



**EPM Model Policy for Leave of Absence**

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

[School/Academy Name] Lanercost Church of England Primary School

<u>Reference Number</u>	<u>Shared with Staff</u> November 2024	<u>Review Date</u> September 2024
<u>Headteacher</u> Alexandra Wilkinson	<u>Chair of Governors</u>	
<u>Date: 18/11/2024</u>	<u>Date:18/11/2024</u>	
<u>Policy Title</u>	<i>Policy for Leave of Absence</i>	

Formatted: Font: 12 pt

Formatted: Do not check spelling or grammar

Formatted: Level 4, Keep with next

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

[Please note prior to adopting this policy you should:

- Ensure you have adapted it where necessary to fit the requirements of your School/Trust
- Follow your usual governance process to be approved by Governors/Trustees
- Follow your usual process to consult on new or amended HR policies with trade unions

If you are part of a multi-academy trust, please check with your Trust prior to adopting any new or amended policies.]

**Version Control**

Date	Version	Amendments/Comments	Reviewer/s
Sept 2024	1.4	Add The Paternity Leave (Bereavement) Act 2024	JSHAW
Mar 2024	1.3	Add Carers Leave	ACA
June 2023	1.2		
June 2022	1.1		AVW
August 2021	1.0		

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable

## Contents

1. Introduction	<u>4</u>
2. Procedure and Decision Making	<u>5</u>
3. Leave of Absence	<u>5</u>
4. Statutory Leave of Absence for Public Duties	<u>8</u>
5. Jury Service	<u>9</u>
6. Dependant Care Leave	<u>9</u>
7. Carer's Leave	<u>9</u>
8. Parental Bereavement Leave	<u>11</u>

Formatted: Font: Lexie Readable, 12 pt

## EPM Model Policy for Leave of Absence

### 1. Introduction

- 1.1. The Governing Body recognises that the success of the [school/academy] depends upon the contribution of all employees and gives full acknowledgement that a fair and effective policy on leave of absence contributes to the maintenance of employee morale and thereby our success.
- 1.2. This policy sets out leave of absence provisions, inclusive of some statutory requirements, to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of the [school/academy] are the priority and therefore there will be times when [the Headteacher] has to refuse a request for leave. The examples of leave types given are non-exhaustive and where circumstances arise which are not identified in this policy [the Headteacher] has authority to decide on whether the leave is granted, and whether it is with or without pay.
- 1.3. This policy also sets out what you must do in the event that you must take leave of absence because you have a personal emergency.
- 1.4. The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence. If you need clarification on whether the leave of absence that you want to take is statutory or discretionary then you must speak to [your line manager].
- 1.5. This policy does not cover leave which is included in the policies and procedures listed below:
  - Annual leave
  - Maternity/paternity/parental/adoption leave
  - Flexible working
  - Sickness absence
  - Redundancy
  - Training and study leave
  - [Trade union and facilities time]
- 1.6. This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.

## 2. Procedure and Decision Making

2.1. Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher as soon as the need for the leave is known using the form at Appendix 1. Where the leave of absence request is made by the Headteacher, the request should be made to the Chair of Governors.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

2.2. Requests for leave of absence and approval/refusal of such will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, pupil/student educational provision, service needs, eligibility, any previous requests and the degree of flexibility that you already have in your current working arrangements. Non-emergency leave of absence must not be taken unless and until it has been approved on the form at Appendix 1.

2.3. Where an emergency arises you must notify the Headteacher by telephone, as soon as is reasonably practicable, giving the reason for the absence and how long you expect to be absent from work to deal personally with the emergency which cannot be dealt with by anyone else.

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

2.4. Where a leave of absence request is refused there is right of appeal. Any appeal must be made on the form at Appendix 1 within 5 days of receipt of the leave of absence decision. The appeal will be considered by two governors, whose decision is final.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

2.5. A confidential record of requests for leave of absence and whether the request was granted will be maintained. Members of the LGPS scheme will be informed about the impact of taking unpaid leave on their pensionable service.

## 3. Discretionary Leave of Absence

3.1. Examples of discretionary time off work that may be granted with pay:

Summary non-exhaustive examples of leave normally granted with pay	Days per [annum] [rolling 12 month period]
Compassionate leave - illness or injury of a significant other person giving rise to serious domestic difficulties	Period reasonably necessary but not normally more than [3 days]
Bereavement leave - death (including funeral) of a significant other person	Period reasonably necessary but not normally more than [5 days]
Moving house where it cannot be arranged for a non-working time	[1 day]
Personal events or emergencies i.e. an event which, if the response were to be delayed, would result in	[1 day]

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

a significant personal loss to the employee such as fire or flood	
Accepted impossible travel because of weather or other public crisis	Period reasonably necessary but not normally more than [2 days]

Formatted: Font: Lexie Readable, 12 pt

Interviews for jobs in the education service	period reasonably necessary but not normally more than [3 days]
--	---

Formatted: Font: Lexie Readable, 12 pt

Dependent care leave - employees may only take paid time off to provide personal care for a dependent where there is an immediate crisis	
--	--

Formatted: Font: Lexie Readable, 12 pt

### 3.2. Examples of discretionary leave that may be granted without pay:

Formatted: Font: Lexie Readable, 12 pt

Summary non-exhaustive examples of absence normally granted without pay	Days per [annum] [rolling 12 month period] - all employees
Any personal reason other than those above which it was not possible to schedule for a non-working day or time or within annual leave e.g. dentist, optician, medical appointment, driving test, important one-off family occasions	Maximum of [3] days
Attendance as a witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as a witness not representing the School	Period of attendance necessary
Leave of absence for religious observance	Reasonable time off

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

#### 3.2.1. Medical appointments:

Formatted: Font: Lexie Readable, 12 pt

Upon production of a medical appointment letter/card up to half a day ~~paid~~ paid leave may be granted to attend an appointment at the hospital (to include medical screening and blood donation but excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. You should liaise with ~~your line manager~~ to the headteacher to agree a mutually convenient time so that the operational requirements of the School are met and then request leave from ~~the Headteacher.~~ using the form at Appendix 1.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

3.2.2. Attendance in court as a witness

If you are subpoenaed or summonsed to attend a Court (including an Employment Tribunal), as a witness and you are not representing the [school/academy] then, on the production of proof of required attendance, you must request leave from the Headteacher using the form at Appendix 1. You will be granted unpaid leave to attend. If you wish to attend Court as a witness voluntarily then you should request a leave of absence from the Headteacher as soon as the need for the leave is known using the form at Appendix 1 and a decision will be made on a case-by-case basis.

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt

### 3.2.3. Leave of absence for religious observance

You may request unpaid time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and, on a case-by-case basis, taking into account the needs of the school pupils and surrounding circumstances. You should request time off at the beginning of the [school/academy] year, if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

## 4. Statutory Leave of Absence for Public Duties

4.1. Employees are entitled to a reasonable amount of unpaid time off work by law to carry out certain public duties. Public duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School governor
- Lay observers, appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody,
- Members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999. These committees monitor the immigration detention estate,
- Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports,
- Independent prison monitors in Scotland appointed under section 7B(2) of the Prisons (Scotland) Act 1991

4.2. As soon as you are aware that you will require time off for performance of a public service you should request a leave of absence from [the Headteacher] using the form at Appendix 1.

4.3. The [school/academy] will agree to requests for paid time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy.



4.4. Each request for time off will be considered on its merits, in the circumstances in which it is made including:

- Whether the activity is reasonable in relation to your employment,
- How much time off is reasonably required for the duty in question,
- How much time off you have already taken for the public duty in question,
- How your absence will affect the school.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

## 5. Jury Service

5.1. You must inform the headteacher as soon as you are summoned for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for jury service raises significant teaching or operational problems, assistance will be provided to the employee to appeal to the court to re-arrange or cancel the dates of service.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

5.2. Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. We will make up the Loss of Earnings allowances to your normal level of earnings. We must complete the Loss of Earnings form and you must give the completed form to the Clerk of the Court on your first day of Jury Service.

5.3. Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide remittance advice. This advice must be forwarded to the headteacher within 3 days of your return to work.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

5.4. Your salary will be reduced by the "Juror's Loss" paid by the Court. Pension contributions are not affected. An employee cannot be paid twice by the Court and the school for the same days.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

5.5. Where jury service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your line manager regularly informed about how long you are likely to be away from work.

5.6. Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

## 6. Dependant Care Leave

6.1. Employees have a right to take a reasonable amount of unpaid time off work when it is necessary to:

- Provide assistance when a dependant falls ill, gives birth, is injured or assaulted,
- Make longer-term care arrangements for a dependant who is ill or injured,
- Take action required in consequence of the death of a dependant,

- Deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependant,
- Deal with an unexpected incident involving their child during school hours (or those of another educational establishment)

- 6.2. A dependant for the purposes of this paragraph 6.1 is:
- An employee's spouse, civil partner, parent or child
  - A person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee,
  - Anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

## 7. Carers' Leave

7.1. The Carer's Leave Act sets out statutory requirements for employees, allowing employees to request leave for a dependant with a long-term care need.

7.2. Employees can request up to five days unpaid leave per calendar year to arrange or provide care.

7.3. This entitlement can be requested from day one of employment.

7.4. Additional time off required over the five days may be granted at discretion of the Headteacher.

You will need to complete and submit Appendix 1 to request additional discretionary leave days.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt, Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

7.5. How the leave can be taken

- Half days, individually
- Full days, individually
- Five full days consecutively at one time.

7.6. Notice to take Carers' Leave

- As soon as you are aware that you require time off to care for dependants, please discuss this with the Headteacher.

Formatted: Font color: Auto

Formatted: Font: Lexie Readable, 12 pt

## 8. Parental Bereavement Leave

8.1. We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face.

8.2. This entitlement applies to employees who have suffered the loss of a child (i.e. under the age of 18) or who suffer a stillbirth after 24 weeks of pregnancy on or after 6 April 2020.

8.3. Irrespective of the length of service, an employee can take parental bereavement leave if they are the:

- Parent of a child who has passed away,
- Partner of the child's parent, where you live in an enduring family relationship with the child who has passed away and their parent,

- "Parent in fact" of a child who has passed away, which means that, for a continuous period of at least four weeks before the child died, you have been living with the child and had "day-to-day responsibility" for the child (but you have not been paid to look after the child)
- "Intended parent" of a child who has passed away, i.e. a parent using a surrogate,
- "Natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent,
- Adopter of a child who has passed away,
- In practice, this means that most employees with parental responsibility for a child who passes away on or after 6 April 2020 can take parental bereavement leave,
- If you have suffered a bereavement but are unsure if you are entitled to parental bereavement leave, you should contact your line manager for clarification.

#### 8.4. What leave a bereaved parent can take:

- For each child who has passed away, a bereaved parent can take one or two weeks' parental bereavement leave,
- Parental bereavement leave is not available as individual days.

#### 8.5. If you are a bereaved parent, you are able to take the leave as:

- A single block of two weeks,
- Two separate blocks of one week at different times,
- The leave must be taken within 56 weeks of the date of the death of your child,
- This lengthy period recognises that, as a bereaved parent, you may need some flexibility as to when you take the leave. For example, you may:
  - Wish to take leave around the first anniversary of your child's death or at another particular time that is special, such as your child's birthday
  - Already be on another type of leave, such as maternity leave or sickness absence

#### 8.6. Notice to take parental bereavement leave.

- Informal notification, such as a phone call or email, is sufficient to take parental bereavement leave.
- If you intend to take parental bereavement leave within the first 56 days after your child's death, you can take the leave straightaway. You do not have to provide a period of notice. This means that you can begin parental bereavement leave by letting your line manager

know no later than when you are due to start work or, if that is not feasible, as soon as is reasonably practicable.

- If you intend to take parental bereavement leave more than 56 days after your child's death, you have to give your line manager at least one week's notice of your intention to take parental bereavement leave.

#### 8.7. Cancellation of parental bereavement leave.

- If you have asked to begin parental bereavement leave within the first 56 days of the date of your child's death, you can cancel your parental bereavement leave, as long as you let your line manager know before you would have been due to start work.
- If you have asked to begin parental bereavement leave more than 56 days after your child's death, you can cancel your parental bereavement leave, as long as you let your line manager know at least one week in advance.
- You cannot cancel any week of parental bereavement leave that has already begun.

#### 8.8. Pay during parental bereavement leave:

[Option 1 - employer pays parental bereavement pay at the statutory minimum rate

- To be eligible for statutory parental bereavement pay, employees who are on parental bereavement leave are required to have:
  - at least 26 weeks' continuous employment with their employer by the week before the week in which their child passes away, and still be employed by that employer on the day on which the child passed away; and
  - normal weekly earnings in the eight weeks up to the week before the child's death that are no less than the lower earnings limit for national insurance contribution purposes.
- If you take parental bereavement leave and qualify for statutory parental bereavement pay, you will be paid at the rate set by the Government for the relevant tax year or 90% of your average weekly earnings where this figure is lower than the Government's set weekly rate. A non-eligible employee's parental bereavement leave will be unpaid.
- You must give us notice of the weeks during which you wish to claim statutory parental bereavement pay. You must normally give the parental bereavement pay notice within 28 days of the first day for which you are claiming statutory parental bereavement pay. However, if that is not feasible, you can provide the notice as soon as is reasonably practicable.
- At the same time as you give notice, you must provide evidence of entitlement to statutory parental bereavement pay. To ensure that we can pay statutory parental bereavement pay, your line manager

will ask you to sign and return a form to provide notice and evidence of entitlement to parental bereavement pay.

**OR**

Option 2 - employer offers parental bereavement pay

- Recognising the need to support bereaved parents, we will continue to pay normal pay during parental bereavement leave.]

**8.9. Rights during parental bereavement leave**

- During parental bereavement leave, all terms and conditions of your contract [except normal pay] will continue. [[Salary/wages] will be replaced by statutory parental bereavement pay if you are eligible for it.]
- This means that [, while sums payable by way of [wages/salary] will cease, all other/all] benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid. [You will remain in any [life assurance/private medical insurance] schemes that you have joined.]

8.10. Returning to work following parental bereavement leave

- You have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.
- You are entitled to return to another job that is suitable and appropriate for you, rather than the same job, if:
  - The period of leave taken is more than 26 weeks when added to most other periods of statutory leave taken in relation to the same child; and
  - It is not reasonably practicable to return you to the same job.

*The below clause is not yet in force but was granted royal assent on 24<sup>th</sup> May 2024.  
We await an effective date.*

**9. The Paternity Leave (Bereavement) Act 2024**

9.1. The Paternity Leave (Bereavement) Act 2024 allows working fathers and non-birthing parents the right to automatic paternity leave if the birthing parent passes away. This also applies to bereaved parents of adopted children and children born through a surrogacy arrangement.

9.2. This entitlement is provided to employees from day one of employment.

9.3. The employee is entitled to 2 weeks leave and pay, in line with the Paternity Policy.\*

9.4. An employee can take this leave in addition to any Shared Parental Leave already taken.

9.5. Employees can take [days] Keeping In Touch days (KIT days) during their Paternity Leave, without ending such period of leave.\*

9.6. This Act provides employees with a greater redundancy protection when they return to work.\*

9.7. In the event the birthing parent and child dies, the employee is entitled to still take Paternity Leave as above.

*\*Clarification is to be made once the Act has come into force.*

## Appendix 1: Leave of Absence Request

### Part 1

<b>Name</b>	
<b>Job title</b>	

Formatted: Font: Lexie Readable, 12 pt

<b>Date/time from</b>		<b>Date/time to</b>	
-----------------------	--	---------------------	--

Formatted: Font: Lexie Readable, 12 pt

I have read and understood the leave policy. Please attach a copy of any relevant appointment card. Reason for request:

Formatted: Font: Lexie Readable, 12 pt

<p>▲</p>
----------

Formatted: Font: Lexie Readable, 12 pt

I understand and accept that if a leave of absence is granted without pay it will affect my pension entitlement.

Formatted: Font: Lexie Readable, 12 pt

<b>Signed</b>		<b>Date</b>	
---------------	--	-------------	--

Formatted: Font: Lexie Readable, 12 pt

### Part 2: Leave of Absence Decision

Formatted: Font: Lexie Readable, 12 pt

Your request for leave is:

<p>▲ Approved with pay:</p>	
-----------------------------	--

Formatted: Font: Lexie Readable, 12 pt

<p>▲ Approved without pay:</p>	
--------------------------------	--

Formatted: Font: Lexie Readable, 12 pt

<p>▲ Time to be made up:</p>	
------------------------------	--

Formatted: Font: Lexie Readable, 12 pt

Not approved for the following reasons:

Formatted: Font: Lexie Readable, 12 pt

<p>▲ Operational difficulties in covering absence:</p>	
--	--

Formatted: Font: Lexie Readable, 12 pt

<p>▲ Loss of entitlement/continuity of educational provision for pupils:</p>	
--	--

Formatted: Font: Lexie Readable, 12 pt

<p>▲ Leave of absence limits already reached:</p>	
---	--

Formatted: Font: Lexie Readable, 12 pt

<p>▲ The request is outside the policy framework</p>	
--	--

Formatted: Font: Lexie Readable, 12 pt

<p>▲ Other. Explanation of reason(s) for non-approval:</p>	
--	--

Formatted: Font: Lexie Readable, 12 pt

<b>Signed</b>		<b>Job title</b>		<b>Date</b>	
---------------	--	------------------	--	-------------	--

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt



### Part 3: Appeal against Leave of Absence Decision

If you wish to appeal against a refusal to grant leave of absence, then you must explain your reasons below and return this form to [the decision maker] within 5 days of the date of the decision as recorded above. Your appeal will be heard by [a panel of two governors].

▲

Formatted: Font: Lexie Readable, 12 pt

▲

Signed		Date	
--------	--	------	--

Formatted: Font: Lexie Readable, 12 pt

Formatted: Font: Lexie Readable, 12 pt