SPECIAL LEAVE POLICY

(

TEACHING

)

**Document Control**

|  |  |
| --- | --- |
| **This document has been approved for operation within:** | All Trust Establishments |
| **Last review date:** | September 2022 |
| **Review period:** | 5 Years |
| **Status:** | Mandatory - Trust |
| **Owner:** | Education Partnership Trust |
| **Version:** | 1 |
| **Consulted on with recognised trade unions:** | 27th September 2022 |
| **Adopted by Trust following consultation process on:** | October 2022 |

**Contents**

[1.0 INTRODUCTION 4](#_Toc14454)

[2.0 APPLICATIONS FOR LEAVE OF ABSENCE 4](#_Toc14455)

[3.0 CONTRACTUAL LEAVE 5](#_Toc14456)

[4.0 PUBLIC SERVICE LEAVE 6](#_Toc14457)

[5.0 PERSONAL LEAVE 8](#_Toc14458)

[6.0 PROFESSIONAL LEAVE 10](#_Toc14459)

[7.0 DISCRETIONARY LEAVE 11](#_Toc14460)

[8.0 MONITORING AND REVIEW 11](#_Toc14461)

# INTRODUCTION

 1.1 This document sets out the policy framework for leave of absence for schoolteachers.

 1.2 This scheme applies to teaching staff within the Education Partnership Trust.

1.3 Leave of absence is a contractual right and minimum entitlements to paid and unpaid leave within the scheme must be met. Schools may exercise discretion to award leave, paid or unpaid in excess of the minimum. All requests for such leave should be considered on an individual basis, with due sensitivity to the circumstances.

1.4 This scheme does not apply to sickness absence, maternity/adoption leave or time off for Trade Union activities for which there are separate provisions.

 1.5 Arrangements for Supply cover for teacher absence is a matter for individual schools.

 1.6 Leave of absence is considered in terms of 5 separate areas as follows: -

1. Contractual Leave
2. Public Service Leave
3. Personal and Dependency Leave
4. Professional Leave
5. Discretionary Leave

#  2.0 APPLICATIONS FOR LEAVE OF ABSENCE

 2.1 The following procedures should be followed: -

1. Applications for leave of absence must, normally, be received at the point when the Teacher is first aware that leave of absence will be required or at least seven days prior to the first day of intended absence (except in the case of emergency/unforeseen circumstances when the Headteacher should be informed at the earliest opportunity). Failure to give adequate notice of the request without good reason so that alternative arrangements can be made to meet the teacher's commitments may result in the request not being approved.

1. All applications for leave of absence shall initially be made to the Headteacher on a standard pro forma (Appendix A).

1. For requests for leave of absence which clearly fall within this policy, these should be considered by the Headteacher who will be responsible for communicating the decision (using the sample pro-forma attached at Appendix A) to the individual.

1. For requests for leave of absence which do not clearly fall within this policy (or any other policy) should be referred by the Headteacher to the Chair of Governors who will take into account the following: -

* + - * The reason for the request
			* If the request is for paid or unpaid leave
			* The impact granting such leave will have on the continuity of education, any additional burden on colleagues and the impact on the school budget
			* Whether any similar requests have been approved or not approved previously
			* The precedent that may be set by granting such leave
			* Any advice sought from the HR Team
			* The impact on equality

2.2 In these circumstances the Chair of Governors should communicate their decision in writing giving full reasons for approving or not approving the leave.

##  2.3 NOTES

1. Periods of leave are expressed in days. In practice, leave may be taken as days, half days or lesser periods as may be agreed.

1. Maximum periods of leave allowed relate to an academic year.

1. Where leave of absence without pay is granted, deductions from salary will be made on the basis of 1/365 of annual salary for each day of absence.

1. The amount of approved leave will be reduced pro-rata for part-time teachers.

1. Separate provisions exist for Maternity Leave, Adoption Leave, Paternity Leave, Shared Parental Leave and Parental Leave. These policies are available from the HR Department.

#  3.0 CONTRACTUAL LEAVE

3.1 This refers to leave granted to teachers as a contractual entitlement under the terms of such national or local agreements as may be in force.

 3.1 These are currently as follows: -

* **Teachers Sick Pay Regulations** – See separate Absence Management Procedures
* **Maternity and Adoption Leave Provisions** – See separate Maternity and Adoption Leave Schemes
* **Trade Union Facilities Agreement** – See separate Facilities Agreement
* **Health & Safety Representatives** - Leave of absence with pay will be available to Safety Representatives as necessary for performing duties as defined in the Health and Safety at Work Regulations.

#  4.0 PUBLIC SERVICE LEAVE

 4.1 Teachers undertaking public service or civic duties will normally be given leave WITH PAY as follows:

1. Members of local authority councils and committees will be allowed not more than 21 days paid leave for the purpose of undertaking approved duties.

1. Justices of the Peace will normally be allowed up to 18 days paid leave to undertake duties in connection with their Magistracy. On application by the teacher concerned, the school may exceptionally authorise further paid leave where necessary.

1. Teachers appointed by a Minister of the Crown, by an Association of Local Authorities or by a Local Authority to serve on a Committee, Tribunal, Panel or similar body, will be allowed up to 12 days paid leave in connection with these duties. On appointment orelection to such bodies, teachers should ascertain from the outset the extent of their likely commitment and any other relevant terms and conditions of their appointment such as the payment of fees or honoraria. These details should be submitted with the initial request for leave and will be taken into account in determining the extent of any leave and on what basis it may be granted.

1. Teachers ***required*** to attend a court or tribunal as a juror or witness will be allowed leave with pay as necessary. Individual teachers should complete a "loss of earnings" claim supplied by the Court. Where attendance allowances are paid in connection with public service, the amount paid will be recouped by the Human Resources. The teacher should contact School Business Manager (SBM) to agree arrangements for this recoupment. Where on jury service or other activities, the absence extends over 30 days, the teacher's superannuation position can be affected and, in these cases, advice should similarly be sought through HR/Teacher Association Representatives*.*

1. In the case of Jury Service, the Court will provide a form totheteacherwhich should be forwarded to the SBM for the insertion of the daily rate of pay. The completed form is then returned to the teacher to produce to the Court - where the amount payable by the Court will be inserted and payment made direct to the teacher - the form should then be forwarded to the SBM who will make the necessary deduction from salary, to ensure total income is as normal.

1. Where teachers are required to attend a court or tribunal other than as a juror or witness, leave of absence will be granted as necessary. The question of salary payment for such absences will be at the discretion of the Headteacher.

1. A Social Services case conference on a child who is "at risk" may recommend that a Core Group be set up. Once such a Group is set up, it is important that all members participate. Occasionally, a child's teacher may be part of a Core Group, particularly where they are the only stable adult with whom the child has a relationship.

1. Meetings of Core Groups normally take place every six weeks and last about an hour. If a teacher is a member of a Core Group, it should be possible to schedule meetings for times which cause no disruption to the school day. Where this is not possible, however, membership of a Core Group will be regarded as Public Service.

1. Leave of absence with pay will be granted to teachers attending training or active servicewith either the Territorial Army or the Royal Naval Reserve. Any payreceived by the teacher for attendance at such training or active servicemust be notified to the Human Resources, so that the necessary adjustments to salary can be made.

 4.2 Teachers undertaking public service or civic duties will normally be given leave WITHOUT PAY as

 follows: -

1. Teachers who are Parliamentary candidates (including the European Parliament) will be allowed up to 20 days leave of absence, the first 15 days with pay and 5 further days without pay.

1. Teachers who are candidates for election to a local authority will be allowed to take unpaid leave on the day of the election only.

1. Teachers selected as official delegates to the national conference of a political party will be allowed leave without pay for the duration of the conference.

1. Leave is not normally available for polling duties or to be a party worker or for duties as a census officer or enumerator.

1. Teachers appointed or electedby a Minister of the Crown, by an Association of Local Authorities or by a Local Authority to serve on a Committee, Tribunal, Panel or similar body will be allowed, where necessary, up to an additional 6 days unpaid leave in connection with these duties.

###  4.3 Discretionary Leave

(o) The relevant Committee of the Governing Body may extend paid leave for teachers who are members of local authorities, or Justices of the Peace orcarrying out other dutieswhere this is necessary to enable the duties of the office to be carried out satisfactorily.

#  5.0 PERSONAL LEAVE

 5.1 Teachers will be allowed leave WITH PAY for personal reasons as follows: -

a) **Attendance for an interview for any employment** – Reasonable time off will be available. Advice should be sought from HR where necessary.

### b) House removal - One day

1. **Illness of parent, spouse/partner, son, daughter or dependant** - up to 10 days.
2. **Maternity Support Leave, at or around the time of the birth** - 5 days paid leave will be available.
3. **Attendance at the funeral of a close relative e.g. parent, grandparent, spouse/partner, son, daughter, brother, sister, father-in-law, mother-in-law or a dependant** – 1 day. The allowance for paid leave will normally be one day, with provision for a second, or exceptionally a third day of paid leave to be available where this is essential and unavoidable due to the travelling distances involved.

1. **Where acting as the personal representative of a deceased close relative as defined above –** up to 5 days including that granted for the funeral itself.

1. **Attendance at the wedding of a parent, grandparent, brother, sister, son or daughter** - 1 day with pay. The allowance for paid leave will normally be one day, with provision for a second or exceptionally a third day of paid leave to be available where this is essential and unavoidable due to the travelling distances involved.

1. **Attendance at a degree conferment or similar ceremony (e.g. passing out parade) involving the teacher's spouse/partner, son or daughter** - 1 day's paid leave as necessary. The allowance for paid leave will normally be one day, with provision for a second or exceptionally a third day of paid leave to be available where this is essential and unavoidable due to the travelling distances involved.

1. **Foster care** – 1 day will be available to facilitate the fostering of a child. (Except in cases where the fostered child has special needs when 2-3 days will be available).

1. **Prospective Parents (other than the expectant mother)** – 1 ante-natal visit and reasonable time off for scans as necessary.

 **Time off for medical treatment e.g. fertility treatment.**

* 1. Absences as a hospital outpatient or GP appointments (for tests etc.) will be allowed as necessary, outside the Special Leave Policy, where appointments cannot reasonably be arranged outside working time.
	2. If an employee is admitted to hospital as a day patient or in-patient this would fall within the sickness absence provisions, as they would not be in a position to attend work even if they wished to. Should a school have concerns regarding the length of any subsequent period of sickness absence following medical treatment they are advised to contact Occupational Health who will advise on any likely recovery period and expected length of absence from work, which may differ from the former.
	3. Where it is considered that the number of repeated requests for time off for medical treatment have reached unreasonable proportions any decision to refuse a request must be based upon a clear business reason(s).
	4. **Elective Surgery (e.g. eye laser surgery, plastic/cosmetic surgery/vasectomy)** – it is expected that such procedures should be undertaken outside of normal working hours taking into account the relevant recovery period. Where this is not possible leave ***without*** pay may be granted.
	5. Teachers will be allowed leave WITHOUT PAY for personal reasons as follows: -

**Time off for dependants.**

* 1. There is the right to take a reasonable amount of unpaid leave to deal with incidents involving a 'dependant' - defined as the teacher's parent, spouse/partner, child or someone who lives as part of the family or for whom the teacher is the main carer. The time off may be: -
		+ to help when a dependant falls ill or is injured;
		+ to cope when the arrangements for caring for a dependant unexpectedly break down;
		+ when a dependant gives birth;
		+ when a dependant dies or
		+ to deal with an unexpected incident involving a dependent child during school hours/or on a school trip

* 1. **Religious Observance** necessarily undertaken in school time - one paid day per observance (maximum two per year).

* 1. Attendance at a funeral falling outside the provisions of paragraph 5 - One day's unpaid leave as necessary. The allowances for unpaid leave will normally be one day with provision for a second or exceptionally a third day of unpaid leave to be available where this is essential and unavoidable, due to the travelling distances involved.
	2. Attendance at a wedding to which the employee has been invited other than those described in paragraph 5 - One day's unpaid leave as necessary. The allowance for unpaid leave will normally be one day, with provision for a second or exceptionally a third day of unpaid leave to be available where this is essential and unavoidable due to the travelling distances involved. Teachers are expected to arrange their own weddings without necessity for leave of absence.
	3. The Headteacher, acting in accordance with arrangements agreed by the Chair of Governors, may approve unpaid leave of absence not exceeding two days per school year for personal circumstances beyond those specified above.

* 1. **Speed Awareness Course** – Teachers opting to attend this course as an alternative to prosecution will be expected to make every attempt to attend this course outside of their normal working hours. In circumstances where this is not possible time off without pay will be granted.

#  6.0 PROFESSIONAL LEAVE

6.1 Approval for leave of absence for teachers undertaking in-service training or other professional activity outside the auspices of the school will be determined by the Headteacher having regard to the needs of the school, to the need of all teachers for professional study and extension.

 ***NOTE****: Teachers in receipt of Teacher Association Facility time should not be expected to use such time for INSET courses*

6.2 Where leave of absence has been approved, the following terms and conditions will apply in respect of the activities specified.

6.3 Except where otherwise provided, where the School has approved the attendance of a teacher on an in-service training course or for full-time secondment to an extended course of study, leave with pay will be granted for the duration of the course.

6.4 Not more than 18 days leave will normally be available for a teacher to participate in the work of recognised examination boards, including committee and panel work of which up to 12 days will be paid leave.

6.5 This refers to work other than that associated with the preparation and assessment of candidates under the auspices of the teacher's school.

6.6 On notification of intended nomination for, or prior application for appointment or reappointment to such positions with examination boards, teachers should ascertain, from the outset, the extent of their likely commitment and any other relevant terms and conditions of their appointment including reimbursement for supply cover*.* These details should be submitted with the initial request for leave and will be taken into account in determining the extent of any leave and on what basis it may be granted.

6.7 Where leave of absence for more than 10 days in an academic year is involved in connection with external examination work, the Head (and where appropriate the Chair of Governors) should seek the views of the Trust and take these into account together with any representations made by the teacher in determining their response to the request for leave.

6.8 Up to 10 days leave will be available for a teacher to undertake work outside the auspices of the Trust in connection with the education service, e.g. television or radio work or to give lectures. Of the 10 days available the first 5 days will be with pay and any further days up to a maximum of 5 will be without pay.

6.9 Approved private study for a recognised degree or diploma, will allow not more than 20 days paid leave will be available over the duration of the course as a whole. The amount of paid leave granted for specific courses shall be determined by the Headteacher and Chair of Governors.

6.10 Paid leave of one or two days, as necessary, is available for a teacher attending for interview, undertaking an examination or attending a degree/diploma conferment ceremony in connection with a recognised course of study.

6.11 Headteachers or teachers engaged by OFSTED for school inspection work or by DfE contractors for performance management purposes should ascertain the extent of their likely commitment and any other relevant terms and conditionsincluding reimbursement for supply cover. Release is at the discretion of the Trust. Where paid leave of absence is granted, this will include agreement as to the use of any payment by OFSTED or DfE contractors.

#  7.0 DISCRETIONARY LEAVE

7.1 The relevant Committee of the Governing Body may approve leave of absence for reasons not contained in the scheme, or for longer periods than those stipulated not exceeding four months.

#  8.0 MONITORING AND REVIEW

8.1 Human Resources will work with Head teachers and governing bodies to monitor the application of this policy. They may review any aspect of the procedure in light of changing circumstances at any time, in consultation with the trade unions.

8.2 An equality impact assessment of this policy will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

**Appendix A - Special Leave Request Form and Response Form**

|  |
| --- |
| PERSONAL DETAILS |
| FULL NAME |  |
| POST HELD |  |
| SCHOOL |  |
| CIRCUMSTANCES OF LEAVE REQUEST |
| I wish to request leave as specified below in the current Academic leave year:   |
| DATES |
| When would you like the leave to commence? DATE (dd/mm/yyyy) |  |
| When would you like the leave to cease? DATE (dd/mm/yyyy) |  |
| Date returning to School |  |
| Number of working days absent |  | [ ]  Paid [ ]  Unpaid |
| Signed: |
| Dated: |

**SECTION 2 – TO BE COMPLETED BY HEAD TEACHER / SCHOOL GOVERNOR**

|  |  |
| --- | --- |
| Request approved | [ ]  Yes [ ]  No |
|  | Days approved with payDays approved without pay |
| Reasons for approving or not approving request: |
| Copy of letter provided to employee to confirm final decision. | [ ]  Yes [ ]  No |
| If request approved for unpaid leave – original copy forwarded to EPT HR. | [ ]  Yes [ ]  No |
| Signed: |
| Dated: |