



## LEAVE OF ABSENCE GUIDANCE NOTE

(This guidance note does not cover annual leave or leave for sickness, maternity, paternity or adoption)

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**This document has been consulted centrally and fully agreed by teaching and support staff trade unions. To change any aspect of this policy at a school level, the relevant body must consult appropriately with school staff and their recognised trade union representatives.**

**Note:** In this document, any reference to the terms "Governor" or "Governing Body" shall be interpreted to also mean "Trustee" or "Board of Trustees", unless the context specifically indicates otherwise.

### DOCUMENT STATUS

Version	Date	Action
Version 1	2004	
Version 2	2013	Policy updated, reformatted and re-circulated
Revision 1	1/1/2016	Updated to include time off for Anti Natal Appointments
Revision 2	12/12/2017	Time off for Non-Regular Forces updated to be in line with LCC policy
Revision 3	5/2/2017	Parental Leave arrangements updated to reflect changes to statutory entitlement
Revision 4	14/5/2020	Revised to include Parental Bereavement Leave and Pay Regulations.
Revision 5	22/9/2021	Agreed at JCC
Revision 6	06/24	Agreed at JCC (Revised to include Carers Leave Act)
Introduced to The Blue Coat School on 23.09.24		

## **1. INTRODUCTION**

- 1.1 From time to time employees may require time away from work to deal with personal issues. Employment law entitles certain employees leave of absence to deal with these issues provided they meet certain criteria. There will also be circumstances when employees request leave of absence which is not covered by employment law and the governing body has the discretion to consider any such requests. In normal circumstances this will be delegated to the Head teacher.
- 1.2 This guidance will assist the governing body in deciding whether to grant leave of absence, if so, how much time to grant and whether this is paid or unpaid leave. The examples included are not an exhaustive list.
- 1.3 For the purposes of applying a maximum approval for leave of absence requested, the academic year will be used commencing on 1 September and finishing on 31 August.
- 1.4 In making decisions on requests for leave of absence, the Head Teacher / Chair of Governors can take into account the difficulty and cost of obtaining supply cover and the organisational needs of the school.
- 1.5 Schools should have internal processes in place to record, monitor and inform their payroll provider (where necessary) of requests and decisions.
- 1.6 Where employees have an annual leave entitlement, consideration should be given to allow that member of staff to use their annual leave in the first instance.

## **2. MEDICAL**

### **2.1 *Doctor, Dental and Hospital Appointments.***

- 2.1.1 Employees should attempt to make doctor, dental and hospital appointments in non-working time wherever possible. Where appointments have to be made in work time they should be made to ensure minimal disruption to attendance at work. This time should be given with pay.
- 2.1.2 Official documentation should accompany any requests for time off for doctor, dental and hospital appointments, however, this can be redacted to protect patient confidentiality. If employees are unable to produce a valid appointment card/letter, Governors can request written verification from their doctor, dentist or hospital consultant confirming the attendance.
- 2.1.3 Where the employee has to attend a series of appointments for on going treatment, they should inform the school as soon as possible.
- 2.1.4 Where an employee attends a medical appointment that lasts the whole day, this should be recorded as a medical appointment.
- 2.1.5 If an employee attends an appointment that subsequently renders them unfit to return to work, this should be recorded as sickness absence.

- 2.1.5 Abuse of medical leave absence (eg using time granted for a medical appointment for another purpose) may lead to disciplinary action being taken.

## **2.2 Cancer Screening**

Employees should be granted paid time off in order to attend cancer screening appointments where an appointment cannot be made outside of normal working hours, but will be required to give reasonable notice of the appointment and must produce an appointment card or letter.

## **2.3 IVF Treatment / Fertility Treatment**

Employees may be granted paid time off to attend one round of IVF or fertility treatment, and will be required to give the school as much notice as possible and produce their appointment card or letter. Further time off will be at the discretion of the school / governing body.

## **2.4 Surgery**

Employees who choose to undergo surgeries performed for non medical reasons, would not normally be granted leave of absence.

## **3. DOMESTIC LEAVE OF ABSENCE**

### **3.1 Dependants Leave**

- 3.1.1 Employment law also allows all employees the right to a reasonable amount of unpaid time off, during working hours, to deal with unforeseen matters and emergencies involving their dependants.
- 3.1.2 A dependant could be a spouse, partner, child, parent or someone who depends on an employee for care, for example an elderly neighbour.
- 3.1.3 Unforeseen emergencies can include:-
- The dependant person being ill and unable to care for themselves
  - Childcare arrangements that have broken down
  - The need to put longer term care arrangements in place for children or elderly relatives
  - Attend or make arrangements for a funeral
  - The dependant person being involved in an accident.
- 3.1.4 Although it is not stated how much time off is reasonable in cases of Dependants leave, in most situations, 1 or 2 days would be sufficient to deal with the emergency.
- 3.1.5 Whilst employees have the right to unpaid leave, in such circumstances governing bodies have the discretion to allow paid time off. Guidance is given in the chart below.

Serious illness of a dependant or relative.	Up to 5 days with pay (pro rata for part time staff)
Bereavement of a dependant family member, (eg partner, parent) including making funeral arrangements and attending the funeral.  For a Child Bereavement see Section 7 below 'Parental Bereavement Leave'.	Up to 5 days with pay (pro rata for part time staff)
Attending the funeral of a close relative.	Up to one day with pay

### **3.2 Other Domestic Leave – also at the discretion of the Governing Body**

**Examples include: -**

Wedding of a near relative in exceptional circumstances.	One day with or without pay at management discretion
To move house subject to the choice of date being unavoidable.	One day with or without pay at management discretion
To attend one's own degree ceremony or to attend their own child's degree ceremony, where the child is an actual participant.	One day with or without pay at management discretion
School Prize distribution for the applicant's child.	Half day with or without pay at management discretion

## **4. NON-DOMESTIC LEAVE OF ABSENCE**

The chart below gives guidance on what leave of absence, if any, can be given in the following circumstances.

Elected Members of another local Authority	Reasonable leave with pay up to a maximum of 208 hours in a financial year. Staff may retain in full any attendance allowance paid to them in performing these duties.
Magistrate	Maximum of 25 half days normal pay less the allowance payable by the Magistrates Court Committee.
Justice of the Peace	Leave with pay up to full time equivalent of 12 days. Advance notification of dates must be given.
Jury Service (loss of earnings must be claimed)	The difference between any loss of earnings allowance and normal full pay.

Court Witness when called by the Police (loss of earnings must be claimed)	The difference between any loss of earnings allowance and normal full pay.
Court witness when called by a private individual or pursuing a private claim	Time as required without pay
Trade Union Representatives	Leave with pay as agreed by the Governors in accordance with the City Council's facilities time agreement
School Governor	Reasonable time off with pay to attend Governing Body meetings subject to satisfactory staffing arrangements, to those who are members of a Managing or Governing Body of this, or any other Local Authority
Parliamentary candidates	Up to 3 weeks without pay
To take part in pre election activities	Reasonable time. Leave without pay
Job interviews	One days leave with pay, (up to 3 days if the interview procedure goes beyond one day)
Pre-interview school visits	Reasonable time without pay
Examinations – for training, sponsored and paid for, by school.	Leave with pay for the period of the exam
Study Leave (before an exam) - for training, sponsored and paid for, by school	Leave with pay - twice the length of the exam.
Exam and study leave – undertaking training, not sponsored and paid for, by school	No entitlement to leave, however Head teachers have discretion to grant leave (paid or unpaid) where the training is relevant to professional development.
To act as moderator or examiner	Reasonable time off with pay
Major religious festivals	Other than statutory holidays, one days leave with pay.
To attend investitures and Duke of Edinburgh award ceremonies	Where the employee or close relative is the recipient, one days leave with pay.
Lecturing in another Authority	Leave with pay subject to 50% of fee returned to school
Appearance on television or radio broadcast in connection with school business	Leave with pay. All fees to be paid to school

Appearance on television or radio broadcast in connection with private business	No entitlement to leave, however Head teachers have discretion to grant unpaid leave
Non-regular Forces	<p>10 Days with pay to attend summer camp each year. A Commanding Officers certificate of attendance is required before time off is allowed.</p> <p>Employees will be granted unpaid leave for any period of active service mobilisation. Employees who are mobilised for active service must inform their Line Manager as soon as they are notified of their mobilisation.</p> <p>10 days leave with pay in any 12 month period for Cadet Leaders.</p>

## 5. **PROCEDURE FOR APPLYING FOR LEAVE OF ABSENCE**

- 5.1 Requests for leave of absence should be made giving as much notice as possible, however it is recognised that some situations cannot be foreseen. In this case the request should be submitted retrospectively as soon after the event as practical.
- 5.2 Requests for leave of absence should be considered on a case by case basis and a decision made on what is reasonable in all the circumstances. Leave of absence will not be granted for staff booking holidays during term time. To do this would be deemed as breaking conditions of service and may lead to the disciplinary procedure being invoked.
- 5.3 In the circumstances of a bereavement, consideration should be given to the closeness of the relationship between the employee and the bereaved.
- 5.4 Where staff have an annual leave entitlement, consideration should be given to allow that member of staff to use their annual leave in the first instance.
- 5.5 A record of all requests and decisions will be kept on the employees file. Where unpaid leave of absence has been granted the payroll provider must be informed.

## 6. **PARENTAL LEAVE**

- 6.1 Employment law allows **unpaid** Parental Leave to look after a child or make arrangements for the child's welfare.
- 6.2 Circumstances where this can be applied include
  - Be with a child during a hospital stay
  - Settle a child into a new school or childcare arrangements
  - Spend more time with a child during their early years.

- Spend time with a child following adoption

6.3 To be eligible the following criteria apply;

- Employees have one year continuous service.
- Employees have parental responsibilities for a child under the age of eighteen.
- Employees have a disabled child under the age of 18 who qualifies for disability living allowance

6.4 Eligible employees are **entitled** to

- For each child - 18 weeks leave up to their 18<sup>th</sup> birthday
- For each adopted child - 18 weeks leave up to their 18<sup>th</sup> birthday
- For each child receiving disability living allowance - 18 weeks leave up to their 18<sup>th</sup> birthday.

6.5 Leave that can be taken

- Four normal working weeks in any one year and should normally be taken in block of one complete week or more.
- For disabled children leave can be taken in single days

6.6 Process to request parental leave

- Employees should give as much written notice as possible with a minimum of 21 days notice.
- The request should state the proposed start date and end date. This should also include a copy of the child's birth certificate, papers confirming a child's adoption or the date the adoption will start, and where the child is receiving disability living allowance, a record of these payments.

6.7 The Employer may **postpone** the request

- Where the needs of the business make it necessary and reasonable to do so, but it cannot be postponed for more than six months. In this case a written response will be sent to the employee within five working days of the original request suggesting a new start date within 6 months of the original request.
- Parental leave cannot be postponed if the employee has given at least 21 days notice and plans to take the leave immediately after the child is born or placed for adoption, or immediately after maternity leave.

## 7. **PARENTAL BEREAVEMENT LEAVE**

7.1 It is recognised that the loss or stillbirth of a child is a deeply upsetting experience. The grieving process is a very individual one, and accordingly the school should support any employee in this situation as appropriate. The following paragraphs outline the legal entitlement to Parental Bereavement Leave if a parent is bereaved following the death of a child under the age of 18 or stillborn after 24 weeks' pregnancy. These paragraphs are not intended to define the upper limit of support that can be offered.

The school, if appropriate, should arrange counselling support.

Appendix 1 includes sources of other support and further information.

## **Entitlement**

- 7.2 Parental Bereavement Leave applies to employees who have suffered the loss of a child (i.e. under the age of 18).
- 7.3 Parental Bereavement Leave is a day-one right, meaning that bereaved parents can take leave whatever their length of service.
- 7.4 An employee is entitled to be absent from work to take parental bereavement leave if he or she is the:
- biological parent
  - adoptive parent, if the child was living with them
  - person who lived with the child and had responsibility for them, for at least 4 weeks before they died
  - 'intended parent' – due to become the legal parent through surrogacy
  - partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship
- 7.4 Parental Bereavement Leave will be paid at the employees' normal rate of pay.
- 7.5 A parent can take two week's leave for each child who has died or was stillborn. They can choose to take:
- two weeks together
  - two separate weeks of leave
  - only one week of leave

## **Notice Requirements for Parental Bereavement Leave**

- 7.6 The leave can be taken at any stage within the 56 weeks following the date when the child died or was stillborn.
- 7.7 If the leave is taken within the first 56 days/8 weeks of a child's death, a bereaved parent can take the leave straight away. Notice should be given before the employee is due to start work on the employee's first day of absence or as soon as reasonably practicable.
- 7.8 If the leave is taken after 56 days (between 9 and 56 weeks) the employee must give a weeks' notice.
- 7.9 When giving notice of Parental Bereavement Leave, employees should include:
- the date of the child's death or stillbirth
  - when they want their Parental Bereavement Leave to begin
  - how much leave they are taking - either 1 or 2 weeks
- 7.10 Employees can give notice informally, for example by phone, text message or email. The School should not ask for:
- notice for leave in writing (such as following up with an email, letter or form)
  - notice to cancel leave in writing



- evidence of entitlement for leave
- details about the employee's relationship to the child or baby

### **Parental Bereavement Leave and Other Leave**

- 7.8 An employee taking parental bereavement leave will not affect their entitlement to maternity or paternity leave, which is available to employees in the event of a stillbirth from 24 weeks of pregnancy.
- 7.9 If an employee was on another type of statutory leave when the death or stillbirth happened, Parental Bereavement Leave must start after that other leave has ended but does not have to be taken immediately after. This includes if the statutory leave is for another child.
- 7.10 If an employee's Parental Bereavement Leave is interrupted by the start of another type of statutory leave, they can take their remaining entitlement to Parental Bereavement Leave after that other leave has ended.
- 7.11 Parental Bereavement Leave can be taken between blocks of shared parental leave which had already been booked when the child died, even if the shared parental leave is for another child.

### **Cancelling a period of parental bereavement leave**

- 7.12 Where the employee gives notice to take a period of parental bereavement leave which includes a week which begins:
- a) within 56 days, the employee may cancel that week's parental bereavement leave by giving notice to their line manager no later than the time on the first day of that week at which the employee would have been due to start work if the employee was not taking parental bereavement leave;
  - b) after 56 days, the employee may cancel that week's parental bereavement leave by giving notice to their line manager at least one week before the start of that week.
- 7.13 An employee may not cancel any week of parental bereavement leave which has already commenced.

## **8. TIME OFF TO ACCOMPANY A WOMAN TO ANTE-NATAL APPOINTMENTS**

- 8.1 An expectant father or the partner (including same sex) of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments.
- 8.2 The time off is capped at six and a half hours for each appointment.
- 8.3 An employer is entitled to ask the employee for a declaration, stating the date and time of the appointment, that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

8.4 There is no qualifying period for employees.

## 9. **CARERS LEAVE**

9.1 Under the Carer's Leave Act 2023 employees are entitled to unpaid leave from their first day of employment to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined under the Equality Act 2010)
- care needs because of their old age

The dependant does not have to be a family member but is someone who relies on the employee for care.

9.2 Employees can take up to one week of leave every 12 months. 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. The leave can be taken as a whole week or as individual days or half days throughout the year. If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

9.3 For any member of staff who works irregular hours each week, a week will be calculated taking the average total number of hours worked in the previous 12 months divided by 52 (or however many weeks since they started the job, if they've been in the job less than a year). If an employee wants to take carer's leave in their first week, the amount they're expected to work in a week will be used as the amount of leave they can take.

9.4 A request for Carer's Leave does not have to be in writing. If the request is for half a day or a day, the notice period must be at least 3 days. If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days. The notice period should be in full days, even if the request includes half day amounts. Employees do not need to give evidence of their dependant's care needs. If an employee needs to look after someone in an emergency, they can take emergency leave without giving a notice period.

9.5 An employer cannot refuse a carer's leave request but, where the absence would cause serious disruption, can ask the employee to take the leave at a different time. If the leave is delayed:

- another date, within one month of the requested date for the leave, will be agreed
- the reason for the delay and new date will be put in writing to the employee within 7 days of the original request, and before the requested start date of the leave.

## **Appendix 1**

Sources of Further Information to Support Families experiencing Baby Loss, Still Born, Miscarriage or Death of a Child.

SANDS

<https://www.sands.org.uk/>

Lullaby Trust

[https://www.lullabytrust.org.uk/?gclid=EAlalQobChMIIn6KMxufk5QIVUVXTCh3mgQ5xEAAyAiAAEgKGk\\_D\\_BwE](https://www.lullabytrust.org.uk/?gclid=EAlalQobChMIIn6KMxufk5QIVUVXTCh3mgQ5xEAAyAiAAEgKGk_D_BwE)

Tommy's

<https://www.tommys.org/>

Miscarriage Association

[https://www.miscarriageassociation.org.uk/?gclid=EAlalQobChMIrq\\_Ilujk5QIVCbRTCh1cbwKLEAAyASAAEgL6qvD\\_BwE](https://www.miscarriageassociation.org.uk/?gclid=EAlalQobChMIrq_Ilujk5QIVCbRTCh1cbwKLEAAyASAAEgL6qvD_BwE)

Bliss

[https://www.bliss.org.uk/?gclid=EAlalQobChMIImKfwv-jk5QIVSbDtCh3sLgT-EAAYASAAEgLqqfD\\_BwE](https://www.bliss.org.uk/?gclid=EAlalQobChMIImKfwv-jk5QIVSbDtCh3sLgT-EAAYASAAEgLqqfD_BwE)

Child Bereavement UK

[https://www.childbereavementuk.org/?gclid=EAlalQobChMIrcGz6unk5QIVQtTeCh19-gwcEAAYASAAEgIFp\\_D\\_BwE](https://www.childbereavementuk.org/?gclid=EAlalQobChMIrcGz6unk5QIVQtTeCh19-gwcEAAYASAAEgIFp_D_BwE)

Love Jasmine

<https://www.lovejasmine.org.uk/>