Leave of Absence Policy



The Stour Federation

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1. INTRODUCTION

1.1. The Stour Federation recognises that the success of the Trust depends upon the contribution of all employees and values the contribution of each member of staff to the education of the children in the Trust schools.

1.2. The Stour Federation understands that personal circumstances sometimes require time away from work. This policy outlines how requests for leave are handled fairly and consistently, always with the primary goal of minimising disruption to our pupils' education.

1.3. Absence of any staff employed in schools during term time means some impact on children's education. Please remember that any absence during term time impacts pupils' learning, and requests for leave should always be considered exceptional. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will not be granted.

1.4. This policy sets out the discretionary leave of absence provisions to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of the school are the priority and therefore there will be times when requests for leave are refused. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy the Headteacher has authority to make the decision on whether or not leave is granted, and whether it is with or without pay. For part-time staff, all entitlements (including maximum days stated) will be reduced in proportion to the percentage of the time they work.

1.5. This policy also sets out what you must do in the event that you must take leave of absence because you have a personal emergency or there are circumstances where time off from work is requested for other reasons.

1.6. There is no automatic right for discretionary leave. Anyone found or reasonably suspected of abusing this provision may be subject to disciplinary action.

1.7. The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence. If you need clarification on whether the leave of absence that you want to take is statutory or discretionary then you must speak to the Headteacher.

1.8. This policy does not cover leave which is included in the policies and procedures listed below:

- Annual leave.
- Maternity/paternity/parental/adoption leave.
- Flexible working.
- Sickness absence.
- Redundancy/trade union and facilities time.
- Training and study leave.

- Neonatal Leave

1.9. This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.

2. PROCEDURE AND DECISION MAKING

2.1. Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher as soon as the need for the leave is known using the form at Appendix 1. Requests from the Executive and Central Team and Headteachers must be made via the Chief Executive (or nominated person).

2.2. The request should be made with as much notice as possible so that proper consideration can be given to the request and to enable appropriate cover to be arranged in the event of the absence being approved. Other than in cases of emergency, a minimum of two weeks' notice should be given for any requests for leave of absence for periods of up to 5 working days, and for longer periods a period of notice equivalent to twice the length of the period of leave being requested.

2.3. Requests for leave of absence and approval/refusal of such will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, pupil/student educational provision, service needs, eligibility, any previous requests and the degree of flexibility that you already have in your current working arrangements.

2.4. Non-emergency leave of absence must not be taken unless and until it has been approved on the form at Appendix 1. Staff should not make leave arrangements until approval for the absence has been given.

2.5. Where an **emergency** arises you must notify the Headteacher/School Office by telephone and confirm by email as soon as is reasonably practicable, giving the reason for the absence and how long you expect to be absent from work to deal personally with the emergency which cannot be dealt with by anyone else.

2.6. Where a leave of absence request is refused there is a right of appeal. Any appeal must be made on the form at Appendix 1 within 5 days of receipt of the leave of absence decision. The appeal will be considered by the Headteacher and a panel of two governors, whose decision is final.

2.7. A confidential record of requests for leave of absence and whether the request was granted will be maintained. Members of the LGPS scheme will be informed about the impact of taking unpaid leave on their pensionable service.

2.8 **"Immediate family"** is defined as your: Wife, Husband, Partner/Civil Partner, Mother, Father, Mother-in-law, Father-in-law, Stepmother, Stepfather, Son, Daughter, Brother, Sister, Grandmother, Grandfather, Guardian/Ward, Stepchildren, Stepbrother, Stepsister, Grandchild.

3. DISCRETIONARY LEAVE OF ABSENCE

3.1. Examples of discretionary time off work that **may** be granted **with** pay:

Summary non-exhaustive examples of leave normally granted with pay	Days per academic year
Compassionate leave - illness or injury of immediate family giving rise to serious domestic difficulties	Maximum of 5 days.
Bereavement leave - death (including funeral) of immediate family	Maximum of 5 days.
Moving house where it cannot be arranged for a non-working time	1 day.
Personal events or emergencies i.e. an event which, if the response were to be delayed, would result in a significant personal loss to the employee such as fire or flood	1 day.
Accepted impossible travel because of weather or other public crisis	Period reasonably necessary but not normally more than 2 days.
Graduation Ceremonies - self or any immediate family member receiving degree/award/prize	1 day.
Interviews for jobs in the education service	Maximum of 3 days.
Dependant care leave - employees may only take paid time off to provide personal care for a dependant where there is an immediate crisis (There is a statutory right to take **unpaid** leave, see 7 below)	1 day on each occasion. Up to 3 days per year.

Where a number of days is stated, this is a maximum allowance per academic year.

3.1.1. Bereavement and Funerals

We recognise the profound impact of serious illness or bereavement. You may be granted **a maximum of 5 days' paid leave in total per rolling 12-month period** for incidents related to a close relative.

This 5-day allowance is intended to cover the immediate period of grief, including attending the funeral, and making necessary arrangements following the serious illness or death of a close relative.

Within this 5-day entitlement, paid leave will be granted for attending the funeral of immediate family. If the funeral is a significant distance from your home, up to an additional two days' paid leave may be granted at the discretion of the Headteacher to accommodate travel.

Should additional time be needed in truly exceptional circumstances, beyond the initial 5 paid days for close relatives, any further leave would generally be unpaid and subject to the Headteacher's discretion, considering the operational needs of the school.

For attending funerals of family members not listed as “immediate family” or for close friends, one day of unpaid leave may be granted at the Headteacher's discretion. Such requests are carefully considered against the operational needs of the school.

3.1.2. Family Weddings

Immediate Family: One day's paid leave may be granted for attending the wedding of an immediate family member (e.g., your spouse, partner, child, parent, or sibling), where it cannot reasonably be arranged outside of working hours.

Other Relatives or Friends: Attendance at weddings for other relatives or friends will generally be granted as unpaid leave, up to a maximum of one day, at the Headteacher's discretion.

Your Own Wedding: Leave for an employee's own wedding will not be granted during term time. We expect you to arrange your own wedding during school holiday periods.

3.1.3. Attendance at university graduation ceremony

Where self or a member of immediate family is receiving a degree the Headteacher can grant 1 day paid discretionary leave. Where the graduation is a considerable distance from the member of staff’s home an additional 1 day paid leave may be granted at the discretion of the Headteacher.

3.2. Examples of discretionary leave that **may** be granted **without** pay:

Summary non-exhaustive examples of absence normally granted without pay	Days per annum - all employees
Any personal reason other than those above which it was not possible to schedule for a non-working day or time or within annual leave e.g. dentist, optician, medical appointment, driving test, important one-off family occasions	Maximum of 3 days.
Attendance as a witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as a witness not representing the School	Period of attendance necessary.
Leave of absence for religious observance	Reasonable time off.

Where a number of days is stated, this is a maximum allowance per academic year.

3.2.1. Medical and dental appointments

It is expected that dental and medical appointments will be made out of school hours wherever possible, on non-working days for part-time staff, or during school closures for term-time only staff. It is recognised that in some circumstances, such as an appointment being expected from a hospital, that this may not always be possible. However, appointments in work time should be kept to a minimum and cause as little disruption as possible. In any event, prior approval to attend an appointment will need to be sought and agreed.

Upon production of a medical appointment letter/card up to half a day paid leave may be granted to attend a hospital appointment where it has proved impractical to attend outside normal working hours. Employees should make every attempt to make these appointments at the beginning or the end of the day or during lunch breaks to minimise the time they have to be absent from work.

Routine appointments, e.g. check-ups should not be taken during term time.

Elective cosmetic procedures should be arranged during holiday periods and will be unpaid.

Employees covered by the Equality Act 2010 do not have a specific right to take reasonable time off to attend medical appointments, however employers have a duty to make reasonable adjustments where appropriate, which can include appropriate time off to attend medical appointments. What is reasonable for the employer to do will depend on the circumstances of the particular case and the Trust's HR Officer will always be consulted.

3.2.2. Important one-off family occasions:

It is crucial to understand that personal celebrations such as birthdays and anniversaries are generally not considered 'one-off' exceptional circumstances' for discretionary leave during term time, and employees are expected to plan such events outside of working hours or use school holidays.

3.2.3. Attendance in court as a witness

Upon production of proof of required attendance, leave must be requested on the leave of absence form and time will be granted as unpaid leave. If employees wish to attend Court on a voluntary basis, a decision will be made on a case by case basis.

3.2.4. Leave of absence for religious observance

You may request unpaid time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and, on a case,-by-case basis, taking into account the needs of the school pupils and surrounding circumstances. You should request time off at the beginning of the school year, if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

3.2.5. Bad weather conditions

There may be circumstances when an employee is unable to attend work due to bad weather, but the school remains open as usual. All reasonable efforts should be made to safely attend work. Alternative arrangements may be agreed with the Headteacher, e.g. working from home or at a different location. Where this is not possible, non-attendance will normally be treated as unpaid leave, but exceptional circumstances may warrant discretionary paid leave.

3.2.6. Attendance at sporting fixtures

Elite sports people and registered sporting officials can request discretionary leave but if granted this will be unpaid.

4. PENSION IMPLICATIONS OF UNPAID LEAVE

4.1 It is vital to be aware that if leave of absence is granted without pay, it will affect your pension entitlement.

4.2 For staff in the **Local Government Pension Scheme (LGPS)**, you are responsible for paying your pension contributions for the first 30 days of any unpaid leave (excluding maternity leave and certified unpaid sickness). Any unpaid leave without contributions will not count towards your reckonable service for pension purposes. You may be able to buy back 'lost' pension through an Additional Pension Contribution (APC).

4.3 For staff in the **Teachers' Pension Scheme (TPS),** pension contributions cannot be paid for periods of unpaid leave.

4.4. Further advice can be sought from the respective pension providers or the Chief Financial Officer.

5. STATUTORY LEAVE OF ABSENCE FOR PUBLIC DUTIES

5.1 Employees are entitled to a reasonable amount of unpaid time off work by law to carry out certain public duties. Public duties include service as a:

- Tribunal member.
- Magistrate.
- Local councillor.
- Member of an NHS Trust.
- Prison visitor.
- Lay visitor to police stations.
- School governor.
- Member of the Environment Agency or Scottish Environment Protection Agency.
- Prison independent monitoring boards / visiting committees .
- Trade union member for trade union duties].

5.2. As soon as you are aware that you will require time off for performance of a public service you should request a leave of absence from the Headteacher using the form at Appendix 1.

5.3. The school will agree to requests to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy. Paid time may be granted at our discretion under Section 3.

5.4 Each request for time off will be considered on its merits, in the circumstances in which it is made including:

- Whether the activity is reasonable in relation to your employment.
- How much time off is reasonably required for the duty in question.
- How much time off you have already taken for the public duty in question.
- How your absence will affect the school.

5.5 Where an employee wishes to become a member of a public body, agreement of the Headteacher or Chief Executive (for the Executive and Central Teams and Headteachers) must be sought before accepting the position.

6. JURY SERVICE

6.1 You must inform the Headteacher as soon as you are summoned for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for jury service raises significant teaching or operational problems, assistance will be provided to the employee to appeal to the court to re-arrange or cancel the dates of service.

6.2 Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. The Stour Federation will make up the Loss of Earnings allowances to your normal level of earnings.

6.3 Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide remittance advice. This advice **must** be forwarded to the School Office within 3 days of your return to work.

6.4 We will normally maintain pay during service and deduct the court's "loss of earnings" allowance ("Juror's Loss"). Employees must provide summons paperwork and remittance advice. Pension contributions are not affected. An employee cannot be paid twice by the Court and the school for the same days.

6.5 Where jury service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your line manager regularly informed about how long you are likely to be away from work.

6.6 Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

7. DEPENDANT CARE LEAVE

7.1 Employees have a right to take a reasonable amount of **unpaid** time off work when it is necessary to:

- Provide assistance when a dependant falls ill, gives birth, is injured or assaulted.
- Make longer-term care arrangements for a dependant who is ill or injured.
- Take action required in consequence of the death of a dependant.
- Deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant.

- Deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

7.2 A **dependant** for the purposes of this paragraph 7.1 is:

- An employee's spouse, civil partner, parent or child.
- A person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee.
- Anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

8. CARERS' LEAVE

8.1 The Carer's Leave Act sets out statutory requirements for employees, allowing employees to request leave for a dependant with a long-term care need.

8.2 Employees can request up to one working week unpaid leave in any 12-month period to arrange or provide care.

8.3 A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

8.4 This entitlement can be requested from day one of employment.

8.5 Additional time off required over the usual working week may be granted at discretion of the Headteacher. You will need to complete and submit Appendix 1 to request additional discretionary leave days.

8.6 How the leave can be taken:

- Half days, individually.
- Full days, individually.
- Up to one working week (based on the employee's usual working pattern over 7 days), taken consecutively.

8.7 Notice to take Carers' Leave:

- Employees are required to provide advance notice when requesting carer's leave. The notice period should be at least twice the length of the leave requested, subject to a minimum of three days' notice when a half day or one day of leave is requested.
- For example, if two days of leave are requested, at least four days' notice should be given.
- Where it is not reasonably practicable to provide the required notice due to unforeseen circumstances, employees should inform their Headteacher as soon as possible.
- As soon as employees become aware that time off is required to care for dependants, please discuss this with the Headteacher.

8.8 We cannot refuse a request for carer's leave, but we may postpone it if absence would cause serious disruption. Any postponement will be confirmed in writing with the shortest practicable alternative dates.

9. PARENTAL BEREAVEMENT LEAVE

9.1 We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

9.2 This entitlement applies to employees who have suffered the loss of a child (i.e. under the age of 18) or who suffer a stillbirth after 24 weeks of pregnancy on or after 6 April 2020.

9.3. Irrespective of the length of service, an employee can take parental bereavement leave if they are the:

- Parent of a child who has passed away.
- Partner of the child's parent, where you live in an enduring family relationship with the child who has passed away and their parent.
- "Parent in fact" of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child and had "day-to-day responsibility" for the child (but you have not been paid to look after the child).
- "Intended parent" of a child who has passed away, i.e. a parent using a surrogate.
- "Natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent.
- Adopter of a child who has passed away.
- In practice, this means that most employees with parental responsibility for a child who passes away on or after 6 April 2020 can take parental bereavement leave.
- If you have suffered a bereavement but are unsure if you are entitled to parental bereavement leave, you should contact your Headteacher for clarification.

9.4. What leave a bereaved parent can take:

- For each child who has passed away, a bereaved parent can take one or two weeks' parental bereavement leave.
- Parental bereavement leave is not available as individual days.

9.5. If you are a bereaved parent, you are able to take the leave as:

- A single block of two weeks.
- Two separate blocks of one week at different times.
- The leave must be taken within 56 weeks of the date of the death of your child.
- This lengthy period recognises that, as a bereaved parent, you may need some flexibility as to when you take the leave. For example, you may:

    - Wish to take leave around the first anniversary of your child's death or at another particular time that is special, such as your child's birthday.
    - Already be on another type of leave, such as maternity leave or sickness absence.

9.6. Notice to take parental bereavement leave:

- Informal notification, such as a phone call or email, is sufficient to take parental bereavement leave.
- If you intend to take parental bereavement leave within the first 56 days after your child's death, you can take the leave straightaway. You do not have to provide a period of notice. This means that you can begin parental bereavement leave by letting the Headteacher know no later than when you are due to start work or, if that is not feasible, as soon as is reasonably practicable.
- If you intend to take parental bereavement leave more than 56 days after your child's death, you have to give the Headteacher at least one week's notice of your intention to take parental bereavement leave.

9.7. Cancellation of parental bereavement leave:

- If you have asked to begin parental bereavement leave within the first 56 days of the date of your child's death, you can cancel your parental bereavement leave, as long as you let your line manager know before you would have been due to start work.
- If you have asked to begin parental bereavement leave more than 56 days after your child's death, you can cancel your parental bereavement leave, as long as you let your line manager know at least one week in advance.
- You cannot cancel any week of parental bereavement leave that has already begun.

9.8 Pay during parental bereavement leave:

- Recognising the need to support bereaved parents, we will continue to pay normal pay during parental bereavement leave.

9.9 Rights during parental bereavement leave:

- During parental bereavement leave, all terms and conditions of your contract will continue.
- This means that sums payable by way of wages/salary will continue and [all benefits will remain in place.

9.10 Returning to work following parental bereavement leave:

- You have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

- You are entitled to return to another job that is suitable and appropriate for you, rather than the same job, if:
    - The period of leave taken is more than 26 weeks when added to most other periods of statutory leave taken in relation to the same child; and
    - It is not reasonably practicable to return you to the same job.

10. BEREAVED PARTNER'S PATERNITY LEAVE

10.1 From 29 December 2025, working fathers and non-birthing parents have the right to automatic paternity leave if the birthing parent passes away during childbirth or within the first year after birth or adoption. This also applies to bereaved parents of adopted children and children born through a surrogacy arrangement.

10.2 This entitlement is provided to employees from day one of employment.

10.3. The employee is entitled to 2 weeks leave and pay, in line with the Paternity Policy.

10.4. An employee can take this leave in addition to any Shared Parental Leave already taken.

10.5. In the event the birthing parent and child dies, the employee is entitled to still take Paternity Leave as above.

Further regulations may be introduced, including extending bereaved partner leave up to 52 weeks, allowing KIT days without ending the period of leave, and providing enhanced redundancy protection.

11. UNAUTHORISED ABSENCE

11.1 If an employee takes leave of absence without the prior consent of the Headteacher the reason for the absence will be ascertained. If the reason for absence merits investigation, this will trigger an investigation which could be considered an allegation of misconduct or gross misconduct under the Disciplinary Policy.

11.2 Overstaying and late return will be considered as unauthorised leave of absence. Staff must preserve any documentary evidence which shows that a late return was unavoidable (e.g. tickets, sick-notes etc).

12. COLLATION OF DISCRETIONARY LEAVE OF ABSENCE REQUESTS

12.1 The Trust will collate and monitor all Discretionary Leave of Absence. This is to ensure fair and equitable treatment of staff across our schools.

Appendix 1: Leave of Absence Request

Part 1

Name:	
Job title:	

Date/time from:	Date/time to:
I have read and understood the leave policy. Please attach a copy of any relevant appointment card. Reason for request: I understand and accept that if a leave of absence is granted without pay it will affect my pension entitlement. Signed:	Date:

Part 2: Leave of Absence Decision

Your request for leave is:		
Approved with pay:		☐
Approved without pay:		☐
Time to be made up:		☐
Not approved for the following reasons:		
Operational difficulties in covering absence:		☐
Loss of entitlement/continuity of educational provision for pupils:		☐
Leave of absence limits already reached:		☐
The request is outside the policy framework		☐
Other. Explanation of reason(s) for non-approval:		☐
Signed:	Job title:	Date:

Part 3: Appeal against Leave of Absence Decision

If you wish to appeal against a refusal to grant discretionary leave of absence then you must explain your reasons below and return this form to the Headteacher within 5 days of the date of the decision as recorded above. Your appeal will be heard by a panel of two governors or directors.

Signed: Date: