

Learning Accord Multi Academy Trust

Leave of Absence Policy



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1. Introduction

- 1.1 This policy serves to assist the headteacher and governing body in making decisions about requests for leave in accordance with legal, contractual and moral obligations.
- 1.2 The primary aim of this policy is to ensure that such requests are dealt with fairly and consistently.

2. Purpose and scope

- 2.1 This procedure applies to all staff working in the academy.
- 2.2 Teachers and 'term time only' support staff have contracts of employment which provide for annual holidays to be taken during school closures. There is therefore no contractual entitlement to time off during term time.
- 2.3 However, employees have an entitlement in law to time off work in certain circumstances, in some cases with pay. This policy details these entitlements (other than for purposes of Maternity, Paternity and Adoption (including related legislation) which are dealt with in a separate policy of that name).
- 2.4 It is also recognised that, from time to time, the academy may agree to grant individual employees time off during term time (whether paid or unpaid) for a variety of reasons.

3. Requesting leave of absence

- 3.1 An employee who desires leave of absence is entitled to submit a written request (giving reasons and appropriate notice). The official form for such requests (Appendix 1) should be completed by the member of staff in all cases and submitted to the headteacher for consideration as soon as possible.
- 3.2 Many religions or beliefs have special festival or spiritual observance days on which certain employees may wish to celebrate or attend ceremonies. An employer should consider such requests for leave sympathetically when it is reasonable and practical for the employee to be away from work. Refusal to grant such leave may be regarded as discriminatory if it cannot be justified by a legitimate business need which is incapable of being met by other reasonable means.
- 3.3 The headteacher (or nominated manager) will give due consideration to all requests based on the merits of the individual case. In doing so it is appropriate to keep in mind both the needs of the service and the employee's contractual arrangements. In this context, a distinction may be made, when determining applications for leave, between those instances when the staff member is in control of the circumstances (for example where they have a choice in arranging the date of a proposed ceremony) and those where the staff member has no such control.
- 3.4 In all cases where leave of absence has been requested, any implications arising from the decision made should be discussed between the headteacher (or nominated manager) and the individual concerned. There is no formal right of appeal against the decision made by the headteacher as this is simply a management decision.

4. Absence entitlements

- 4.1 A schedule of entitlements for staff is attached at Appendix 2, these provisions being set out in the context of a workforce which is effectively differentiated into teaching staff (who are generally employed all year round) and support staff (who are most often, although not exclusively, employed term time only).

5. Unauthorised absence

- 5.1 If an employee takes leave of absence without the prior consent of the headteacher this constitutes unauthorised absence and may warrant a sanction under the academy's Disciplinary Policy.
- 5.2 Staff (other than those who have previously gained official approval for absence under this policy) who do not attend their place of work as scheduled (or, if homeworking, do not establish contact with the headteacher/line manager in the event of inability to undertake work as agreed), but have failed to comply with the reporting procedures of the Attendance Management Policy (or, where appropriate, the Adverse Weather Policy) will be deemed to be absent without leave.
- 5.3 If a staff member fails to contact the headteacher/line manager during the first day of absence, the headteacher/line manager should attempt to contact the staff member by telephone/text/email to establish why they are not at work and when they will return to work.
- 5.4 If the headteacher/line manager is unable to establish contact with the staff member within the first two working days of absence, they should write to the staff member. The letter should instruct the staff member to contact the headteacher/line manager or other specified contact immediately, remind them of the procedure for notification of absence and indicate the possible outcome or action (such as loss of pay, disciplinary action etc) should no contact be made.
- 5.5 If there has still been no contact after five working days of absence, the headteacher/line manager should write to the staff member again, using recorded delivery.
- 5.6 This letter should:
- require that the staff member contact the headteacher/line manager (or other (*named*) contact) by a certain date (within two working days of sending the letter)
 - remind them (the staff member) of the procedure for notification of absence
 - inform them of previous unsuccessful attempts made to contact them
 - notify them that their pay will be suspended with immediate effect
 - notify them that failure to make contact by the date specified may additionally result in disciplinary action being taken against them.
- 5.7 If the staff member still fails to make contact within the specified period the headteacher or nominated manager should consider whether to require the staff member to attend an investigatory meeting to establish the facts of the case or to move straight to a disciplinary hearing.

6. Time off for dependants

- 6.1 All employees have the right to a reasonable amount of time off (one or two days) to support a dependant. This time off is intended to deal with **unforeseen** occurrences and **emergencies**. This section applies to all staff within the academy, including those on fixed term contracts. In these circumstances, there is no qualifying period of service.

6.2 Accordingly, a member of staff is entitled to take a reasonable amount of **unpaid** time off to:

- help, or make care arrangements, when a dependant:
 - becomes ill
 - gives birth
 - is injured or assaulted
- deal with unanticipated disruption to, or termination of, arrangements for the care of a dependant
- make necessary arrangements following the death of a dependant.

6.3 In the context of time off for dependants, a dependant is defined as:

- a spouse or partner
- a child
- a parent
- someone who lives in the same household (other than an employee, tenant, lodger or boarder)
- anyone who reasonably relies on the member of staff either for assistance or to make care arrangements in the event of illness or injury.

6.4 These definitions also include partners or elderly relatives living with the family (and schools should additionally be mindful of the potential for a claim of discrimination on grounds of disability by association).

6.5 The injury or illness need not be life-threatening and the definition includes both physical and mental illnesses. A member of staff can exercise this right in the unexpected absence of, for example, a childminder, nanny, nurse or carer.

6.6 The right to time off is intended to cover **genuine emergencies** – if members of staff know in advance that they will need time off, they should request annual leave, leave of absence or carer's leave.

6.7 It is the responsibility of the member of staff to:

- inform the academy of the situation as soon as is reasonably practicable
- let the academy know, if this is possible, how long they expect to be off work.

6.8 It is not necessary for notice to be given in writing. There is no requirement for the member of staff to produce evidence, either of their relationship to the dependant, or the incident that triggers a request for leave.

6.9 If the academy believes that the member of staff is abusing the right to time off, the matter should be dealt with through the Disciplinary Policy.

7. Carer's leave

7.1 In addition to time off for dependants (defined as above) all employees (from the first day of their employment) have the right to take carer's leave for up to one week in total within any 12 month period.

- 7.2 To be eligible for carer's leave an employee requires to be responsible for providing care for a dependant who has:
- a disability (as defined in the Equality Act 2010); or
 - a physical or mental illness or injury that means they are expected to need care for more than 3 months; or
 - care needs because of their old age.
- 7.3 Carer's leave is unpaid, and may be taken in either half or full days as desired by the employee.
- 7.4 Carer's leave differs from the entitlement to time off for dependants (as outlined in the previous section) in that its purpose is designed not to address emergencies or unexpected occurrences but is intended to represent a more flexible option to assist in meeting a broader range of planned and foreseen caring commitments.
- 7.5 Accordingly, it should be possible for the employee to provide notice of their intention to take carer's leave, and this should be no less than three days in advance of taking a half day, or single day, of leave and at least twice as many days as the requested leave period if applying for two or more consecutive days' leave (for example, if two days' leave is requested, a minimum of four days' notice should be provided).
- 7.6 An employer is not permitted to decline a request of this nature but may postpone the period of carer's leave if they 'reasonably consider that the operation of their business would be unduly disrupted' were the leave to be approved. However, should they postpone carer's leave they must then agree alternative dates for the leave to be taken within a maximum of one month from the start date originally requested.

8. Time off for (partner) antenatal appointments

- 8.1 All employees are entitled to accompany their partner* in attendance at up to two antenatal appointments (taking up to six and a half hours each time). This time is unpaid.
- *Attendance at antenatal appointments on an employee's own behalf (which is paid) is dealt with in the Maternity, Paternity and Adoption Policy (including related legislation).*
- 8.2 The employee should (as and when requested) provide a signed declaration setting out the date and time of the appointment and stating that:
- they have a qualifying relationship with a pregnant woman (or her expected child)
 - the purpose in taking time off is to accompany a pregnant woman to an antenatal appointment
 - the appointment in question is made on the advice of a registered medical practitioner, midwife or nurse.

9. Parental leave

*NB Please note **parental leave** should not be confused with **Shared Parental Leave** (legislation applicable since 2015) which is dealt with in the Maternity, Paternity and Adoption Policy (including related legislation).*

- 9.1 Eligibility for parental leave is applicable to all staff within the academy. Parental leave applies to both parents and is distinct from 'maternity leave' and 'shared parental leave'.

- 9.2 Staff members are entitled to parental leave (a period of unpaid leave) once they have been continuously employed for one year **and**:
- are the parent (named on the birth certificate) of a child who is under 18 years old; or
 - have adopted a child under the age of 18 (the right lasts until the child's 18th birthday); or
 - have acquired formal parental responsibility for a child who is under 18 years old.
(a step-parent will have to apply to the court to acquire formal parental responsibility if they wish to take parental leave in respect of their spouse's child or children)
- 9.3 All members of staff are entitled to (a total of) 18 weeks' unpaid leave in respect of each child who qualifies as above.
- 9.4 The key elements of parental leave are:
- leave may be taken in blocks of one week upwards (this minimum period does not apply in relation to a child with disabilities)
 - the member of staff must give at least 21 days' notice of taking leave
 - the employer can postpone leave for up to six months, for example, for business reasons
 - a member of staff may not take more than four weeks' leave in respect of any individual child during one leave year
 - outstanding parental leave can be carried over to a new employer, but a further qualifying period of service of one year is needed before there is any entitlement to take this leave.
- 9.5 When a member of staff takes parental leave of four weeks or less, they are entitled to return to the job in which they were employed before the absence.

10. Other policies and procedures

- 10.1 This policy will be supported by the following policies and procedures:
- Adverse Weather Policy
 - Attendance Management Policy
 - Disciplinary Policy
 - Maternity, Paternity and Adoption Policy (including related legislation)

**Appendix 1: Request for Leave of Absence
(time off in term time)**

Part A – for completion by employee

School:	
Name:	
Job title:	

Reason for requesting time off:

<input type="checkbox"/>	Parental leave	<input type="checkbox"/>	Jury service
<input type="checkbox"/>	Compassionate leave	<input type="checkbox"/>	Witness duty
<input type="checkbox"/>	Time off for dependants	<input type="checkbox"/>	Union duties
<input type="checkbox"/>	Carer's leave	<input type="checkbox"/>	Public duties
<input type="checkbox"/>	Reserve forces	<input type="checkbox"/>	Blood donation
<input type="checkbox"/>	Medical appointment or procedure		
<input type="checkbox"/>	Religious observance (please detail)		
<input type="checkbox"/>	Other (please detail)		

Dates of requested time off: From: (DD/MM/YY) To: (DD/MM/YY)

Actual number of working days absent: (days)

Times of absence: From: (HH:MM) To: (HH:MM)
(if part-day leave)

Reason for request:
(please give full details of circumstances applicable)

Signature: Date:

Part B – for completion by headteacher (or line manager where applicable)

School:

Name:

Job title:

Dates of requested time off: From: (DD/MM/YY) To: (DD/MM/YY)

Actual number of working days absent: (days)

Times of absence: From: (HH:MM) To: (HH:MM)
(if part-day leave)

Time off **APPROVED**

Time off **NOT APPROVED**

with pay

without pay
(in which event headteacher to inform payroll)

Signed: (headteacher or line manager)

Date:

Date decision conveyed to employee:

Completed form (both part A and part B) to be held by school

NB If leave is to be unpaid, copy part B only to payroll

Appendix 2: Leave entitlements for all school based staff

Notes:

All requests for leave are to be submitted to (and approved as appropriate by) the headteacher or nominated manager prior to the leave being taken.

The term 'close relative' is normally taken to include spouse, partner, parent, sibling or child.

Type of request	Teacher	Support staff
Unpaid leave of absence	Where there is contractual flexibility individuals should make use of applicable paid leave entitlements, periods of school closure and flexible working hours provision as appropriate before making requests for unpaid leave of absence	Individuals should make use of periods of school closure, their annual leave entitlements (where applicable) and flexible working hours provision as appropriate, before making requests for unpaid leave of absence
Bereavement <i>other than Parental Bereavement Leave – for which see Maternity, Paternity & Adoption Policy</i>	<p>Maximum 3 days' paid leave except in exceptional circumstances where individual cases will be treated on merit</p> <p>Applicable to parents, spouse/partner, sibling or children or any other persons deemed appropriate by the headteacher/manager</p>	
Funeral	<p>One day paid leave applicable to funeral of employee's:</p> <p style="margin-left: 40px;">husband/wife/partner child sibling parent or parent-in-law grandparent</p> <p>Funerals other than above may be approved with or without pay at the discretion of headteacher/manager</p>	
Wedding	<p>Wedding of an immediate member of family, i.e. child, brother, sister, parent – as may be approved by headteacher/manager, with salary</p> <p>Wedding other than above – one day, without salary</p>	
Degree graduation ceremony	<p>Graduation ceremony of self or any immediate family member receiving degree – one day, with salary</p>	
Speech day attendance	<p>Parent of the child receiving the prize – half day, with salary</p>	
Attendance/Observance of religious festivals*	Individuals should make use of any flexible working provision (where appropriate) before making requests for unpaid leave of absence	Individuals should make use of their annual leave provision and of any flexible working provision (where appropriate) before making requests for unpaid leave of absence

**Requests for time off for religious observance should be considered sympathetically and accommodated where possible, although approval (particularly for extended absences of one or more weeks) will always be conditional on the employee's absence not being detrimental to the operational requirements of the school.*

Type of request	Teacher	Support staff
Blood donation	Paid leave, if can be accommodated	
Employment interviews	Interview for another teaching post – time off with pay	For local government interviews – time off with pay
Attendance at approved courses	As may be approved by the headteacher/manager, with salary	
Approved examinations	For each half day of approved examination – half day paid leave up to a maximum of 5 days – only to be exceeded in exceptional circumstances (as may be authorised by the headteacher) as unpaid leave Other than approved examination (as may be authorised by the headteacher) – unpaid leave	
Attendance at examiners' meetings	Attendance at meetings of examination board – as may be essential with the approval of the headteacher – with salary	N/A
Statutory tribunals	Paid leave of absence if attending in official capacity (school to deduct any allowance received)	
Trade union courses / seminars / conferences	Refer to facilities for teacher union representatives arrangements	Refer to local authority facilities agreement as appropriate.
National educational conferences	Conferences on educational matters, as may be permitted, with salary	
Member of governing body	Attendance at a meeting of a governing body, as necessary, with salary	
Elections	Prospective candidate at parish, district or county elections – polling days, with salary Prospective parliamentary candidate – three weeks without salary (to include the day following the election)	
Civic duties	If mayor(ess)/consort or deputy mayor(ess)/consort are employees – with salary	
Election duties	Staff who assist at elections as presiding officers, poll clerks and counting clerks, within the administrative area of this authority Leave of absence (with pay) from their normal duties (as and when contractual obligations allow)	
Elected member of local authority	Paid leave for up to 28 days per year, subject to individual assessment at the discretion of the headteacher/governing body	
Member of health authority	Attendance at a meeting as a member of a statutory body, eg regional or area health authority – as necessary, with salary	

Type of request	Teacher	Support staff
Duties of justice of the peace or magistrate	Paid leave of absence – school may deduct any allowance received	
Jury service	Paid leave of absence (employee to claim any juror's allowance and such amount received to be deducted from pay)	
Service in HM non-regular forces	<p>Attendance at annual camp as volunteer member of territorial army or officer of a cadet force</p> <p>Up to two weeks with discretion in special cases, with salary</p> <p>Officers required to undertake training additional to summer camp who are unable to arrange for such training on days when they would not normally be working – paid leave of absence (maximum of 16 days per annum) recommended by national agreement</p>	
Holiday with partner	This provision is intended primarily for support staff with partners in HM forces to meet cases where the employee's spouse is compelled to take their main annual holiday during term time	
Special constables	Paid leave of absence	
Retained fire fighters	Paid leave of absence	
House removal	1 day with pay	1 day with pay (term time staff only)
Mountain fell rescue and cave rescue and community first responders	Paid leave with headteacher discretion	
Maternity / paternity / adoption / shared parental leave / parental bereavement leave	Refer to relevant section of appropriate policy	
Special leave	<p>Discretion of the headteacher, with or without pay</p> <p>Urgent private or family business – as may be approved by the headteacher, with or without pay</p>	
Governance duties	<p>Information gathering in school – 1 day annually</p> <p>Participation in working parties/committees – up to 6 days annually</p> <p>Recruitment – up to 3 days annually (all with pay)</p>	