



Annual Leave and Leave of Absence Policy – June 2017

The Local Governing Body of [NAME] Academy adopted this policy on [DATE]

It will be reviewed annually by the Trust Personnel and Appraisal Committee, no later than 30 June 2018.

Introduction

This policy applies to all Academies within The Spencer Academies Trust. The Directors may approve a transitional policy for recently converted Academies in exceptional circumstances. The Scheme of Delegation for each Academy within the Trust outlines the delegated responsibility for staffing matters and the pay and conditions of all staff. This policy has been developed taking into account the requirements of both education and employment legislation in force at the date of adoption of the policy. This policy sets out the procedures for requesting annual leave and leave of absence.

The Principal or their appointed representative, supported by the Trust HR Manager will be responsible for managing the procedures. Reference to the Principal includes the Chief Executive Officer (CEO) and the senior leader responsible for the Academy, as applicable, taking into account the management structure of the Academy or appropriate Trust employed operational support lead.

The purpose is to provide:

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

The granting of annual leave and leave of absence is a matter for the Local Governing Body and Principal to determine, subject to adherence to specific legislation and being mindful of the relevant conditions of service. For teachers these can be found in the Conditions of Service for School Teachers in England and Wales (Burgundy Book) For Support staff in the National Joint Council (NJC) for Local Government Services (Green Book).

This policy aims, wherever possible, to give the same level of provision whilst recognising that the amounts of leave granted and reasons for doing so can differ between teaching and support staff, taking into account the working arrangements of the different categories of employee, in particular, the need for arrangements to be made to cover such absences.

Where possible it is expected that employees will try to arrange leave of absence during school holiday periods. Leave of absence is normally monitored on a rolling year basis.

The Local Governing Body, in the interest of consistency, aims to adhere to this scheme wherever possible. It is not always appropriate to prescribe rigid rules in respect of leave of absence for compassionate reasons and discretion will need to be exercised in individual cases.

The nature of the working day and school terms limits the flexibility of employees 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 will, therefore, be considered on an individual basis by the Principal.

In the case of requests from the Principal, Executive Principal, Executive Leadership team or the CEO the application will be managed in the case of the Executive Principal, Principal, or Executive Leadership team by the CEO or in the case of the CEO by the Chair of Directors of the Trust Board.

Guidance on managing annual leave and leave of absence is available from the Trust HR Team.

Annual Leave

Teachers

There is no provision for an annual leave entitlement for teachers. The Directors of the Trust/ Principal/Local Governing Body should not normally receive any requests from teachers to take a holiday within term-time.

Support Staff

For all year round (AYR) employees the annual leave year runs from 1st September until 31st August each year, with an entitlement as detailed in the employees contract of employment. Part time AYR employees receive annual leave on a pro rata basis. Annual leave should normally be taken during the school holiday period. Up to three days leave may be carried over from one leave year to the next and must be taken within 3 months of the new holiday year or the entitlement will be lost. At the discretion of the Principal and in exceptional circumstances a greater number of days may be carried over. Payment in lieu of holiday will not be authorised.

The taking of annual leave is subject to the prior approval of the line manager, having due regard to the wishes of the employees and the needs of the Academy and where appropriate the wider Trust. Such approval should not be unreasonably withheld.

Annual leave must be requested, in advance, by completing the Request for Annual Leave form (**Appendix 1**).

Support staff employed on a 'term time only' (TTO) basis have the same working year as teachers and do not have any holiday entitlement during term time. The annual leave and bank holiday entitlement of a 'term time only' employee, 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 as detailed in the employees contract of employment.

Leave of Absence

Both planned and unforeseen leave of absence must be requested using the Employee Absence Reporting Procedure as detailed by the Academy. All employees must complete a request form for leave of absence (Appendix 2 or 3) **prior to the event** and obtain their curriculum leader/line managers consent for the leave. The curriculum leader/line manager must provide details of the impact on learning or service delivery of the absence. If exceptional circumstances prevent the request prior to the event, the form must be completed retrospectively. Failure to follow the correct procedure or cases of unauthorised absence may result in disciplinary action and/or loss of pay.

Attendance records will be kept for all employees, recording the number of absences, the working time lost and the reason for absence. Employees will be notified when leave of absence taken is approaching the normal limit for paid leave and may, where this appears to be linked to an underlying health problem, be invited to a meeting with the Principal or their appointed representative. Levels of absence will be reported to Governors termly.

Leave of absence with pay in most instances is discretionary and not automatic.

Leave subject to conditions of service are outlined in the 'Burgundy Book' and 'Green Book' These include sections on sick leave and pay, maternity, leave for examinations, Jury and Public Service, and leave for accredited representatives of Recognised Teacher Associations. Leave and pay for paternity, adoption and fostering are also subject to statutory national agreements. There are guides to adoption, maternity, paternity, shared parental leave (adoption or birth) and parental leave on the staff drive or available from the Academy's HR contact.

Leave for other purposes are not subject to national conditions of service. The Governors have delegated to the Principal or their appointed representative authority to grant leave of absence of up to 5 days, with or without pay. Any request for leave of absence of over 5 days will be considered on an individual basis by the Principal.

Compassionate/Urgent or other Personal Reasons

The Principal or their appointed representative may grant discretionary leave for compassionate or urgent personal reasons, which may include leave during bereavement or the illness of a close relative.

There is **no exact legal definition** of a "close relative". For the purposes of this policy a close relative is the partner, grandparents, parents, siblings, children or grandchildren of the employee or their partner. Any relatives or friends outside this definition would have to demonstrate some 'special' relationship to the employee or their partner in order to be included. This special relationship must be explained in writing with the request for leave of absence form – Appendix 2 or 3. Where the special relationship cannot be demonstrated the leave may still be considered, and if approved, will be granted without pay.

A dependant for the purposes of this policy is a spouse, civil partner, child, parent or person living in the same household (but not a tenant, lodger or employee) or anyone who reasonably relies on the employee to provide assistance, make arrangements or take action.

Domestic Reasons

The Principal or their appointed representative may grant discretionary leave for domestic reasons.

Unpaid Leave

The Principal or their appointed representative may grant unpaid leave. During periods of unpaid leave contributions to the Teachers' Pensions Scheme (TPS) or Local Government Pension Scheme (LGPS), as appropriate, will not be made. Further information about the opportunity to cover lost pension can be found on the TPS or LGPS websites.

The amount of leave in each case is specified below.

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Guidelines for Leave of Absence

Compassionate/Urgent or Other Personal Leave. Usually with pay.	
Bereavement Leave	Up to 10 days, corresponding to employee's responsibility for arrangements, for a close relative. Inclusive of the funeral
Funerals	Up to 1 day for close relative or close friend.
Dependant Care Leave Also see Parental Leave Guide	A reasonable amount of leave, usually 1 day and up to a total of 5 days, to attend to certain unexpected or sudden emergencies, for example illness or unexpected breakdown of care arrangements of a dependant, and to make any necessary longer term arrangements. Leave may be granted for planned appointments where it can be demonstrated that these cannot be made outside of the working day. Evidence of appointments is required and should be attached to the leave of absence request form. Discretionary leave without pay may be permissible after consultation with the Principal.
Personal Health and Welfare	Leave granted where it is not possible to organise medical appointments outside the working day. Evidence of appointment is required and should be attached to the leave of absence request form
Antenatal Care Also see Maternity Leave Guide	Leave granted for all midwife and other antenatal appointments for the mother. In addition fathers and partners (including same sex partners) are entitled to leave to accompany a pregnant woman to an antenatal appointment on 2 occasions. Any other appointments in excess of this may be granted unpaid Evidence of appointments is required and should be attached to the leave of absence request form
Adoption Appointments Also see Adoption Leave Guide	Leave will be granted to the main adopter for up to 5 adoption appointments. Unpaid leave will be granted to the secondary adopter for up to 2 appointments. Any other appointments in excess of this may be granted unpaid Evidence of appointments is required and should be attached to the leave of absence request form
Fostering	Up to 5 days leave for approved foster care purposes.
Disability Leave	Disability leave is a reasonable adjustment under the Equality Act 2010 and is intended to provide disabled employees with reasonable paid time off for reasons related to their impairment. Time could be granted for appointments, treatment and rehabilitation. Disability leave does not count towards any disability related sickness absence and should only be taken when the employee is well.
Domestic Leave(up to 5 days) within any one rolling year (usually with pay)	
Special Family Events	Up to 1 day's leave, or wherever possible part days, to attend special events that cannot be arranged outside of normal working days for example graduation/award ceremonies, special assemblies or sports day.
Weddings/ civil partnership ceremony	Leave of absence is not normally granted for employees own weddings/civil ceremonies during term time. Exceptionally 1 day's leave for the wedding/civil partnership of a close relative.
Religious Festivals	Up to 4 days for observance of religious festivals.
Interviews	Up to 3 days leave to attend interviews in other similar establishments.
Moving House	Arrangements to move house should normally be made outside of normal working days, where this is not possible 1 day's leave may be granted.
Holidays	No leave of absence for holidays in term time. If support staff are required by

	the school to work in school holiday time, annual leave may be granted during term-time.
Urgent domestic business	Up to 1 day for emergencies such as flooding, structural damage or burglary. Where the situation allows, a part day should be considered.
Non-Domestic Leave within a rolling year (usually with pay)	
Training Courses and Syllabus Meetings	Leave for INSET in line with individual and academy development targets, subject to suitability of dates within the academy calendar of events.
Examination Leave	Leave as appropriate to the examination where the course has been approved by the Academy.
Exam Board Moderation	Up to a maximum of 5 days leave if supported by examination board, per year.
Visit to new employer	One day to attend new staff induction day where an employee is moving to another school/academy/trust
Official Delegate	Leave to attend political/TUC/etc conferences.
Justice of Peace (Magistrates)/ Duties	Leave up to the full time equivalent of 18 days, subject to advance notification of the dates concerned.
Public Body Membership / other Public Duties	Reasonable leave where necessary, subject to the needs of the academy will be granted for attendance at governing body meetings or to carry out other public duties for example tribunal member, local counsellor or prison visitor.
Non-Regular Armed Forces	2 weeks' leave to attend summer camp. In addition up to 5 days for training in accordance with Armed Forces Act 1996. Where the employee is required to take part in extended service leave of absence without pay will be granted. For voluntary mobilisation, governors may grant leave of absence without pay.
Sporting, cultural of charitable activities	Selection for such events should be appropriately supported up to a maximum of 15 days leave.
Redundancy	Up to 3 days leave will be granted to attend interviews or other appropriate training.
Parliamentary Candidate	Up to 15 days leave for National candidate, 2 days leave for Local level and 2 days leave for election agents.
Unpaid Leave of Absence	
Jury Service/ court hearing	Unpaid leave entitlement. Employees must claim for loss of earnings from the courts. Pay may be made up to full if compensation is paid by the Court.
Civic or professional functions	To accompanying a partner to an important civic or professional function.
Attendance at court	As appellant or defendant.
Unpaid special leave	Exceptionally, additional leave may be granted for compassionate reasons as an extension to the paid leave or for types of leave not covered elsewhere.

Appendix 1

THE SPENCER ACADEMIES TRUST

REQUEST FOR ANNUAL LEAVE

Name: Date:

I wish to request day(s) annual leave from.....To.....

Noted/Approved by	Signed
Team Leader (Authorised)	
Cover Manager/Office	
HR/Office	

..... (Signature of applicant)

To:

Your application for annual leave from To
has been approved .

Signed: HR Team

Appendix 1

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REQUEST FOR ANNUAL LEAVE

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I wish to request day(s) annual leave from.....To.....

Noted/Approved by	Signed
Team Leader (Authorised)	
Cover Manager/Office	
HR/Office	

..... (signature of applicant)

To:

Your application for annual leave from To
has been approved.

Signed: HR Team

Appendix 2

THE SPENCER ACADEMIES TRUST

REQUEST FOR LEAVE OF ABSENCE FOR PART OR ALL OF ONE DAY

Before making this request employees must make sure that they meet the criteria as detailed in the Annual Leave and LOA Policy and provide, where appropriate, any supplementary evidence required with the form.

Date:

Name:

Signature:

I wish to request leave of absence on(Date)

Please circle which periods you will be absent: Reg 1 2 3 4 5

Time from to

Reason

(continue overleaf if necessary) (where appropriate attach evidence)

Discussion confirmed with CL/LM regarding impact on teaching and learning, team or service delivery. Line manager to explain how the impact of the absence will be managed:

(continue overleaf if necessary)

Name of CL/LM:

Signature:

Date:

Office use only:

Absence is - approved / with pay / without pay / not approved

To: From: HR Team

Thank you for your application for leave of absence on (Date)

Periods which you will be absent are: Reg 1 2 3 4 5

Time from to

Absence is - approved / with pay / without pay* / not approved

This absence takes you to the maximum paid entitlement for this category of LOA. Delete as appropriate

*During periods of unpaid leave contributions to the Teachers' Pensions Scheme (TPS) or Local Government Pension Scheme (LGPS), as appropriate, will not be made. Further information about the opportunity to cover lost pension can be found on the TPS or LGPS websites.

Appendix 3

THE SPENCER ACADEMIES TRUST

REQUEST FOR LEAVE OF ABSENCE FOR MORE THAN ONE DAY

Before making this request employees must make sure that they meet the criteria as detailed in the Annual Leave and LOA Policy and provide, where appropriate any supplementary evidence required with the form.

Date:

Name:

Signature:

I wish to request leave of absence from (Date) to (Date)

Reason

(continue overleaf if necessary) (where appropriate attach evidence)

Discussion confirmed with CL/LM regarding impact on teaching and learning, team or service delivery. Line manager to explain how the impact of the absence will be managed:

(continue overleaf if necessary)

Name of CL/LM:

Signature:

Date:

Office use only:

Absence is - approved / with pay / without pay / not approved

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To: From: HR Team

Thank you for your application for leave of absence from (Date).....to (Date)

Absence is - approved / with pay / without pay* / not approved

This absence takes you to the maximum paid entitlement for this category of LOA. Delete as appropriate

*During periods of unpaid leave contributions to the Teachers' Pensions Scheme (TPS) or Local Government Pension Scheme (LGPS), as appropriate, will not be made. Further information about the opportunity to cover lost pension can be found on the TPS or LGPS websites.