

Juniper education

Leave of Absence Policy

A model for Schools & Academies

Changes April 2020

Inclusion of new Statutory Parental Bereavement Leave (Page 11)

This Model Policy was originally created in July 2001 and this issue was released in:	
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This is a model policy/procedure which reflects legislation, any relevant statutory and non-statutory guidance and best practice. The responsibility for setting policy and procedure resides with the Trust and as such the relevant body must be satisfied that the content of the policy/procedure suits their requirements and must consult their staff/local trade union representatives prior to its formal adoption.

Leave of Absence Policy A model for Schools & Academies

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Contents

1. Introduction and scope	5
2. Procedure for applying for leave of absence	6
3. Notice requirements.....	6
4. Emergency leave requests	6
5. Considering leave of absence requests	7
6. Appeals	7
7. Unauthorised leave of absence.....	8
8. Impact on Pension	8
9. Data Protection	8
Appendix 1 Table of family related leave	9
Adoption Leave	9
Pre-Adoption Meetings	10
Ante-natal Care (for pregnant employees)	10
Ante-natal Care (requests for time off made by fathers to be/ partners and nominated carers)	11
Parent craft and routine antenatal classes	11
Bereavement leave/Time off to attend funerals	11
Child care (time off to make alternative child care arrangements)	12
Time off for Dependants	12
Domestic crisis / damage to property	13
Elder Care	13
Fertility Treatment	13
Foster Care	13
Graduation of child/partner	14
Illness/Injury of family members	14
Maternity Leave	14
Maternity Support Leave (support staff on LG conditions).....	14
Maternity Support Leave (teaching staff and other staff not on LG conditions).....	14
Parental Leave	15
Paternity Leave	15
Surrogacy	16

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Appendix 2 Table of health related absence	17
Blood Donors	17
Cancer Screening	17
Dental Treatment	17
Elective surgery that is not medically necessary / recommended.....	17
Elective surgery that is medically necessary / recommended.....	18
Medical appointments and treatment	18
Appendix 3 Table of Public service and duties leave	19
Court / Employment Tribunal Appearances.....	19
Jury Service	19
Public bodies (service on) and public duties	20
Reservists – time off for training.....	21
Trade Union Representatives	21
Trade Union Duties	22
Trade Union Activities	22
Trade Union Learning Representatives.....	23
Appendix 4 Table of training related leave	24
Time off to Train	24
Study Leave and Examinations.....	24
Appendix 5 Table of other leave	25
Examination Board duties (release of teachers).....	25
Holiday (requests during term time)	25
Job-seeking and retraining in a redundancy situation.....	25
Interviews	26
Moving house	26
Religious observance	26
Weather – severe conditions.....	26

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1. Introduction and scope

This policy sets out how requests for leave of absence will be managed. The school recognises that on occasion there may be circumstances where employees need to request time off during term time. If this is the case, employees must ensure this policy is followed when making such a request. Each request will be considered on its own merits in accordance with this policy. Where an individual makes excessive requests for leave of absence this will be monitored by the school and any appropriate action taken. The policy applies to all employees. It does not apply to volunteers or individuals supplied through an agency.

Leave of absence falls into three main categories for the purposes of this policy. The tables in the Appendices attached to this policy detail the types of leave of absence that may be requested and indicate whether the leave of absence is:

- Statutory - *where there is a legal entitlement to some leave*
- Contractual - *where there is an entitlement as part of the employees' terms and conditions*
- Discretionary - *where there is no entitlement but the headteacher/governors (as applicable) may agree to grant leave of absence after considering the circumstances.*

For statutory and contractual leave, the table sets out the legal/contractual entitlement to leave and whether leave is paid or unpaid.

Where leave of absence is discretionary the headteacher will consider the request and make a decision as to:

- Whether to grant the leave
- How much leave to grant
- Whether the leave will be paid or unpaid

Once a decision has been made, this will be communicated to the employee as soon as possible.

2. Procedure for applying for leave of absence

All applications for leave of absence should be made to the headteacher (apart from applications for leave of absence from the headteacher which should be made to the chair of governors).

Requests for leave of absence should be submitted by completing an Absence Request form. Copies of the form are also available from **[the administration office/intranet]**.

The employee must give as much information as possible when considering the request and indicate whether they are requesting paid or unpaid leave to assist the headteacher in considering the request and making a decision.

3. Notice requirements

Specific notice periods are mandatory for some types of leave (e.g. maternity, paternity leave) and these are indicated in the leave tables (see Appendices 1-5), together with the reference point for further information.

For all other leave, employees should request leave of absence with as much notice as possible, and in any case in accordance with following timescales.

<i>Length of leave of absence requested</i>	<i>Minimum Notice required</i>
<i>Up to 5 days</i>	<i>1 week</i>
<i>5 days and over</i>	<i>1 month</i>

4. Emergency leave requests

In certain circumstances it may not be possible for the employee to request the leave of absence, in writing, in advance.

In these circumstances the employee should follow the agreed procedure in their school/academy. [E.g. telephoning the school and speaking to the headteacher/their line manager to discuss the reasons for the request for leave of absence].

An initial decision whether leave of absence is granted to cover the initial emergency situation will be made and notified verbally to the employee. A written record of the details of the request for leave of absence and the decision regarding the granting of any leave of absence will be made. The record will be signed by the employee on their return to work. This will then be kept on the employee's personal file.

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5. Considering leave of absence requests

The Headteacher will, on receipt of a leave of absence request, consider the request in line with this leave of absence policy, the particular circumstances of the case and any operational requirements of the establishment. They will also take into account any other relevant factors including:

- how many previous requests have been made by the employee and for what reason
- whether any previous requests for absence in the same circumstances have been approved, how many, for how long and whether the leave was paid or unpaid
- how similar requests from other employees have been dealt with
- whether they are setting a precedent for how similar requests will be dealt with in future

The Headteacher will notify the employee in writing, as soon as possible, of the decision. The approval section on the Absence Request form should be completed and signed and a copy of the form will be provided to the employee.

If the request is not agreed the employee will be notified that they have the right to appeal against the decision.

The request for leave of absence and a copy the decision will be placed on the employee's personal file.

6. Appeals

Employees have the right to appeal against a refusal to approve a leave of absence request or against a refusal to approve paid leave (where the time off has been granted as unpaid leave). Appeals should be submitted within **[5]** days of receiving the decision.

Any appeal lodged against a decision relating to a request for leave of absence will be heard by the **[Staff Appeals Committee – amend as appropriate]**.

The employee and their chosen representative (normally a representative from a recognised trade union or work colleague) may attend any such appeal meeting to make representation.

The decision of the **[Staff Appeals Committee]** will be final.

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7. Unauthorised leave of absence

Employees who take time off work without following the appropriate procedure for requesting leave and/or who take time off without receiving appropriate approval may be subject to disciplinary action in line with the disciplinary procedure.

Employees who take unauthorised absence will not receive payment for such absence other than in exceptional circumstances.

8. Impact on Pension

When a Pension Scheme member has authorised unpaid leave of absence, the period of any such leave will not count towards their Pension.

- Members of the Local Government Pension Scheme can buy back any period of authorised unpaid leave through an Additional Pension Contribution (APC) contract.
<http://www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension>
If you elect to enter into an APC contract within 30 days of the unpaid leave, your employer will pay 2/3 of the cost and you will pay 1/3. Further information: <http://www.lgps2014.org/>
- Members of the Teachers' Pension Scheme can purchase additional pension subject to a minimum amount. Further information: <https://www.teacherspensions.co.uk/>

9. Data Protection

When an employee makes a request for leave of absence under this policy, the school will process any personal data collected (including written records of meetings held under this process) in accordance with its data protection policy. In particular, the school will only record personal information required to deal with the employee's request for leave of absence and keep this information only for as long as necessary to deal with the request. Data collected as part of a leave of absence request is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to leave of absence requests.

On the conclusion of the process, data collected will be held in accordance with the school's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

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Appendix 1 Table of family related leave

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
<p>Adoption Leave</p>	<p>Subject to meeting the relevant qualifying conditions and notice requirements employees who have been newly matched with a child for adoption by an approved adoption agency and who will be the primary adopter are entitled to 26 weeks ordinary adoption leave followed by up to 26 weeks additional adoption leave. The secondary adopter may be entitled to paternity leave and/or shared parental leave.</p> <p>The employer and employee can also agree to up to a maximum of 10 days paid 'keeping in touch' days during the period of adoption leave for the primary adopter.</p> <p>Employees who are local authority foster parents and also approved as prospective adopters and who have a child placed with them in a "foster to adopt" situation will be entitled to adoption leave if they are the primary adopter.</p> <p>Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy situation may be entitled to adoption leave (primary adopter) and/or paternity/shared parental leave (secondary adopter) subject to meeting the eligibility criteria.</p>	<p>Statutory. Mandatory notice requirements apply.</p>	<p>Statutory - paid/unpaid subject to qualifying conditions.</p> <p>Eligible employees may also be entitled to contractual adoption pay.</p>	<p>Employees should contact the office for more information Manager/Admin – see adoption/shared parental leave toolkit</p>

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Pre-Adoption Meetings	<p>Adopters have a statutory right to time off to attend pre-adoption meetings. The purpose of the request for time off must be to meet with a child/children matched for adoption with the employee or for another purpose connected to the adoption.</p> <p>The entitlement is to paid time off to attend up to five meetings for the 'primary' adopter. The 'secondary' adopter is entitled to unpaid time off to attend up to two meetings. Employees are encouraged to arrange appointments outside their working hours wherever possible.</p> <p>There is no statutory right to further pre-adoption leave but requests may be considered on a discretionary basis.</p>	Statutory – time off should not exceed 6.5 hours per appointment.	Statutory paid (primary adopter)/unpaid (secondary adopter) Pay is discretionary if any further leave is approved.	Employees should contact the office for more information. Manager/Admin – see adoption toolkit
Ante-natal Care (for pregnant employees)	All pregnant employees have a statutory right to reasonable paid time off work for ante-natal care but are encouraged to arrange appointments outside of their working hours wherever possible. Antenatal care may include relaxation and parent-craft classes if they have been recommended by a doctor or midwife.	Statutory – reasonable time off	Statutory – paid	Manager/Admin – see maternity toolkit

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Ante-natal Care (requests for time off made by fathers to be/ partners and nominated carers)	<p>All employees in a qualifying relationship with a pregnant woman or her expected child (including spouse, civil partner and person in a long term relationship with the pregnant woman) are entitled to take time off during their working hours in order to accompany the woman to two ante-natal appointments. The appointments must be made on the advice of a registered medical practitioner, midwife or registered nurse.</p> <p>Employees who intend to apply for a parental order and expect to become the child's legal parents in a surrogacy situation have the right to unpaid time off work to accompany the birth mother to up to two antenatal appointments.</p> <p>Any time off requested to attend further ante-natal appointments will be at the discretion of the employer.</p>	Statutory – two appointments not exceeding 6.5 hours per appointment	<p>Statutory – unpaid</p> <p>Pay is discretionary</p>	Manager/Admin – see maternity toolkit
Parent craft and routine antenatal classes	Requests to attend parent craft classes or routine antenatal classes which have not been specifically recommended by a doctor or midwife (see ante-natal care above) and which cannot be arranged for outside normal working hours may be considered at the discretion of the employer.	Time off is discretionary	Pay is discretionary	Manager/Admin – see maternity toolkit
Bereavement leave/Time off to attend funerals	<p>Parental Bereavement Leave with effect from 6th April 2020 is available for eligible parents.</p> <p>Requests for time off due to bereavement and to attend a funeral in other circumstances will be considered on a discretionary basis.</p> <p>NB: “time off in consequence of death of dependent” to make necessary arrangements is covered by time off for dependents leave.</p>	<p>1-2 weeks within 56 weeks of child’s death</p> <p>Time off is discretionary</p> <p>Statutory – reasonable time off</p>	<p>Statutory pay subject to qualifying service and earnings</p> <p>Pay is discretionary</p>	<p>Parental Bereavement Leave Guidance available</p> <p>See Time off for dependents guidance</p>

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Child care (time off to make alternative child care arrangements)	<p>Time off to set up alternative care arrangements when a child's normal carer is suddenly unable to provide care or when normal childcare arrangements are not available is covered under time off for dependents.</p> <p>NB the statutory right does not include a right to time off to provide care beyond a reasonable amount necessary to deal with the immediate crisis.</p>	<p>Statutory – reasonable time off to deal with the emergency</p> <p>Any time off beyond immediate crisis - discretionary</p>	<p>Pay is discretionary</p> <p>Pay is discretionary</p>	See time off for dependents
Time off for Dependants	<p>Employees have a statutory right to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. The emergency must involve a dependent of the employee.</p> <p>A dependent is defined as the employee's parent, wife, husband or partner, child, or someone who lives as part of the family, but not the employee's tenant, lodger or boarder.</p> <p>It also includes someone for whom the employee is the main carer. In cases of illness, injury or where care arrangements break down, a dependent may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.</p> <p>NB the statutory right does not include a right to time off to provide care beyond a reasonable amount necessary to deal with the immediate crisis.</p>	<p>Statutory – there is no set period and the length of leave authorised will depend on individual circumstances and leave for this reason may be offered in addition to other discretionary leave.</p>	Pay is discretionary	

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Domestic crisis / damage to property	In exceptional circumstances it may be necessary and unavoidable for an employee to request leave to deal with a domestic crisis (which may include serious damage or disruption to property).	Time off is discretionary	Pay is discretionary	
Elder Care	Requests for time off to deal with unexpected emergencies to care for an elderly person who is an immediate family member or other elder dependent cared for by the employee is covered under time off for dependents. NB the statutory right does not include a right to time off to provide care beyond a reasonable amount necessary to deal with the immediate crisis.	Statutory – reasonable time off Any time off beyond immediate crisis - discretionary	Pay is discretionary Pay is discretionary	See time off for dependents
Fertility Treatment	Each request will be considered individually in the context of the particular circumstances.	Time off is discretionary	Pay is discretionary	For support staff on LG conditions see Green book – this recommends reasonable time off arrangements for employees undergoing fertility treatment.
Foster Care	Requests for leave by foster carers to attend meetings and/or attend training commitments may be considered on a discretionary basis. Foster carers who are also approved as prospective adopters may be entitled to adoption leave (and to attend pre-adoption meetings), if they have a child placed with them in a “foster to adopt” situation and they will be the primary adopter.	Time off is discretionary Statutory – subject to meeting the qualifying conditions.	Pay is discretionary Statutory - paid/unpaid subject to qualifying conditions. Eligible employees may also be entitled to contractual adoption pay	Manager/Admin for further information on foster to adopt arrangements see adoption toolkit.

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Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Graduation of child/partner	Requests for leave to attend the graduation ceremony of a child/partner will be considered on a discretionary basis.	Time off is discretionary	Pay is discretionary	
Illness/Injury of family members	Requests for leave due to the illness or injury of family members (outside the statutory right to reasonable unpaid time off to care for dependents) may be considered by the Headteacher, on a discretionary basis.	Time off is discretionary	Pay is discretionary	
Maternity Leave	<p>Subject to meeting the relevant qualifying conditions and notice requirements employees are entitled to 26 weeks ordinary maternity leave followed by up to 26 weeks additional maternity leave.</p> <p>The employer and employee can also agree to up to a maximum of 10 days paid 'keeping in touch' days during the period of absence.</p>	Statutory. Mandatory notice requirements apply.	<p>Statutory - paid/unpaid subject to qualifying conditions</p> <p>Eligible employees may also be entitled to contractual maternity pay.</p>	<p>Employees should contact the school office for more information</p> <p>Manager/Admin – see maternity toolkit</p>
Maternity Support Leave (support staff on LG conditions)	Maternity support leave of 5 days shall be granted to the child's father or partner or nominated carer of an expectant mother at or around the time of birth.	5 days – mandatory for staff on Local Government conditions of service	Pay is mandatory due to Local Government conditions of service	Manager/Admin – see maternity toolkit
Maternity Support Leave (teaching staff and other staff not on LG conditions)	There is no entitlement to maternity support leave for teaching staff although requests for leave from the child's father or partner or nominated carer of an expectant mother at or around the time of birth may be considered on a discretionary basis.	Time off is discretionary	Pay is discretionary	Manager/Admin – see maternity toolkit

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Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Parental Leave	The right to parental leave entitles all eligible employees who have completed one year's qualifying service to take a period of unpaid leave to care for each child under 18 years of age. Parental leave is for parents, adoptive parents and guardians to care for their children. Parental leave must normally be taken in blocks of one week.	Statutory - 18 weeks in total for each eligible child. Mandatory notice requirements apply.	Statutory – unpaid	Manager/Admin – see parental toolkit
Paternity Leave (See also Maternity Support leave above)	<p>Paternity leave is available for eligible fathers/partners and adoptive fathers/partners. The provisions extend to an adoptive mother or the partner of an adoptive father, who may take paternity leave if the other partner chooses to take any entitlement under the statutory adoption leave provisions.</p> <p>Additional Paternity Leave (NB only applicable for parents of children born or adopted on or before 4th April 2015 – parents of children born or adopted on or after 5th April 2015 may be eligible for Shared Parental Leave – see below). Subject to meeting the relevant qualifying conditions and notice requirements employees are entitled to up to 26 weeks Statutory Additional Paternity Leave for a child born after 3 April 2011 if the partner has returned to work.</p>	<p>Statutory - up to 2 consecutive weeks leave for each pregnancy or adoption (regardless of number of babies born or children adopted)</p> <p>Statutory (if eligible)</p>	<p>Statutory paid (2 weeks SPP or 1st weeks full pay Mat. Support Leave 2nd week SPP)</p> <p>May be entitled to receive Additional Statutory Paternity Pay</p>	<p>Employees should contact the school office for more information Manager/Admin – see paternity toolkit</p> <p>Employees should contact the school office for more information Manager/Admin – see paternity toolkit</p>
Shared Parental Leave (SPL)	<p>Parents of children born or placed for adoption after 5th April 2015 may be eligible to take SPL, subject to meeting eligibility and notice requirements. SPL is available where the mother/primary adopter brings their maternity/adoption leave to an end early (at any point after the initial 2 week compulsory period of leave) and then parents decide how to apportion the remaining weeks of pay and leave between them.</p> <p>SPL may only be taken during the year following birth/adoption placement.</p>	Statutory – maximum of 50 weeks leave (less any period of maternity/adoption leave already taken) may be used as shared parental leave, subject to meeting eligibility criteria	Statutory – paid/unpaid subject to qualifying conditions	Manager/Admin – see Shared Parental Leave toolkit

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Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Surrogacy	<p>An employee acting as surrogate mother is entitled to maternity leave subject to meeting the eligibility criteria.</p> <p>An employee taking parental responsibility for a child born by a surrogate is not entitled to maternity leave but may be entitled to adoption leave and/or shared parental leave subject to meeting the eligibility criteria.</p> <p>Employees who are intended parents by virtue of a surrogacy arrangement are entitled to unpaid time off to attend up to 2 ante-natal appointments of the surrogate not exceeding 6.5 hours per appointment (see ante-natal care above).</p>	<p>Statutory subject to meeting eligibility criteria</p> <p>Statutory subject to meeting eligibility criteria</p> <p>Statutory</p>	<p>Statutory - paid/unpaid subject to qualifying conditions</p> <p>Statutory - paid/unpaid subject to qualifying conditions</p> <p>Statutory - unpaid</p>	<p>Manager/Admin – see maternity toolkit</p>

Appendix 2 Table of health related absence

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid
Blood Donors	Subject to operational requirements employees may request reasonable time off on a discretionary basis.	Time off is discretionary	Pay is discretionary
Cancer Screening	For routine cancer screening (for example cervical cancer screening and breast examinations) employees should make all reasonable efforts to arrange appointments outside working time. Where this is not possible, or where the screening is non-routine, leave of absence will be granted for the purpose of attending such appointments.	Time off as and when – mandatory due to conditions of service for support staff (Green Book) Time off is discretionary for teachers.	Paid – mandatory due to conditions of service for support staff Pay is discretionary for teachers
Dental Treatment	For all routine dental appointments, employees should make all reasonable efforts to arrange appointments outside working time. If emergency or urgent treatment is required employees may request leave during the normal working day and such requests will be considered on a discretionary basis.	Time off is discretionary	Pay is discretionary
Elective surgery that is not medically necessary / recommended	<p>Employees who wish to undergo elective surgery that is not medically necessary / recommended should arrange such surgery (and any pre/post operation appointments) during school closure periods/periods of annual leave.</p> <p>They should ensure that they have enough time to recover before the start of term/end of period of annual leave.</p> <p>Leave of absence will not normally be granted although requests will be considered on a case by case basis. If, following elective surgery that is not medically necessary / recommended, the employee becomes medically unfit as a result of the surgery sickness absence provisions will apply.</p>	<p>Time off is discretionary</p> <p>Sickness absence in line with normal entitlements</p>	<p>Pay is discretionary</p> <p>Statutory and contractual sick pay entitlement will be payable where eligible.</p>

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid
Elective surgery that is medically necessary / recommended	Where the elective surgery is medically necessary / recommended normal sickness provisions will apply. Employees may be asked to provide evidence that the surgery is necessary / recommended.	Sickness absence in line with normal entitlements	Statutory and contractual sick pay entitlement will be payable
Medical appointments and treatment	All routine medical appointments and treatment should be arranged for outside the employee's normal working hours. If an emergency appointment or urgent treatment is required employees may request leave during the normal working day and such requests will be considered on a discretionary basis.	Time off is discretionary	Pay is discretionary

Appendix 3 Table of Public service and duties leave

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Court / Employment Tribunal Appearances	Employees who are required to attend court as a witness, juror or because they are pursuing a claim or are the subject of criminal proceedings must notify the school as soon as they receive the hearing date or a witness summons.	Time off is discretionary (except where a witness summons is produced by the employee when the employer should release the employee to attend the hearing)	Pay is discretionary	Employees may wish to contact the relevant court/tribunal to obtain information as to whether they may recover their travel and expenses.
Jury Service	All employees must be allowed to take time off for jury service. Under national conditions of service employees are entitled to receive paid leave of absence for jury service.	Statutory right to leave for the duration of jury service	Contractual - paid. Under LG and teacher terms and conditions paid leave, less the loss of earnings entitlement under the Juror's Allowance Regulations.	The employee and payroll will need to complete a loss of earnings form.

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Public bodies (service on) and public duties	<p>Justices of the Peace/Magistrates</p> <p>Members of a local authority/local councilors</p> <p>Members of a statutory tribunal e.g. an Employment Tribunal</p> <p>Members of a relevant health body/authority for example health trusts</p> <p>Members of a relevant education authority for example Maintained school or college Governing Body (i.e. School Governors) (n.b School Governors at Academies are not currently included in this right)</p> <p>Members of the prison independent monitoring boards</p> <p>Members of a panel of lay observers who monitor conditions for prisoners under escort and in court custody</p> <p>Members of Teaching Regulation Agency (formerly National College for Teaching and Learning)</p> <p>Members of the Environment Agency</p> <p>Members of Visiting Committees for the immigration detention estate</p> <p>Members of Visiting Committees appointed to monitor short-term immigration holding facilities</p>	<p>Statutory right to a “reasonable” amount of time off, to be agreed between the employee and employer beforehand.</p> <p>The amount of time that may be considered reasonable should be based on: How long the duties might take The amount of time the employee has already had off for public duties How the time off will affect the school/organisation Employers may refuse time off if they consider it is unreasonable</p>	<p>Contractual Paid leave.</p> <p>Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing school.</p>	<p>See references to Green Book and Burgundy Book for jury service (in section above) which also covers service on public bodies.</p>

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Reservists – time off for training	<p>Volunteer reservists (e.g. members of the Territorial Army) may request time off to carry out training. There is no statutory entitlement to time off for training. Employers may consider such requests on a discretionary basis.</p> <p>N.b Reservists who are mobilised must be given time off, unless their employer believes their absence would cause serious harm to their organisation. In these circumstances, employers have the right to seek exemption from it, or to defer or revoke the mobilisation.</p> <p>Employers may be eligible to claim expenses in respect of additional costs incurred whilst replacing a reservist (to a maximum of £110 per day). Employers may also be able to receive a payment of up to £500 per month for each full month a reservist is absent from work (pro-rated for parts of month and part time workers).</p>	Time off is discretionary	Pay is discretionary	<p>N.B All contracts of employment state that employees must not volunteer for service in HM forces without seeking prior approval from their employer.</p> <p>Further information on employing reservists can be found in our toolkit and on www.sabre.mod.uk</p>
Trade Union Representatives – requests for time off to act as a companion to another employee attending a disciplinary or grievance	Trade Union representatives have a statutory right to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing so long as they have been certified by their union as being capable of acting as a worker's companion. The right to time off only applies where the person being accompanied is employed by the same employer as the certified companion.	Statutory – “reasonable” time off	Statutory – paid	See ACAS Code of Practice - Time off for trade union duties and activities

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Trade Union Duties	<p>Employees who are elected union representatives of an independent trade union recognised by their employer for collective bargaining purposes are entitled to reasonable time off during working hours to carry out certain trade union duties.</p> <p>Duties are tasks undertaken by union representatives on behalf of the members, for example negotiating with the employer or organising elections.</p> <p>These duties must be on behalf of employees of the employer to be covered by the statutory right to paid time off.</p>	<p>Statutory entitlement to “reasonable” time off to carry out trade union duties.</p> <p>When considering what is reasonable, employers need to balance the right that the union representatives have to conduct their duties with the need for the efficient running of the school.</p>	Statutory – paid	See ACAS Code of Practice - Time off for trade union duties and activities
Trade Union Activities	<p>Employees who are members of an independent trade union recognised by the employer in respect of that description of employee are to be permitted reasonable time off during working hours to take part in any trade union activities.</p> <p>Activities include (but are not limited to) actions taken by members in relation to their union, for example voting in elections, meeting with union representatives and attending workplace meetings.</p>	<p>Statutory – “reasonable” time off to carry out their activities according to the agreements reached between the employer and the appropriate trade union.</p>	<p>There is no statutory right to payment for time off to carry out trade union activities.</p> <p>Any payment for time off to carry out Trade Union activities is at the discretion of the employer.</p>	<p>See ACAS Code of Practice - Time off for trade union duties and activities</p> <p>N.B. Academies who signed the TUC Model Agreement for Academies (Trade Union Recognition and Machinery for Consultation and Negotiation) 2010 should ensure they refer to this document.</p>

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Trade Union Learning Representatives	<p>Employees who are members of an independent trade union recognised by the employer can take reasonable time off to undertake the duties of a Union Learning representative, provided that the union has given the employer notice in writing that the employee is a learning representative of the trade union and the training condition is met.</p> <p>Union members are also entitled to reasonable time off for accessing the services of union learning representatives.</p>	Statutory – “reasonable” time off to carry out their duties/undergo training relevant to their functions as a Union Learning Representative.	Statutory – paid	See ACAS Code of Practice - Time off for trade union duties and activities

Appendix 4 Table of training related leave

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Time off to Train	<p>All employees who have worked for their employer for at least 26 weeks and whose employer has 250 employees or more (this right therefore applies to employees at Community and Voluntary Controlled schools where the employer is the Local Authority) have the right to request time off to undertake training which they believe will improve their effectiveness in their role and overall performance of the school/academy.</p> <p>Only one request may be made in any 12 month period.</p>	Discretionary - depends on the course requirements and operational needs of the school	Pay is discretionary – depends on the course and its benefits to the individual and the school	See time off to train information
Study Leave and Examinations	Leave may be requested for periods of study to prepare for examinations. The employee must notify the Headteacher /Principal as soon as possible of dates and reasons for leave.	Time off to study for exams is discretionary	Pay is discretionary	

Appendix 5 Table of other leave

Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Examination Board duties (release of teachers)	Request from teachers for leave of absence to carry out duties/activities connected with Examining Groups/Boards will be considered on a discretionary basis	Discretionary	Pay is discretionary	Burgundy Book Appendix II
Holiday (requests during term time)	<p>Requests from employees working less than 52.14 weeks for time off to go on holiday in term time will not normally be granted.</p> <p>For employees who work 52.14 weeks all requests for annual leave should be made in line with school procedure and appropriate notice must be given.</p>	Discretionary	<p>Discretionary</p> <p>Contractual paid leave</p>	All staff are entitled to paid annual leave. For those employees working less than 52.14 weeks annual leave is deemed to be taken during the closure periods and for 52.14 week support staff it is normally expected that holiday will be taken during closure periods.
Job-seeking and retraining in a redundancy situation	<p>An employee who is under notice of redundancy (and who has been continuously employed for 2 years by the date their notice period ends) can request reasonable time off with pay to look for another job or to arrange training.</p> <p>N.B The Redundancy Policy gives the right to reasonable time off for interviews to staff at risk of redundancy</p>	<p>Statutory – reasonable time</p> <p>Contractual (if adopted model redundancy policy)</p>	<p>Statutory – paid (n.b regardless of how much time off an employee takes for job hunting in any week, employers are only required to pay up to 40% of that week's pay.)</p> <p>Discretionary</p>	

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Type of Absence	Details of leave provisions	Statutory or Discretionary Leave	Paid / Unpaid	Further information
Interviews	If an employee not at risk of redundancy requests time off to attend an interview, this will be considered on a discretionary basis.	Time off is discretionary	Pay is discretionary	
Moving house	Employees should make all efforts to move house outside of their normal working hours. Where this is not possible or where an employee is moving to take up his/her post at the school/academy, sympathetic consideration will be given to considering a leave of absence request.	Time off is discretionary	Pay is discretionary	
Religious observance	<p>The employer recognises the importance of religious observance and will attempt to accommodate the needs of the employee, including for example, time away from work during the day for prayer or to accommodate periods of fasting.</p> <p>Employees whose religious duties are not covered by weekends or the current statutory bank holidays may request time off for religious festivals.</p>	Time off is discretionary	Pay is discretionary	
Weather – severe conditions	<p>Where severe weather conditions prevail, employees are expected to make every effort to attend work, using alternative modes of transport where necessary.</p> <p>Where an employee, arrives at work late and/or has to leave work early as a result of the conditions, this will normally be treated as a normal full working day (unless otherwise notified).</p> <p>Employees who are genuinely unable to attend work should wherever possible and with the agreement of the Headteacher /Principal work from home or request leave of absence which will be considered on a discretionary basis.</p>	Time off is discretionary	Pay is discretionary	

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