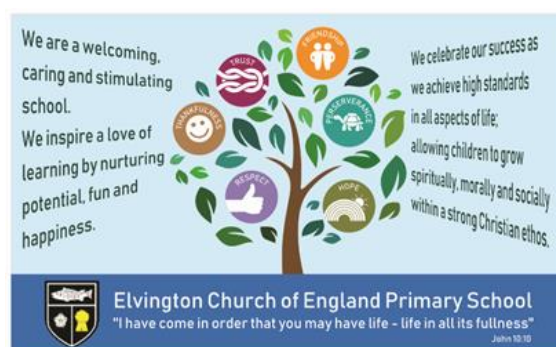


# Staff Leave of Absence Policy

The Governing Body of Elvington CE Primary School endeavours to write and adopt policies that are fully inclusive for all children / staff / parents / carers / Governors and members of the wider community.

Policy approved by Governors:	December 2023
Signature of Chair of Governors:	
Date for renewal:	December 2026



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## **Statement of intent**

Here at Elvington Church of England Primary School, we appreciate the hard work of all our staff. We understand that holidays are precious time away from the regular stress of work and we strongly encourage all staff to take annual leave where possible. We also recognise that, on occasion, leave may need to be taken due to unforeseen circumstances, and we will try our utmost to accommodate the needs of our staff.

This policy outlines the school's duties regarding staff leave of absence as well as provisions for staff to follow when requesting leave.

## Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)

The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018

Employment Rights Act 1996

Equality Act 2010

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)

This policy has due regard to all relevant statutory guidance including, but not limited to, the following:

DfE (2011) 'Teachers' Standards'

DfE (2023) 'School teachers pay and conditions document' (STPCD)

## Roles and responsibilities

The **governing board** is responsible for:

Reviewing this policy and ensuring it is adhered to across the school.

Ensuring that this policy is implemented fairly, consistently and in line with the board's equality duties.

Signing off any special leave requested by the Headteacher, e.g. bereavement leave.

The **Headteacher** is responsible for:

Implementing this policy in line with their statutory duties.

Implementing a special leave reporting structure for staff and reporting any requests to the governing board.

Delegating responsibilities to line managers to sign off annual leave in line with this policy.

Staff are responsible for:

Arranging annual leave during school holiday periods.

Requesting special leave as soon as possible.

Submitting annual leave requests to their line manager.

Arranging leave for a convenient time, i.e. not in conflict with other relevant staff leave.

Adhering to this policy at all times.

## Annual leave procedure

### Teacher annual leave

Teachers are required to be available for work for 195 days each year; of which, 190 shall be days they may be required to teach pupils and five will be for other duties.

Teachers are not permitted to request annual leave to take a holiday within term-time.

Term-time leave may be permissible in exceptional circumstances, e.g. to take care of a dependant.

### Support staff annual leave

Entitlement to annual leave for support staff is specified in their individual contracts of employment.

**Line managers** are responsible for approving annual leave for their respective support staff.

The provision for support staff employed on a term-time only basis is the same as for teaching staff above. The annual leave year for support staff runs from 1st April to 31st March.

For all-year-round staff, the school expects annual leave to be taken during the school holidays.

Where support staff request leave during term-time, their request will be granted having given due regard to the exigencies of the service.

Staff may carry forward a maximum of **five** days annual leave where a minimum of 20 days leave has been taken in the current leave year. Any leave carried forward must be taken before 30th June that year and with the prior written consent of their **line manager**.

Support staff may not take annual leave when they are required to be in school for a specific purpose.

### Other leave of absence

Annual leave entitlement for workers with irregular hours will be based on the last 52 weeks or the total number of weeks they have worked so far for the school.

Staff may request sabbatical leave from their **line manager** – leave will be granted based on the following considerations:

- Job role
- Number of years continuous service
- Performance standards to date
- Length of time requested

Staff requesting sabbatical leave must give at least **three months**' advance notice.

Staff who request sabbatical leave of absence will receive a response within **two weeks** of their request – any rejected requests can be appealed to the **governing board**.

The school will comply with any statutory regulations regarding allowance of time off for employees.

The school recognises that there may be times when employees will need to take additional time away from work and will comply with this in line with their statutory duties.

Staff seeking to take leave of absence must gain approval from the **Headteacher** in advance, where possible.

Maternity leave, paternity leave, adoption leave and parental leave will be arranged in line with The Employment Rights Act 1996 and the school's **Maternity, Paternity, Adoption and Parental Leave Policy**.

Retrospective leave may be requested in exceptional circumstances, e.g. family emergency.

It is at the discretion of the **Headteacher** to grant leave – any refusal will be reasonable and justified.

Staff members are able to appeal to the **governing board** if their request for leave has been rejected.

The procedures outlined in this policy will be reviewed **annually** by the **governing board** to ensure they remain unbiased and fair for all staff.

The school will permit staff a minimum of **5** days of paid leave per annum in order to take necessary action to deal with the illness of a dependent.

For the purposes of this policy, the school will define a dependent as a staff member's spouse or civil partner, their child or parent, or any other person who lives in the same household as the staff member and is dependent on the staff member for care and assistance when ill.

There may be situations where paid leave is not appropriate, and in this case unpaid leave or time off in lieu arrangements will be considered.

The following are examples of leave of absence which may be requested (this is not an exhaustive list):

- Bereavement leave

- Time off to care for dependants

- Urgent domestic reasons

- Jury service/witness summons

Justice of the Peace (Magistrate) duties

Other public duties

Personal health and welfare

Examination and revision leave

Religious observance

Service in non-regular armed forces/volunteer reserve services

A minimum of two weeks' Statutory Parental Bereavement Leave will be granted to staff who have lost a child under the age of 18, or who have suffered a still birth from 24 weeks of pregnancy, which took place on or after 6 April 2020. The leave will commence on or after the date of the death or stillbirth and will finish within 56 weeks of that date of the death or stillbirth.

If the staff member is already taking another form of leave, e.g. maternity leave, at the time of the death or stillbirth, the Statutory Parental Bereavement Leave will start after the other leave period has ended.

Statutory Parental Bereavement Leave will be implemented alongside Statutory Parental Bereavement Pay, using the Statutory Parental Bereavement Pay tables 2023 to calculate this.

- 1.1. Statutory Parental Bereavement Leave and Pay will be implemented in line with the school's **Bereavement Policy** at all times.

If an employee takes leave without permission from the school, the leave will be considered unauthorised unpaid leave and may result in disciplinary action, including dismissal.

## **Monitoring and review**

This policy will be reviewed on an **annual** basis by the **governing board** and **Headteacher**.

The next scheduled review date for this policy is **December 2026**.

Any changes to this policy will be communicated to all staff members and relevant stakeholders.



## **Appendix A: Staff leave of absence following the coronavirus (COVID-19) pandemic.**

### **Statement of intent**

The school will act in accordance with the Staff Leave of Absence Policy as set out above as much as possible; however, we recognise the challenges still caused by COVID-19 pandemic. This appendix sets out what additional actions the school will take to support staff...

### **1. Roles and responsibilities**

The **governing board** is responsible for:

- Reviewing this appendix and ensuring it is adhered to across the school.
- Ensuring that this appendix is implemented fairly, consistently and in line with the board's equality duties.
- Signing off any special leave requested by the Headteacher, e.g. bereavement leave.

The **Headteacher** is responsible for:

- Implementing this appendix in line with their statutory duties.
- Ensuring infection control and social distancing measures are implemented across the school site at all times.
- Ensuring contingency home-working arrangements are in place for staff, where possible.
- Discussing any leave arrangements with staff to help inform workforce planning.
- Treating staff requests for leave as a result of the coronavirus pandemic sensitively and sympathetically.

Staff are responsible for:

- Requesting special leave as soon as possible.
- Adhering to this appendix at all times.

### **2. Leave due to being ill with coronavirus**

The school will manage a positive test result in line with the school's **Infection Control Policy**.

- 2.1 If the staff member tests positive for coronavirus, and is required to self-isolate, the staff member will be given sick leave and will receive Statutory Sick Pay (SSP) from the first day that they are absent due to being unwell and self-isolating.





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### 3. Leave to care for a dependent due to coronavirus

The school will treat staff who request a leave of absence to care for a dependent who is ill with coronavirus, or to provide emergency childcare for their child, e.g. during a period of school closure, in line with the procedures set out for leave in section 3 of this policy.

The school recognises that the time following the coronavirus pandemic may bring about an increased need for a staff member to request leave to care for a dependent who is ill, or to provide emergency childcare for their child. The school will therefore treat further requests for leave sympathetically and work with the staff member to arrange a reasonable solution where possible.

### 4. Monitoring and review

This appendix will be reviewed in line with any updates to public health guidance by the Headteacher and the governing board.

The new scheduled review date for this appendix is December 2026.

Any changes to this appendix will be communicated to all staff and relevant stakeholders.