave. Applying for religious leave should be done through normal holiday leave or leave of absence procedures.
- 8.6 In considering applications for religious leave, it is important to remember that;
- Leave requirements will not always fall at the same time of the year as some festivals are set following the Lunar calendar and the Solar calendar.
 - Not all Employees of the same ethnic origin follow the same religion. Assumptions should not, therefore, be made as to when members of any one ethnic group may be seeking leave for religious purposes.
 - For some Muslim holy days, the precise timing can only be fixed a few days before the actual event on the confirmed sighting of the moon. This may mean that different communities observe the same festival on different days depending on their source for confirmation of sighting of the moon.
 - All Jewish holy days commence at sunset on the day before the actual day of the festival, therefore employees may wish to reach home before sunset.

Leave for cultural observation

- 8.7 Some employees may request annual leave or unpaid leave to accommodate cultural observations e.g. independence days of their country of origin. If these occasions fall on days which would normally count as working days, staff will have to negotiate with their manager for this leave. Options available include exchange for annual leave, flexible working hours leave, paid or unpaid leave.

Arrangements for praying during working hours

- 8.8 The needs of the service must come first. However, managers are expected to use all flexibility open to them in terms of flexible working arrangements to support their staff in the practice of their religion.
- 8.9 Best practice would encourage a personal agreement between a unit manager and the staff concerned. Managers should recognise the personal commitment of individuals to observe their religious duties and be open as to how a suitable time and place could be found to accommodate this, subject to operational requirements.

- 8.10 The employees should be able to indicate the amount of time required to fulfill their religious duties and be professionally honest about making up any work time given to prayer.
- 8.11 Facilities for prayer need to be negotiated and agreed between the respective parties.
- 8.12 Some religions require an adherent to undertake ritual washing prior to prayer. An agreement between the individuals and the Head Teacher can be made for this to be available. If general washroom facilities are used, sensitivity from other members of the work force would be assumed.

9 Non-regular forces or Territorial Army

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

10 Trade Union duties

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

11 Career breaks and sabbaticals

- 11.1 A career break is an extended period of absence of between one and three years from the workplace without pay. There is no guarantee that a post will be available for the member of staff to return to.
- 11.2 A sabbatical is a period of up to 12 months unpaid absence from the workplace with a guaranteed return to work at the end.

12 Examination and study leave

- 12.1 For those courses of study which the school is supporting staff to undertake, half a day paid leave to sit each examination and half a day paid study leave per examination will be available.

- 12.2 Examination and study leave for other occupational courses will be at the discretion of the Governing Body or Head Teacher.
- 12.3 Leave of absence for non-occupational subjects will not normally be granted.

13 Interview leave

- 13.1 All employees are entitled to paid leave of absence to attend interviews if the prospective employer is a Local Authority or a school within the remit of a Local Authority.
- 13.2 Dependent upon the designation of the member of staff, annual leave, flexi time or unpaid leave of absence would need to be used to attend for interview with another public sector body or a private company. This would include independent and public schools.