Nottinghamshire County Council

Misterton Primary and Nursery School

Nottinghamshire

School Annual Leave and Leave of Absence Policy

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HR Advice, Support and Training Service

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Please also note that any changes to the original policy documentation will require your governing body or trust to re-consult with the secretaries of the recognised trade unions and staff in your school.

1. INTRODUCTION

1.1 The Governing Body of Misterton Primary and Nursery School adopted this Annual Leave and Leave of Absence Policy on 1 September 2026. The Finance and Pupil, personnel committee of the governing body will review and monitor the impact of the Annual Leave and Leave of Absence policy annually with the head teacher.

1.2 The governing body has adopted the policy set out in this document to provide an agreed framework for the exercise of its powers and discretions in relation to all staff employed in the school and paid from within the school budget.

1.3 The governing body understands its responsibilities and is committed to taking decisions in accordance with the principles of public life as listed in DfE guidance; objectivity, openness and accountability. Governing bodies should ensure that they are fully aware of their responsibilities under employment law in applying this procedure.

1.4 This document will apply to all staff, including apprentices, directly employed by the school.

1.5 The governing body delegates to the *Pay/Personnel and Pupils Committee of the governing body* the responsibility for approving decisions relating to this policy.

1.6 References to the governing body should be taken to refer to the entity that is responsible for exercising governance functions for a maintained school or academy, which in the case of a multi-academy trust may be the trust board. Likewise, references to governors should be taken to mean whoever is responsible for fulfilling governance functions. Where maintained

schools are federated under a single governing body this will be the federated governing body.

1.7 In fulfilling staffing responsibilities, the governing body may delegate its staffing functions in accordance with its articles of government. In delegating functions, the governing body must not lose sight of the fact that it retains overall accountability for the decisions made by those to whom the function has been delegated. As a result, the governing body should regularly review their arrangements for managing staffing functions and that the right people are fulfilling these roles on its behalf.

Advice, support and Training

1.8 It is the responsibility of the head teacher to ensure that all relevant senior leaders understand their role and have access to appropriate support, advice and training in the application of these procedures. The head teacher should also ensure, in conjunction with the chair of Governors and the training co-ordinator, where appropriate, that in discharging their duties and responsibilities, governors have access to support, advice and training as appropriate.

Consultation and Agreement with the Recognised Trade Unions

1.9 The Nottinghamshire School Annual Leave and Leave of Absence Policy is recommended for adoption by all community, voluntary aided, voluntary controlled, academy, foundation, and trust schools who purchase their HR Service from Nottinghamshire County Council.

1.10 This policy has been agreed with the recognised trade unions through the JCNP process and meets legislative requirements.

1.11 Due to the complexities of this area of employment and education law, governing bodies are strongly advised to adopt the attached policy without amendment. Should, exceptionally, a governing body seek to amend the recommended policy, they will need to consult/negotiate any changes collectively with all the secretaries of the recognised trade unions and confirm any amendments to the local authority. Governing Bodies are strongly recommended to seek advice from the HR service in these circumstances.

Equalities and Equal Opportunities

1.12 The governing body recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex (gender), sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

1.13 The governing body is aware of its responsibilities under the Freedom of Information Act 2000 to make available this policy to all staff at the school and its responsibilities to be compliant with the Data Protection Act 2018 and the General Data Protection Regulations 2018.

Aims and purpose

1.14 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.

1.15 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 specific conditions of service relating to Nottinghamshire County Council school-based employees. This guidance aims to give teachers and school support staff the same level of provision wherever possible, however, the amounts of leave granted and reasons for doing so can differ. Entitlements to leave must be considered against the overall working arrangements of the different categories of staff and, in particular, the costs and 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.

1.16 These 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 these arrangements 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 head teachers and governing bodies are advised to seek advice from their nominated HR Business Partner.

1.17 All schools are responsible for the funding and any associated replacement cover costs as a result of any leave and the granting of time off is subject to the approval of the Governing Body. The only exception to this is funding allocated to individual school budgets from the Trade Union Facilities Scheme to specifically fund release time for school-based employees undertaking county wide official trade union activities. The granting of such time off, however, is subject to the approval of the Governing Body and the need for any leave to be within the ACAS guidelines. Further information can be found in the" Nottinghamshire Schools Trade Union Facilities Agreement for Accredited Representatives of Recognised Trade Unions, May 2019 on the Schools Portal.

2. GUIDANCE ON GRANTING LEAVE REQUESTS

2.1 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 nominated HR Business Partner.

Procedures

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

2.2.1 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).

2.2.3 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.

2.2.4 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.

2.2.5 An appropriate governors' committee will normally be responsible for considering an employee's request for leave of absence and informing the employee of the decision in writing.

2.2.6 Appeals against a decision about leave of absence should 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

2.3 Governors are advised to consider each individual request in the context of the whole school, for example the STPCD requires all schools 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 overridden 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-giving 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.

2.4 Governing bodies should carefully consider whether:

2.4.1 supporting a request will set a precedent

2.4.2 the employee could take leave / undertake the activity out of school time or during the school holiday periods.

2.4.3 the employee has any choice about the activity and/or its timing?

2.4.4 it is reasonable for the employee's partner / relative to share the responsibility for urgent family care needs.

2.4.5 the leave is supported given the contractual differences of staff employed on an all year-round basis compared with term time only;

2.4.6 there is an impact on provision of education or other services at the school.

2.4.7 equal opportunities issues have a bearing on requests.

2.4.8 financial implications can be met within the constraints and priorities of the school's budget.

Administration

2.5 Employees working less than full time are entitled to a proportion of the full time leave entitlements stated below.

2.6 A sample 'Application for Leave of Absence' request form is shown as Appendix 1.

2.7 All leave of absence should be recorded through the BMS system.

2.8 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.

3. TYPES OF LEAVE

Adoption Leave

3.1 Details are available on the Schools Portal / HR Advice, Support & Training

Annual Leave

Teachers

3.2 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 or support any requests from teaching staff to take a holiday within term-time.

Support Staff

3.3 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 ***
At or below Spinal Column Point 22	25	30
Above Spinal Column Point 22	28	33

*Revised 1st April 2023

All year-round (AYR) staff

3.4 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 needs of the school and '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.

3.5 Detailed below are the bank holidays for support staff employed <u>on an all-year-round basis.</u>

Bank Holidays are as follows:

Holiday	Statutory days
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

3.6 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 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 tome working e.g. formulas is available on the Schools Portal / HR Advice, Support & Training / Contractual Working Hours.

Carry forward of annual leave in long term sickness absence cases

3.7 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 the head teacher / governing body as appropriate, 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

3.8 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 the Schools Portal / HR Advice, Support & Training / Maternity, Parental and Paternity Leave

Carers Leave

3.9 With effect 6 April 2024, employees are entitled to unpaid leave 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 in the Equality Act 2010).
- care needs because of their old age.

A dependant may be an employee's spouse, civil partner, child or parent, someone living in the same household as the employee (not including lodgers, tenants, boarders or employees) or any other person reasonably relying on the employee to provide or arrange care e.g. an elderly neighbour.

3.10 Employees can take up to one week of leave (5 days) every 12 months (pro rata for part-time employees to the equivalent of a working week). This can be taken as one block or in individual days or half days. Reasonable notice is required, i.e. 3 days for leave requests of half or one day, and twice as long as the leave requested for more than one day leave request) however the employee is not required to provide reasons for the request or evidence.

3.11 A request cannot be refused, however where an employee's absence would cause serious disruption to the organisation, the employee can be asked to take the leave at a different time within one month of the requested date. It is expected that this would be an exceptional circumstance. Where a request is declined, the employee must be written to within seven days explaining the reason for the request being declined and providing revised dates of leave.

Please see Appendix 2 – Carers Leave – Frequently Asked Questions

Compassionate Leave

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

Death

3.13 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

3.14 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, employees should be advised to seek the assistance of the relevant county council services, 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.

Disability Leave

3.15 Disability Leave can be regarded as a reasonable adjustment in line with the Equality Act to allow an employee reasonable paid time away from work for pre-planned appointments or treatments related to a disability. Given it is regarded as a reasonable adjustment, it is not appropriate to define as an exact entitlement. Please see Attendance Management Guidance and Toolkit for further information.

Domestic Reasons

3.16 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

3.17 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

3.18 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

3.19 This would enable school staff to attend special events in their family life that cannot be arranged outside normal working days e.g. college interviews, graduation ceremonies, school productions, sports days.

Urgent domestic business

3.20 This would enable school staff to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc.

Examination Leave and Revision Leave

3.21 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
- days study leave throughout an academic year for those undertaking correspondence courses. This is in addition to revision/examination leave.

Foster Care Training

3.22 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

3.23 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 e.g. to attend confidential medical appointments. In these circumstances the number of people having access to the reasons will be kept to an absolute minimum and sensitive information will be handled in line with GDPR.

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.

Governors are encouraged to allow up to 4 hours paid leave (once) to enable staff wishing to stop smoking to attend Nottinghamshire 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

3.24 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)

3.25 Employees are entitled to paid leave of absence for jury service and attendance at a court hearing. Teachers and support staff are no longer be able to claim for loss of earnings from the court as the National Conditions of Service allows for paid time off. The school may receive an additional amount from the staff absence protection scheme. Details of the staff absence protection scheme can be found on the Schools Portal.

Lecturing / Speaking Activities

3.26 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

3.27 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 the Schools Portal / HR Advice, Support & Training / Maternity.

The following documents are also available for employees from on Schools Portal:

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

Observance of Religious Festivals

3.28 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

3.29 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 and the granting of time off for this leave is at the discretion and subject to the approval of the governing body.

NB: Other time off for trade union duties is detailed in the" Nottinghamshire Schools Trade Union Facilities Agreement for Accredited Representatives of Recognised Trade Unions, May 2019 on the Schools Portal.

Parental Leave

3.30 Details are available on the Schools Portal / HR Advice, Support & Training / Parental Leave

Parliamentary and Local Authority Elections

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

In respect of elections, 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 election candidate should be considered by the governing body and further advice sought from your nominated HR Business Partner.

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 granting of time off and funding from the schools' budget for this leave is at the discretion of and subject to the approval of the governing body.

Employees who undertake election duties shall be granted paid leave in respect of County, City, Parliamentary 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

3.32 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 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

3.33 Details are available on the Schools Portal / HR Advice, Support & Training / Maternity, Parental and Paternity Leave

Professional Examination Duties

3.34 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 by the examination board when a teacher must be released.

Public Duties

Public Body Membership e.g. school governing body, local authority

3.35 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 granting of time off and the funding from the school's budget is at the discretion of and subject to the approval of the governing body.

Magisterial duties (Justices of the Peace)

3.36 Employees who undertake magisterial duties are granted a maximum of 18 days' leave with pay per annum. The granting of time off and funding from the school's budget is at the discretion of and 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 e.g. Youth offender panel, prison visitor, charity trustee

3.37 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 granting of time off and funding from the school's budget is at the discretion of and subject to the approval of the governing body.

Redundancy – support for job seeking

3.38 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

3.39 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.

3.40 Shared Parental Leave - Details are available on the Schools Portal / HR Advice, Support & Training / Maternity, Parental and Paternity Leave

Unpaid Special Leave

3.41 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.

Work outside of school – General

3.42 Any school employee who intends to undertake additional work outside of their substantive contract of employment with the school may only do so with the full knowledge and approval of the governing body. The head teacher, or in the case of the head teacher, the governing body, may not direct an employee to undertake additional work outside of their substantive contract of employment with the school.

Where permission to undertake additional work beneficial to the school is sought and approved by the governing body, for example to undertake work on behalf of the County Council, Ofsted or any other external body, the work shall be undertaken as a matter of the individual employees own choice.

Work for Ofsted and Service Provision for other schools

3.43 The governing body should have no expectation / requirement that a head teacher undertakes inspection work for OFSTED as a means of generating additional income for the school. Where a head teacher chooses to undertake inspection work for Ofsted or service provision for other schools, all income generated will be paid into the school budget and accrue to the school.

Consulted with Recognised Trade Unions	**13 September 2019** **28 March 2024**
Senior HR Business Partner	**Andy Wilson**
Lead HR Business Partner	**Jo Stacey/ Wanda Kalwa / Rose Harris**
Date policy updated	**April 2024**
Review date	**September 2025 or 'As per legislative changes'**

Appendix 1

APPLICATION FOR LEAVE OF ABSENCE

Name of school

_____

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 (n/a in respect of carers leave)

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 (n/a in respect of carers leave):

iv) In respect of carers leave, the Governing Body exercises the right to delay the request for the following reasons and grants the following revised dates of leave:

…….

…….

Headteacher has seen appointment evidence ☐

SIGNED: …… DATE: …….

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

Appendix 2 - Carers Leave – Frequently Asked Questions

What is 'carers leave'?

With effect 6 April 2024, Carers Leave is a right available to employees from day one of their employment which allows them to take planned time off unpaid to provide or arrange care for a "dependent" with a "long term care need". The entitlement is to 5 days for full time employees (pro-rata for part time employees) which can be taken in a complete block, or as individual days or half days. The maximum 5-day entitlement per employee remains the same even where there are a number of dependents i.e. an employee who is the carer for two elderly parents is only entitled to 5 days unpaid carers leave.

What is the definition of a dependent?

A dependent can be an employee's spouse, civil partner, child or parent, it could be any person living in the same household as the employee (not including lodgers, tenants, boarders or employees) or any other person reasonably relying on the employee to provide or arrange care e.g. for an elderly neighbour.

What is a long-term care need?

This is an illness or injury (physical or mental) that requires or is likely to require care for more than 3 months, or a condition which amounts to a disability under equality legislation or for a reason connected with old age.

It is not to be used for general childcare, unless the child has a long-term health need meeting the above definition.

What might carers leave be used for?

It may be used for providing personal support, practical support (e.g. shopping, home help), official or financial matters (e.g. paying bills, accompanying to financial appointments), personal or medical care (e.g. accompanying to medical appointments, managing medication) or making arrangements for their care (e.g. liaising with social services, making home adjustments).

It is ultimately up to the employee to determine what they do with their leave and there is no requirement on an employee to disclose or prove their intentions and this must not be requested.

What is it not to be used for?

Generally speaking, carers leave should be used for planned and foreseen caring commitments, so if an employee needs time off for unexpected or sudden issues relating to a dependent, there are other provisions which potentially will be apply such as those covered by special leave policies including compassionate leave and urgent domestic business.

An employee may also benefit from considering using their annual leave entitlement should they be in a role which is not term-time only, parental leave or an employee may wish to consider making a flexible working request.

An easy graphic is included below to provide examples:

Examples of absence permitted under the right to time off for dependents (other rights under the Annual Leave and Leave of Absence Policy)	**Examples of absence permitted under carer's leave**
Taking a dependent to the hospital after an accident	Attending a planned surgery for the dependent
Accompanying a dependent to an emergency dental appointment due to a toothache	Collecting a dependent's regular prescription
Dealing with probate following a dependent's death	Helping a dependent to make a planned move into a care home
Arranging for urgent repairs for a dependent whose roof has been damaged in a storm	Doing the dependent's weekly shopping
Helping a dependent who lost a bank card to cancel the card and arrange a replacement	Taking a dependent with dementia to a dementia-friendly cinema screening

What notice should an employee provide to take carers leave?

The employee must give notice that is either at least twice the length of time being requested as carers leave, or three days' notice, whichever is the longer period. The employee can be required to complete the application form at Appendix 1 of the Annual Leave and Leave of Absence Policy.

Can I decline a request?

So long as the request meets the criteria, an employer cannot refuse carers leave but can postpone it in exceptional circumstances where 'operations would be unduly disrupted'. Given employees are providing notice of their intention to use their statutory right, and as such alternative arrangements are likely able to be made to manage any disruption to the workplace, it is envisaged that such occasions in declining requests will be in very exceptional circumstances. Always record reasons for supporting or declining any requests using the proforma at Appendix 1.

In that instance, you should consult with the employee in respect of any other dates on which they could take carers leave and explore any other available options including flexible

working. Whilst you cannot expect an employee to disclose the reason for their request, be mindful of an employee's ability to rearrange their leave e.g. if to accompany a relative to a hospital appointment this is unlikely to be able to be rearranged, so consider all possible ways of accommodating the request before declining.

If you do postpone carers leave, you must write to them within seven days of the request explaining the reason and revised dates of leave, which must be within one month of their original request.

An employee is protected from being subjected to detriment or dismissed because they take, request or make use of the benefit of carers leave, or their employer believes that they are likely to take carers leave. An employee could bring a tribunal claim if their employer unreasonably postpones, prevents or attempts to prevent them from taking carers leave, as such, it is important that requests are only declined in exceptional circumstances where there is a genuine impact on the effective running of the school which cannot be managed.