



## ***Theale C of E Primary School***

### **Leave of absence policy**

At Theale CE Primary School the children come first. They are central to every decision made in school. We will ensure that our children are happy and successful. They will grow to be ambitious and resilient and their talents will be nurtured so they become highly skilled. Our children will be courageous and always behave with integrity.

“And you shall love the LORD your God with all your heart, with all your soul, with all your mind, and with all your strength.’ This *is* the first commandment. And the second, like *it, is* this: ‘You shall love your neighbour as yourself.’ There is no other commandment greater than these.” *Mark 12: v 30-31*

“I have come that they may have life and that they may have it more abundantly.”  
*John 10:10*

<b>Published on public website</b>	Yes
<b>Author</b>	Senior Leadership Team
<b>Approved by</b>	Headteacher
<b>Date approved</b>	Autumn 2022
<b>Date of next review</b>	Summer 2026
<b>Responsibility for next review</b>	Headteacher

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## **1. Purpose**

- 1.1. This document is an adapted agreed WBC model procedure which Theale School Governing body has chosen to adopt. The governing body has approved additional amendments to meet the operational needs of the school.
- 1.2. The procedure sets out the approach which will be adopted by the headteacher and governing body to deal with requests for time off work during term time for school staff, and the circumstances in which paid leave and unpaid leave may be granted
- 1.3. This policy will be provided to all relevant staff.

## **2. Applicability**

- 2.1. This procedure applies to all staff working in the school.
- 2.2. Teachers and term time only support employees have contracts of employment which provide for annual holidays to be taken during school closures. There is no contractual entitlement to time off during term time with the exception of the caretaker.
- 2.3. However, employees have an entitlement in law to time off work in certain circumstances, in some cases with pay. This procedure sets out these entitlements, including paternity leave, parental leave and time off for dependents.
- 2.4. It is also recognised that, from time to time, the school may agree to grant individual employees time off (paid or unpaid) during term time for a variety of reasons. Such time off may be granted on request and at the discretion of the employer, under the terms of this policy. This may include an occasional day for holiday, subject to circumstance and at the Headteacher's and/or governors' discretion. Each application will be reviewed individually.  
Note 2.2

## **3. Roles and Responsibilities**

- 3.1. The headteacher is responsible for considering requests for time off during term time under the terms of this policy.
- 3.2. The headteacher is responsible for ensuring that decisions about time off during term time are made fairly and consistently, taking into account all the relevant information.
- 3.3. Any decision regarding time off should be communicated to the employee as soon as possible.
- 3.4. The Business Manager is responsible for notifying payroll of any leave granted without pay or where pay will be affected (e.g. jury service). The school must also keep a local record of decisions (including where requests are denied).
- 3.5. Employees are also responsible for ensuring requests for leave are made in accordance with the procedure set out below.

## **4. Procedure**

- 4.1. Requests for time off may be made orally or in writing. In circumstances where the request should be made in writing, this is stated in the relevant sections below.
- 4.2. A request for Time off in Term Time form is attached as an appendix to this document which employees must use wherever appropriate.
- 4.3. In some circumstances, it may be appropriate for the headteacher to seek supporting information/documentation when considering a request for time off in term time – e.g. certification from a doctor that the employee is required to care for an ill relative/dependant.
- 4.4. Time off must be approved by the headteacher before it is taken, unless impractical to do so. For example, in cases of compassionate need or domestic emergencies requests to take leave may have to be made at very short notice, or even after the event.
- 4.5. Any additional time off outside this procedure can only be granted at the discretion of the headteacher, in consultation with the Chair of Governors where necessary.

## **5. Time off for dependants**

- 5.1. All employees have the statutory right to take a reasonable period of unpaid time off work to deal with an unexpected event involving a dependent.
- 5.2. A dependent is a spouse, partner, child or parent of the employee, or other relative living with the employee, who reasonably relies on the employee. It does not include, for example, someone who lives in the same household as the employee, such as a tenant, boarder or lodger.
- 5.3. Time off during normal working hours may be granted in the following situations:
  - If a dependent falls ill, gives birth or is injured or assaulted.
  - To arrange care for a dependent who is ill or injured.
  - To attend to matters relating to the death of a dependent.
  - To deal with an unexpected disruption or breakdown of care arrangements for a dependent, for example the child minder or nurse.
  - To deal with an incident involving the employee's child which occurs unexpectedly when he/she is at school.
- 5.4. Employees must tell the headteacher the reason for their absence as soon as reasonably practicable and also how long they expect to be absent.
- 5.5. There is no set limit to the amount of time off which can be taken. However, the purpose of the leave is to enable the employee to deal with the immediate issue, and to put in place longer term arrangements, if required. The leave will not normally extend beyond one or two days.
- 5.6. There is no statutory entitlement to payment for this time off. However the school would consider a maximum of five days (pro rata) per annum as acceptable. However, this aspect

will be reviewed on an annual basis and each individual's application for paid time will be reviewed individually. (Also see Compassionate Leave – section 8).

## **6. Maternity Support Leave**

- 6.1. Five days leave with pay (pro rata for part time employees) will be given to a support employee who is the nominated carer of an expectant mother, at or around the time of the birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide the principal support to the mother at this time.
- 6.2. The nominated carer will normally be the mother's partner. If the employee making the request is not the mother's partner, the school may ask for confirmation from the mother that he/she is the nominated carer. Maternity support leave will not be granted to an employee if the mother is already supported by a partner who is taking paternity leave.
- 6.3. To qualify, the employee must have 26 weeks continuous service by the 15<sup>th</sup> week before the expected week of childbirth. If the employee is the partner and therefore also entitled to Paternity Leave (see below), the Maternity Support Leave will run concurrently with the first week of Paternity Leave (that is to say, the first week of leave would be at full pay, as Maternity Support leave, and the second week at Statutory Paternity Pay, as Paternity Leave but the employee would not be entitled to a further week of Paternity Leave as the first week would run concurrently with the Maternity Support Leave).
- 6.4. Maternity Support Leave may be extended to teachers at the discretion of the headteacher.

## **7. Paternity Leave**

- 7.1. An employee who is the partner of the mother (or adoptive mother) is entitled to up to two weeks' paid Paternity Leave, at the rate of Statutory Paternity Pay (see Paternity leave and pay: Directgov – parents). This statutory entitlement includes same-sex partners.
- 7.2. On the birth of his/her partner's child or the placement with his/her partner of a child for adoption, an employee has the right to take a single period of one or two week's paternity leave.
- 7.3. To qualify, the employee should have 26 weeks continuous service by the 15<sup>th</sup> week before the expected week of childbirth, or 26 weeks service by the week in which the employee's partner is notified he/she is matched with a child for adoption.
- 7.4. The time off should be taken at, or around, the time of the birth or the placement and an employee should advise his/her headteacher at least 28 days before intending to start the Paternity Leave. The actual date of leave may change where the actual date of birth is different to the expected date.
- 7.5. If the baby is born after 24 weeks of pregnancy, the employee is still entitled to Paternity Leave.

## 8. Parental leave

- 8.1. Parental leave is a statutory entitlement and is available for the purposes of caring for a child up to the age of five, or for the five years following adoption (up to the age of 18) or up to the age of 18 for children for whom disability living allowance has been awarded.
- 8.2. To be eligible, the employee must have parental responsibility under the law for the child and have completed one year's continuous service at the time they want to take the leave.
- 8.3. Employees are entitled to up to 13 weeks unpaid leave for each qualifying child up until the age of 5, or up to 18 weeks if the child is eligible for disability allowance. The leave can only be taken in blocks or multiples of a week. Leave periods of less than a week will count as a week's leave.
- 8.4. Up to four weeks' leave may be taken per child during a particular year. Years are counted as beginning from the date upon which the employee became entitled to parental leave.
- 8.5. Each parent has a separate entitlement to parental leave from his/her job. However the leave is not transferrable; i.e. the mother cannot take the father's leave and vice versa.
- 8.6. The employee must submit a request in writing to the headteacher, giving at least 21 days' notice before the day in which they propose to start the leave. The request should specify when the period of parental leave is to begin and end. If the parental leave would cause significant disruption to the school, the headteacher can postpone the leave for up to 6 months. Where leave needs to be postponed, the headteacher must consult with the employee within 7 days of the request, stating the reason for the postponement and confirming the new start and end date.
- 8.7. Where an expectant father intends to take parental leave immediately after childbirth, notice should be given 21 days before the expected week of childbirth. Where an adoptive parent intends to take parental leave immediately following placement, notice should be given at least 21 days before the expected week of placement, or as soon as reasonably practicable. The headteacher cannot postpone leave where the employee intends to take it immediately after the child is born or placed with them for adoption.
- 8.8. Employees returning from parental leave will have the same right of return as employees on maternity leave.
- 8.9. All of the parental leave will count as a period of continuous service and all contractual benefits remain unchanged throughout the parental leave period, with the exception of remuneration and pension contributions.
- 8.10. Employees who fall sick whilst on parental leave will be entitled to occupational sick pay in respect of any period of sickness and, on the provision of a doctor's note, will be able to take sick leave rather than parental leave.

## **9. Compassionate leave**

- 9.1. If employees need time off to cope with a situation that does not fall under the 'time off for dependents'
- 9.2. Compassionate leave with pay may be granted to all employees, regardless of length of service.
- 9.3. Compassionate leave would normally be granted by the headteacher.
- 9.4. There are no rigid criteria for compassionate leave but reasons may include:
  - A personal crisis (e.g. serious damage to home due to flood, fire or storm, breakdown of marriage or long term relationship )
  - Attendance at the funeral of a close family relative, work colleague or close personal friend
  - A serious emergency involving a close relative\* or partner
- 9.5. Non-serious domestic matters, such as the washing machine breaking down, or a pet requiring a routine visit to the vet would not qualify for compassionate leave. In such circumstances, the employee should apply for unpaid leave.
- 9.6. Compassionate leave will not normally exceed a total of five days in any one year (pro rata for part time employees). In exceptional circumstances the headteacher in consultation with the Chair of Governors, may extend paid leave where unforeseeable problems have arisen in the employee's contingency arrangements or where unpaid leave would cause significant financial hardship. Also, the nature and seriousness of the reason. E.g. Terminal illness of spouse of child.
- 9.7. The employee must notify the headteacher (or his/her manager) as soon as possible of the reason for the absence, or a need to leave the workplace if they are already at work. The employee will need to advise how much leave he/she expects to take.

## **10. Time off for Hospital, Doctor or Dental Visits**

- 10.1. Employees are expected to arrange medical appointments at either end of the working day, wherever possible or during lunch breaks.
- 10.2. In some circumstances, the headteacher may grant paid leave of absence. This may be appropriate where the employee has an on-going or chronic condition and either long courses of treatment are involved or the employee is required to see a specialist consultant, and it is difficult for the employee to make the appointment(s) outside of working hours. E.g. Hospital appointments. Time off may be granted for some or all of the appointments, depending on the circumstances of the case. This time will not be regarded as sickness absence and the school will record the absence as authorised absence/special leave.

## **11. Time off for IVF treatment**

- 11.1. Time off will be given with pay for employees undergoing IVF treatment.
- 11.2. Headteacher's may authorise up to five days in total per employee and should record the absence as authorised absence/special leave.

## **12. Medical screening**

- 12.1. Paid time off will be given for the purposes of appropriate medical screening.
- 12.2. This will not be regarded as sickness absence and the headteacher should record the absence as authorised/special leave.

## **13. Blood donation**

- 13.1. Reasonable time off with pay will be given for the purposes of blood donation, provided adequate notice has been given to the headteacher. The headteacher should ensure the absence is recorded as authorised absence/special leave. It is expected that where possible, appointments to donate blood will be made at the end of the working day.

## **14. Time off for religious observance**

- 14.1. Requests for time off for religious observance will be considered sympathetically and accommodated wherever possible, although extended absences (in excess of one week) will need to be balanced with the operational needs of the school.
- 14.2. Time off for religious observance should be taken as unpaid leave and authorised by the headteacher.

## **15. Members of the Reserve Forces**

- 15.1. Volunteer reserve forces consist of the Royal Naval Reserves, the Territorial Army and the Reserve Air Forces. In addition, there are High Readiness Reserves who have specific skills which the armed forces must have access to and can deploy within seven days' notice.
- 15.2. An employee who works more than two days per week and who wishes to volunteer for high readiness status must obtain the written consent of the headteacher and this agreement must be renewed annually.
- 15.3. Employees who serve in a volunteer reserve force should also inform the headteacher. The Ministry of Defence will also arrange for the employer to be notified and will follow this up annually to ensure the information held by the MoD is accurate.
- 15.4. In most cases, time off must be granted to the employee if he/she is called up to carry out his/her military duties. The period of call up can be up to one year in every three years. In exceptional cases, it may be possible to obtain an exemption if the absence of the employee will cause serious disruption to the school. Such an application must be made within seven days of the reservist being service with a mobilisation notice.



- 15.5. Reservists will receive pay from the Services so the school will not pay the employee during their absence. The school must ensure Payroll is informed when the employee commences military service, so that the salary payments can be stopped.
- 15.6. The period of absence will count for continuous service and the employee has the right to return to his/her job on demobilisation, or to be offered suitable alternative work if his/her old role is not available.
- 15.7. The employee is entitled to remain in the occupational pension scheme during his/her absence and the MoD will pay the employer contributions, provided the employee continues to pay the employee contributions.
- 15.8. Employers are also entitled to claim an 'employers award' in respect of replacement costs incurred during the period of call-out that exceed the reservists earnings, subject to a cap of £110 per day.
- 15.9. If a reservist is required to undertake training and it is not practicable for the training to take place during the school holidays, the headteacher in consultation with the Chair of Governors may authorise paid leave of up to a maximum of two weeks per year. The employee should provide the headteacher with a minimum of 28 days' notice. The school can claim from the MoD the costs associated with the employee undertaking training.

## **16. Public Offices (including Governors)**

- 16.1. Under the Employment Rights Act 1996, some public duties entitle an employee to time off work to carry out the role.
- 16.2. Recognised public duties include:
  - Justice of the Peace
  - Member of a local authority (this does not automatically include mayoral duties)
  - Member of the General Teaching Councils for England and Wales
  - Member of a school governing body, or governing body of a further or higher education corporation
  - Member of any statutory tribunal
  - Member of any police, health, water or environmental authority/agency
- 16.3. There is no statutory entitlement for leave to be with pay. However, the headteacher has discretion to allow up to 10 days paid leave per annum. Employees who wish to take up the entitlement to leave must inform the headteacher of their public duty appointment.
- 16.4. Time off must be agreed in advance with the headteacher and the employee must provide adequate notice. Additional leave may be granted if considered reasonable by the

headteacher but this should be taken as unpaid leave. Where unpaid leave is granted, the headteacher must ensure payroll have been informed.

## **17. Witness Duty**

- 17.1. An employee receiving a summons to appear as a witness must report the fact to his/her headteacher as soon as possible.
- 17.2. In the event of the employee not being required to appear as a witness on a particular day, the employee must report for work if more than four hours of the working day remains available.
- 17.3. An employee attending court as a witness should receive from the court forms to claim for earnings. The forms should be forwarded to Payroll for completion. The employee should then advise Payroll how much he/she expects to receive from the court. Payroll will then deduct an equivalent amount from a subsequent salary payment.
- 17.4. If a part time employee undertakes witness duty on a day when he/she would normally not be working, the payment from the court for this day would not need to be deducted from the salary payment.

## **18. Jury Duty**

- 18.1. An employee receiving a summons to serve on a jury must report this to his/her headteacher as soon as possible.
- 18.2. Paid leave of absence will be granted for jury service.
- 18.3. In the event of the employee not being required to serve on a particular day, the employee must report to work if more than four hours of the working day remains.
- 18.4. An employee serving as a juror must claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowance regulations.
- 18.5. The employee must inform Payroll of the allowance received so that an equivalent amount can be deducted from the employee's pay.

## **19. Time off for union duties**

- 19.1. Employees who are trade union representatives within unions, recognised for the purposes of collective bargaining, have the right to paid time off to undertake their union duties.
- 19.2. In addition, employees who are trade union representatives have the right to paid time off to receive training to help them carry out their trade union duties.
- 19.3. Trade union representatives will be expected to arrange these duties so as to cause minimum interference to the school and should ensure that the headteacher is informed of the need for the absence as far in advance as possible.

## **20. Time off to attend interviews**

- 20.1. At the discretion of the headteacher paid time off may be granted for attending job interviews, up to a maximum of three days (pro rate) per annum. Each application will be considered on an individual basis beyond these three days.
- 20.2. Where the headteacher determines leave should be without pay, the headteacher must ensure Payroll is informed.

## **21. Time off to attend a graduation or wedding**

- 21.1. At the discretion of the headteacher, paid time off may be granted for attending the wedding or the graduation ceremony of a very close relative, up to a maximum of two days per annum. Each case will be considered individually and staff should not expect that all such applications will be approved or be paid time.
- 21.2. Where the headteacher determines leave should be without pay, the headteacher must ensure that Payroll is informed.

## **22. Time off to move house**

- 22.1. At the discretion of the headteacher, time off may be granted for the purposes of moving house, up to a maximum of two days per school year (a day paid and 1 day unpaid).
- 22.2. Where the headteacher determines leave should be without pay, the headteacher must ensure that Payroll is informed.

## **23. Inability to get to a normal place of work/emergency school closure**

- 23.1. In the event of disruption to normal travel to work arrangements, for example, because of exceptionally poor weather conditions, employees should make every effort to get to school where it is safe to do so. This includes in circumstances where the school may be closed to pupils. If a member of staff lives a long way from their school they will be expected to try to reach a local school to report for work.
- 23.2. In some circumstances staff may be instructed to work from home (where the job role allows).
- 23.3. Where the headteacher considers it was not safe/possible for the employee to travel to school, or the headteacher instructed staff not to attend work, and it was not considered possible for an individual to work from home, time off with pay will be granted for the duration of the disturbance. Where the headteacher considers leave should be unpaid, Payroll must be informed.
- 23.4. Where the school is unexpectedly closed for some other reason (e.g. flooding, fire, breakdown of essential equipment). Staff will be expected to work from home, where the job role allows. Where this is not considered possible by the headteacher, employees will be granted leave with pay for the duration of the disturbance or until alternative arrangements are put in place.

## **24. Holidays**

- 24.1. It is expected that the caretaker might take up to two/three weeks holiday during term time. This will be paid leave and appropriate time negotiated with the headteacher.
- 24.2. Part time/job share teachers may occasionally in exceptional circumstances swap working days with their teaching partner to facilitate out of school/family commitments. Any such request must be officially sanctioned by the headteacher prior to the event.

'Quick Guide' to Time off in Term Time

Type of Leave	Paid / unpaid	Number of Days in any one academic year	Authorised by
Parental Leave	Unpaid	Up to 13 weeks per child	Headteacher
Compassionate Leave	Paid	Up to 5 days (pro rata for part time) – can be extended	Headteacher
Time off for Dependants	Paid ( <i>Discretionary</i> )	Usually up to 5 days (pro rata for part time)	Headteacher
Maternity Support Leave	Paid for support staff. Discretionary for teachers	Up to 5 days (pro rata for part time) for support staff. Discretionary for teaching staff.	Headteacher
Paternity Leave	Statutory Paternity Pay rates	Up to 2 weeks	Headteacher
Hospital, Doctor, Dentist visits	Paid in most circumstances	As reasonably required	Headteacher
IVF Treatment	Paid	Up to 5 days in total	Headteacher
Medical Screening	Paid	As reasonably required	Headteacher
Blood Donation	Paid	As reasonable	Headteacher
Religious Observance	Unpaid	As reasonable	Headteacher
Reserve Forces	Mobilisation = unpaid ( <i>though Reservist paid by Services</i> ) Training = paid, at discretion of headteacher	Mobilisation = as required Training = 2 weeks per annum	Inform headteacher
Witness/Jury Duty	Paid	As necessary	Headteacher to be informed
Public Duties	Paid, at discretion of headteacher	Up to 10 days per annum ( <i>pro rata for part timers</i> )	Headteacher
Union Duties	Paid	As reasonably required	Inform headteacher
Attending job interviews	Paid	Up to 3 days per annum at discretion of headteacher	Headteacher
Attending Graduation or Wedding	Paid	Up to 2 days per annum at discretion of headteacher	Headteacher
Moving home	1 day paid, 1 day unpaid	Up to 2 days per annum at discretion of Headteacher	Headteacher
Holidays	Both	Up to 15 days for caretaker	Headteacher
Inability to get to normal place of work	Paid	Please refer to procedure	

\*Where it says HT, advice may be sought from the Chair of Governors.

