



Brinsley Primary and Nursery School
School Policy for

ANNUAL LEAVE and LEAVE OF ABSENCE

Updated: November 2022
Review: November 2023

A small, square, grey-tinted image containing a handwritten signature in black ink. The signature appears to be 'J. Day'.

14.11.2022

Table of Contents

<u>INTRODUCTION</u>	<u>1</u>
<u>GUIDANCE ON GRANTING LEAVE REQUESTS</u>	<u>2</u>
Procedures	2
Decision Making	2
Administration	3
<u>TYPES OF LEAVE</u>	<u>3</u>
Adoption Leave	3
Shared Parental Leave.....	3
<u>Annual Leave</u>	<u>4</u>
Ante-natal Leave	6
<u>Compassionate leave</u>	<u>6</u>
Domestic Reasons	7
<u>Examination and Revision Leave</u>	<u>7</u>
Foster Care training	8
Health and Welfare	8
<u>Interviews</u>	<u>8</u>
Jury Service and Witness Summons	8
<u>Lecturing and Speaking</u>	<u>8</u>
Maternity Leave	9
<u>Observance of Religious Festivals</u>	<u>9</u>
Official Delegate at Conferences	9
Parental Leave	10
Parliamentary Elections	10
Participation in Sporting / cultural or charitable activities ...	10
Paternity Leave	10
Professional Exam Duties	10
Public Duties	11
Redundancy – support for job seeking	11
Service in Non-Regular Armed Forces	11
<u>Unpaid Special Leave</u>	<u>12</u>
<u>Appendix 1 – Application for Leave of Absence</u>	<u>13</u>
ANNUAL LEAVE AND LEAVE OF ABSENCE FOR SCHOOL STAFF	

INTRODUCTION

The purpose of this section is to provide:

- information about the respective leave entitlements for teachers and school support staff
- guidance about the use of governors' discretionary powers in relation to leave of absence
- advice about application procedures.

The granting of annual leave and most types of leave of absence is a matter for the Governing Body of the school to determine, subject to adherence to specific legislation such as the Armed Forces Act 1996 and the Employment Rights Act 1996 and to the relevant

conditions of service for school staff. For teachers these can be found in the Conditions of Service for School Teachers in England and Wales (Burgundy Book) and for support staff in the National Joint Council (NJC) for Local Government Services (Green Book) or the Nottinghamshire County Council's Personnel Handbook (Orange Book). However, this revised guidance aims to give teachers and school support staff the same level of provision wherever possible. Nonetheless, the amounts of leave granted and reasons for doing so can differ between teaching and support staff. It is also important to bear in mind that such entitlements must be considered against the overall working arrangements of the different categories of staff and, in particular, the need for arrangements to be made to cover such absences. Where possible it is expected that school staff will try to arrange leave of absence during school holiday periods. Leave of Absence is normally granted on a rolling year basis.

These revised leave arrangements have been discussed with the recognised trade unions and are, therefore, recommended to schools. However, whilst Governing Bodies are advised in the interest of consistency to adhere to this scheme wherever possible, it is recognised that it is not always appropriate to prescribe rigid rules in respect of leave of absence and governors will sometimes need to exercise their discretion in individual cases. In such circumstances the Children and Young People's Services (CYPS) HR Team is available to advise schools.

The funding for some leave activities is at the discretion of the Local Authority and these are indicated within the document. However, the granting of time off for these activities remains subject to the approval of the Governing Body. The funding for most types of leave of absence is already accounted for in the formulation of school budgets, consequently the costs of any necessary cover etc will normally fall on the school. However, in respect of cover for identified staff in schools to undertake trade union activities, the Local Authority has retained some funding which is allocated to individual recognised Trade Unions to cover the agreed level of absence. The granting of such time off, however, is subject to the approval of the Governing Body and within the ACAS guidelines. Further information can be found in the "Trade Union Facilities" section of the HR Guidance (schools) community on wired.

GUIDANCE ON GRANTING LEAVE REQUESTS

It is recognised that the nature of the working day and school terms limits the flexibility of staff in schools to take leave for personal reasons. Reasonable requests for leave for reasons not specifically covered or as an extension of the entitlements detailed in this guidance should, therefore, be considered on an individual basis by Governing Bodies. It is recommended that any requests for leave of absence should be considered by the relevant committee of the Governing Body so that any disputes can then be resolved through the Appeals Committee.

Advice on the appropriateness of such leave can be obtained from your contact point in the CYPS HR Team.

Procedures

Each school should publish to all staff its procedures for addressing requests for leave of absence. It is recommended that:

- Governors should confirm the level of delegation given to the Head teacher or other senior manager to make decisions. (This is particularly relevant where the request is urgent.)
- Employees requesting leave of absence should, normally, apply in writing to the Chair of Governors or to whoever has delegated responsibility giving as much notice as possible.
- Staff should state the reason for the request and the date(s) required. (A sample 'Application for Leave of Absence' request form is shown as [Appendix 1](#)) Where urgent leave has been granted, this should be completed and approved retrospectively, following a delegated management decision.
- An appropriate governors' committee will normally be responsible for considering an employee's request for leave of absence and informing them of the decision in writing.
- Appeals against a decision about leave of absence would be heard by an appeal panel in line with the usual appeal procedures. However, timescales may need to take account of the timing of the leave requested.

Decision Making

Governors are advised to consider each individual request in the context of the whole school, for example:

- All schools are required by the STP&CD to have a policy that meets the requirement for teachers to cover only rarely for absent colleagues. The provision that teachers will only 'rarely cover' cannot be over ridden by internal arrangements or by asking teachers to 'volunteer' to cover. The decision to grant leave of absence to facilitate urgent short term family care needs or to attend planned special events in family life, for example, school performances, sports days, prize givings and graduation ceremonies must be made within the confines of the 'rarely cover' regulations. These do not preclude teachers covering in an emergency but if the absence is arranged in advance they cannot be asked to cover.
- Will this set a precedent and what are the implications of further requests of a particular nature?
- Is it reasonable to expect the employee to undertake the activity out of school time or during the school holidays?
- Does the employee have any choice about the activity and/or its timing?
- Is it reasonable for the employee's partner (including same sex partner) / relative to share the responsibility for urgent family care needs?
- The impact on provision of education or other services at the school.
- The implications of the different contractual situations of support staff employed on an all-year-round basis compared with term-time only employees.
- Equal opportunities issues
- Financial implications

Administration

- Employees working less than full time are entitled to a proportion of the full time leave entitlements stated below.
- A sample 'Application for Leave of Absence' request form is shown as [Appendix 1](#).
- All leave of absence should be shown on the form SCHOOLS/AR1 (Staff returns)
- Where schools wish to provide greater flexibility for staff to take exceptional leave, they will need to monitor and review the granting of such leave to ensure the fair application of the procedures.

TYPES OF LEAVE

Adoption Leave

Details are available on Wired / HR Guidance (Schools) / Adoption

Shared Parental Leave

Details are available on Wired / HR Guidance (Schools) / Shared Parental Leave

Annual Leave

Teachers

There is no provision for annual leave entitlement for teachers. They are required by statutory order under the School Teachers' Pay and Conditions of Service Document to be available for work for 195 days each year, of which 190 shall be days on which they may be required to teach pupils. This 195 day (39 week) period is reflected in the Nottinghamshire school term-time and holiday pattern which is set by the Local Authority in consultation with the recognised trade unions.

Governing Bodies should not normally receive any requests from teaching staff to take a holiday within term-time.

Support Staff

The leave year runs from 1st April until 31st March each year with an entitlement for support staff as follows:

	Basic entitlement	Leave after 5 years continuous service*
Former Manual Employees (e.g. Caretakers)	24	29
NJC Support Staff	24	29
Above SCP 28*	27	32

*effective in the leave year the service is acquired.

All year round (AYR) Staff

AYR staff contracted to work for less than 37 hours a week receive annual leave on a pro rata basis. Up to three days' leave may be carried over from one leave year to the next. At the discretion of the governing body a greater number of days may be carried over.

The taking of annual leave for all year round (AYR) support staff is subject to the prior approval of the head teacher/governing body having due regard to the wishes of the employees and the exigencies of the service. Such approval should not be unreasonably withheld and consideration should be given to areas of work to be undertaken by all year round staff wishing to work during periods of school closure.

Within schools the 'exigencies of the service' mean it is expected that annual leave should normally be taken during the school holiday period. There will, of course, be exceptional circumstances when head teachers/governing bodies will undoubtedly wish to grant leave during term time. Where the school management wishes to have a closure period during a school holiday this should be with the agreement of 'all year round' employees.

Where an employee is appointed on a date after 1st April, the current year's annual leave entitlement is calculated on a pro-rata basis, based on full calendar months, according to the service they would have accumulated by the following 31st March. Similarly, if an employee resigns part-way through the leave year, then the full annual holiday entitlement will be reduced on a pro-rata basis.

Detailed below are the bank holidays for support staff employed on an all-year-round basis.

Bank Holidays are as follows:-

<u>Holiday</u>	<u>Statutory days</u>
Easter	Good Friday Easter Monday
May Day	First Monday in May
Spring Bank	Monday

August Bank	Monday
Christmas	Christmas Day Boxing Day
New Year	New Year's Day

These bank holidays are in addition to the annual leave entitlement of AYR staff.

Term time only (TTO) staff

Many support staff in schools are employed on a 'term time only' basis so they do not have any holiday entitlement during term time. The actual annual leave entitlement of a 'term time only' employee (with the exception of Mid-day supervisory staff) is calculated on a pro-rata basis to the full annual leave entitlement of an 'all year round' employee and allowance is made for this in the equated annual salary calculation.

- Teaching Assistants, Personal Care Assistants and term-time administrative staff have the same working year as teachers.
- Midday supervisors have the same working year as pupils.

Further guidance for the calculation of pay for term time working e.g. formulas is available on wired/HR Guidance (schools) community/contractual working hours

Carry forward of annual leave in long term sickness absence cases

Employees on long term sickness absence are normally expected to take their annual leave entitlement during the year in which the entitlement falls and should request the leave concerned in advance through their line manager, by no later than February of the leave year concerned. Absence booked and taken as annual leave will be paid at full contractual pay for the days concerned, regardless of the employee's current sick pay status. Managers will normally be expected to permit the annual leave requested and inform Payroll Services of the leave dates concerned. Taking annual leave will not break the continuity of the sickness absence for either absence monitoring or for sick pay calculation purposes as it will be assumed the employee remains unfit to attend work unless they notify otherwise.

Where an employee has not taken their basic statutory entitlement to 20 days annual leave and 8 days leave in respect of bank holidays (pro-rata for part time staff), by the end of the leave year because they have been prevented from doing so due to sickness absence, discretionary consideration will be given by line managers, on an individual, case by case basis, to requests to carry forward this entitlement to the next leave year. In these circumstances, the total amount of annual leave already taken in the relevant leave year when added to the amount of leave being carried over, shall not exceed 28 days (pro-rata for part-time staff).

Ante-natal Leave

With effect from 1 October 2014 the provisions in the Children and Families Act have introduced a right for fathers and partners (including same sex partners), and intended parents in a surrogacy situation, to take paid time off work to accompany a pregnant woman at an antenatal appointment on two occasions. Employees are entitled to be absent for a maximum of 6.5 hours on each such occasion. The appointment must be on the advice of a registered medical practitioner, midwife or nurse. The employee will need to provide a signed declaration confirming: the qualifying relationship with the pregnant woman or her

expected child; that the purpose of the time off is to accompany the woman at her antenatal appointment and the date and time of the appointment. The employer should not unreasonably refuse an employee to take time off under this provision.

Details relating to ante-natal leave for pregnant woman can be found on Wired / HR Guidance (schools) / Maternity.

Compassionate Leave

It is recognised that it is inappropriate to prescribe rigid rules in respect of compassionate leave. The following are general guidelines.

Death

In the event of the death of a spouse (partner), child, parent or dependant relative, an employee may be granted up to a total of 10 days' leave of absence with pay (inclusive of the day of the funeral). Exceptionally, this may be extended up to a total of 15 days, where special circumstances exist.

One day's leave of absence with pay may be granted in respect of the funeral of another relative or close friend.

Illness

Governing bodies may grant leave of absence with pay to employees for periods of up to 5 days in total to allow for a period of adjustment and for other arrangements to be made, in respect of the following:

- sudden illness of a spouse, partner (including same sex partner), parent, child or dependant relative;
- where the normal care arrangements of a dependant break down, due, for example, to the illness or injury of a person providing those arrangements thereby making it necessary for the employee to care for the dependant;
- following a serious accident and/or where an urgent hospital operation is required and either the patient and/or young children need to be cared for during hospitalisation or subsequent convalescence.

In seeking to make alternative arrangements for the care of relatives etc employees should be advised to seek the assistance of the local authority, National Health Service, or other agencies as appropriate. Governing bodies should bear in mind that in certain of the circumstances mentioned above, employees may become unfit for work for health reasons and, in appropriate cases, should be advised to consult their doctors with a view to obtaining a medical certificate.

Employees will be expected to make appropriate arrangements that will enable them to fulfil their work commitments as soon as possible.

Domestic Reasons

Up to five days' leave of absence may be granted in any one year for **domestic reasons** (urgent or otherwise). A year is defined as a 'rolling year' not a calendar or academic year. Leave with or without pay to be granted under this provision may include:

- **Moving house**
School staff should normally make arrangements for moving house outside normal working days. Where this is not possible, up to 2 days leave may be granted by the governing body.
- **Wedding or civil partnership ceremony;**
School staff should normally make their own wedding / civil partnership arrangements outside normal working days. However, leave of absence may be granted by the governing body to enable them to attend a relative's or close friend's wedding or civil partnership ceremony.
- **Other special events**
This would enable school staff to attend special events in their family life that cannot be arranged outside normal working days eg. college interviews, graduation ceremonies, school productions, sports day.
- **Urgent domestic business**
This would enable school staff to deal with emergencies of a domestic nature eg. flooding, structural damage, burglary etc.

Examination Leave and Revision Leave

Where an employee undertakes study which directly relates to their role in school and furthers their professional development and is approved by the governing body or funded by their school, leave of absence with pay may be granted by the governing body as follows:

- day release
- final revision for examination purposes on the basis of a period equal to the duration of the examination (to be confirmed with the head teacher at least 1 month before the examination)
- attendance at an examination
- 3 days study leave throughout an academic year for those undertaking correspondence courses. This is in addition to revision/examination leave.

Foster Care Training

Employees who are Foster Carers are permitted time off for training. Once an employee is approved as a foster carer up to 5 days per annum for the first 4 years and up to 3 days per annum, thereafter, is permitted for ongoing training.

Health and Welfare

Where it can be demonstrated that it is not possible to obtain appointments outside of working hours, governing bodies may grant paid time off for reasons of the personal health and welfare of an employee or that of a dependent who needs to be accompanied. For example, visits to a doctor, dentist, optician, clinic and hospital.

This may include matters of a sensitive nature where the employee may not wish to disclose to persons other than those who strictly need to know eg. to attend confidential medical

appointments. In these circumstances the number of people having access to the reasons will be kept to an absolute minimum.

Governors may also approve paid leave of absence for other health related matters such as blood donation where this cannot be arranged out of school hours.

Governing Bodies are also reminded that women employees are encouraged to go for a smear test (cervical cytology) or a breast examination and time off for this purpose may be granted. Similarly, Governing Bodies may also grant time off for the purposes of donating blood where appropriate.

Governors are encouraged to allow up to 4 hours paid leave (once) to enable staff wishing to stop smoking to attend New Leaf Services and Bassetlaw Stop Smoking Services. This should be by prior agreement and subject to the need to maintain delivery of education to pupils in the school.

Interviews

Leave of absence with pay may be granted to attend interviews for posts in other establishments.

Jury Service / Formal attendance at a court hearing (i.e. as witness)

Employees are entitled to leave of absence for jury service and attendance at a court hearing and must claim, from the Court, the allowance for loss of earnings to which they are entitled. Following completion of the jury service, the HR - Pay Team, Employee Services Centre, should be notified of the actual amounts received by the employee from the court so that the appropriate deduction can be made from their pay and the school budget refunded. The school may receive an additional amount from the staff absence protection scheme. Details of the staff absence protection scheme can be found on wired/HR Guidance (schools)/Staff absence protection scheme.

Lecturing / Speaking Activities

Where any employee is invited to lecture on a course organised by the County Council or where the County Council is asked to provide a lecturer by an external organisation, this and any necessary preparation should be regarded as duty. If a fee is payable this should be paid in its entirety into the school budget.

Where, as distinct from the above, an employee is personally invited to lecture or to speak or appear on radio or television (i.e. as an individual and not as a County Council spokesperson or in any other circumstances which could be regarded as a duty), but that invitation is as a result of his/her particular job with the County Council, leave of absence with pay should be granted. In these circumstances, it is expected that preparation will be in the employee's own time and any fee payable in respect of the lecture and preparation should be divided equally between the employee and the school budget. Any fee paid simply as a reimbursement of travelling and subsistence and out of pocket expenses to be retained by the employee. Subject to the circumstances of the case, Governing Bodies may pursue other alternatives such as annual or unpaid leave with the employee.

Where an employee is invited to lecture during working hours purely in connection with a private interest, or to speak or appear on radio or television, he/she is expected to take annual leave or unpaid leave for the purpose and to retain any fee which may be payable.

Maternity Leave

All women are entitled to 52 weeks maternity leave, regardless of the number of hours worked or length of service. Full details are available on Wired / HR Guidance (Schools) / Maternity.

The following booklets are also available for employees from the CYPS HR Team:

- Maternity, Paternity and Adoption Provisions - Teaching Staff
- Maternity, Paternity and Adoption Provisions - School Based Support Staff

Observance of Religious Festivals

County Council employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted up to 4 days' leave of absence with pay per annum.

Official delegate at political/TUC Conferences/TU Conferences

An employee who is nominated as an official delegate may have leave with pay to attend political party/TUC annual conferences. The main conferences are as follows:

- TUC Annual Conference;
- TUC Women's Conference;
- Trades Union Council Joint Consultative Council;
- Conservative Party Annual Conference;
- Labour Party Annual Conference;
- Liberal Democrats Party Annual Conference
- Trade Union Conferences where these fall inside the school year.

The funding for this leave is at the discretion of the LA but the granting of time off is subject to the approval of the governing body.

NB: Other time off for trade union duties is detailed in the section on trade union facilities in the HR Guidance (schools) community on wired.

Parental Leave

Details are available on Wired / HR Guidance (Schools) / Parental Leave

Parliamentary (including European and Local Authority) Elections

Employees selected to stand for election at local authority, parliamentary or European Parliament level must inform their head teacher/governing body in writing at the earliest possible opportunity.

In respect of elections (parliamentary and European) candidates of the recognised political parties shall be granted up to 15 days' leave of absence with pay. A request for more than 15 days' leave for a parliamentary/European election candidate should be referred to CYPS HR team for further advice.

In respect of elections at local level, candidates shall be granted up to 2 days' leave of absence with pay.

Election agents should be granted 2 days' leave of absence with pay.

The funding for this leave is at the discretion of the LA but the granting of time off is subject to the approval of the governing body.

Employees who undertake election duties shall be granted paid leave in respect of County, City, Parliamentary and European elections and national referenda. Employees undertaking duties in connection with district council elections will be expected to take annual leave or unpaid leave for the purpose.

Participation in Sporting Cultural or Charitable Activities

Governing bodies are encouraged to grant reasonable requests for leave (with or without pay) to enable employees who have been selected to participate in activities of a sporting, cultural or charitable nature or other activity of benefit to the wider community or of significant nature to his/her family. In making such an application employees should provide the appropriate supporting information. For employees selected to participate in sporting events organised by recognised amateur sports associations, at the inter-county or wider level including international events, there is approval in principle for up to 15 days' leave of absence per year with pay in order to attend events and any officially organised training directly related to events. Each request should be considered by the governing body on its merits.

Paternity Leave

Details are available on Wired / HR Guidance (Schools) / Paternity

Professional Examination Duties

Governors are required to grant such leave for teachers to undertake professional duties in connection with GCSE, GCE A Level and other public examinations in line with the provisions of the Burgundy Book (Section 6). This also gives details of how the school may be reimbursed when a teacher has to be released

Public Duties

- **Public Body Membership eg. school governing body, local authority**

Employees should be granted leave of absence with pay in respect of all committees and sub-committees of the appropriate public body plus a basic entitlement of up to 12 days' leave of absence with pay in respect of miscellaneous duties. The funding for this

leave is at the discretion of the LA but the granting of time off is subject to the approval of the governing body.

□ **Magisterial duties (Justices of the Peace)**

Employees who undertake magisterial duties are granted a maximum of 18 days' leave with pay per annum. The funding for this leave is at the discretion of the LA but the granting of time off is subject to the approval of the governing body.

NB: The above allowances should be regarded as a general guideline only as employees have individual entitlements to leave for those purposes under the provisions of the Employment Protection (Consolidation) Act.

□ **Other public duties** eg. Youth offender panel, prison visitor, charity trustee

School staff may have leave of absence with pay for up to 30 sessions (i.e. a morning or afternoon) in any one year but no more than 15 sessions may be taken in any one term. The funding for this leave is at the discretion of the LA but the granting of time off is subject to the approval of the governing body.

Redundancy – support for job seeking

The granting of leave to enable identified redundant employees to seek alternative employment is a requirement of the Employment Rights Act 1996. The amount of time-off is at the discretion of governing bodies. As a general guide, it may be considered appropriate to allow up to 3 days for this purpose but it should be borne in mind that there are no legal limitations on this and each case should be considered on its merits.

Service in Non-Regular Armed Forces

In line with the requirements the Armed Forces Act 1996 two weeks' leave of absence with pay shall be granted to all volunteers for attending summer camps. The timing of such leave shall be subject to the exigencies of the service.

Additional training is usually given at weekends or evenings. In exceptional circumstances, however, volunteers may be required to attend for further training up to a maximum of 16 days per annum. If the additional training cannot be arranged outside working hours, volunteers should be granted up to one further week's leave of absence with pay for that purpose.

Where employees are required to take part in extended service on a compulsory basis, the employer is required to grant special leave of absence. However in cases of voluntary mobilisation, governors will have discretion as to whether to release the employee. The MOD tries to ensure that all such employees are able to provide at least two weeks notice to the head teacher that they have been called up for service, irrespective of whether they are compulsorily mobilised or they volunteer.

Unpaid Special Leave

The following is intended to complement the paid leave provisions, particularly in relation to compassionate leave. They cover special absence for personal or family reasons, e.g. to visit relatives who live abroad or to nurse a sick person. The guidelines apply:

- for types of unpaid leave not covered elsewhere by specific agreement e.g. in national or local conditions of service;
- only in exceptional circumstances e.g. of a personal or domestic nature;
- where the employee has a minimum of one year's service at the date of commencement of the leave.

The employee should submit the request in writing giving details of the absence required and the reasons.

In considering requests from employees, governing bodies should:

- be satisfied that the efficiency of the service will not be impaired and that adequate arrangements can be made to cope with the absence e.g. providing cover if required;
- ensure that there will be no additional cost;
- for support staff, check the position regarding the employee's annual leave entitlement. At the Governing Body's discretion, this might be used either instead of or as part of the leave required. This should be the normal practice, particularly where the need for unpaid leave is known in advance.

APPLICATION FOR LEAVE OF ABSENCE

SECTION 1 – TO BE COMPLETED BY THE EMPLOYEE

NAME:

POST:

I Request leave of absence on the following date(s)

.....
.....

For the following reason:

.....
.....

(If there is insufficient space please continue on the reverse)

SIGNED: DATE:

When this section has been completed the form should be given to your line manager or head teacher. In the case of a head teacher the form should go to the chair of governors.

SECTION 2 – TO BE COMPLETED BY THE HT OR GOVERNING BODY

- i) The Governing Body grants this application for leave of absence with pay
- ii) The Governing Body grants this application for leave of absence without pay
- iii) The Governing Body does not grant this application for the following reasons:

.....
.....

SIGNED: DATE:

A copy of the completed form should be returned to the applicant