



Leave of Absence Policy & Procedure

St. Aidan's Catholic Primary School

LEADER / CO-ORDINATORS	Mrs J M Farrimond Mrs V Barker
Link to SIP	Priority 1 and 3

‘Trust in the Lord with all your heart and do not lean on your own understanding; in all your ways, acknowledge Him and He will make your paths straight.’
Proverbs 3:5-6

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This Leave of Absence policy and procedure have been developed for all Wigan Schools and Academies that purchase the HR Services of Wigan Council under a Service Level Agreement.

Further information and documents referred to within this policy can be found in the Employment Handbook for Schools on the intranet.

1. Introduction

The school recognises that there are occasions when a member of staff may require time off work during term time for reasons other than sickness absence.

This document will set out not only the process by which staff can make a request for leave of absence, but also outlines the circumstances in which leave of absence might be appropriate.

2. Purpose

This policy has been produced to provide a framework through which Governors and Headteachers can manage employee attendance in a way that balances the needs of individual employees with the needs of the school, in ensuring the school is able to deliver high standards of teaching and learning.

3. Scope

This policy applies to school based employees, whether or not they are employed on National Joint Council (NJC) terms and conditions or School Teachers Pay and Conditions (STPCD).

It excludes agency workers, supply staff, contractors and external consultants.

4. Responsibilities

4.1 Governing Body/Headteacher

Authorisation for time off in accordance with this policy is the responsibility of the Governing Body and/or the Headteacher and is made clear throughout the guidance.

In the case of applications from all employees (excluding the Headteacher) it is recommended that the Governing Body delegates the responsibility for decision making to the Headteacher and requests a report on leave of absence granted at appropriate intervals. This will be delivered within the termly Headteacher's Report to Governors. In the case of the Headteacher it is recommended that the responsibility is delegated to the Chair of Governors.

The Governing Body/Headteacher can choose to set out the discretions to be applied by school in relation to this policy in **Appendix 2**. Where these discretions



are not explicitly stated, the Governing Body/Headteacher is responsible for ensuring that discretions are applied consistently and fairly.

The Governing Body/Headteacher is also responsible for ensuring that this policy is in compliance with legal requirements (e.g. Equality Act 2010).

The Headteacher is responsible for ensuring that any adjustments to pay are notified to the relevant payroll provider.

4.2 Employees

All employees will be expected to minimise the amount of leave of absence they apply for during term time due to the impact and disruption that this can cause to the teaching and learning of pupils. The priority must be on ensuring continuity, and on maintaining standards of service during term time.

Where an employee does not work term time and has an annual leave entitlement, consideration should be given to utilising this in the first instance (where applicable) rather than submitting a leave of absence request.

It is the responsibility of employees to ensure that arrangements for attendance at for example, routine medical appointments, are made outside of contractual school working hours.

Staff are required to provide as much notice as is reasonable practicable in relation to leave of absence requests.

In emergency/urgent situations, where there may be little time for the employee to give notice of a request, it is expected that reasonableness will prevail, and it is recognised that the basis of the time off may have to be clarified after the event. Where an employee is unhappy with a decision made in such cases, he/she may submit any appeal after the event.

4.3 HR & OD Services

HR & OD Services are responsible for providing advice and guidance to the Governing Body, Headteacher and staff regarding the application of this policy in order to ensure it is applied fairly and consistently.

5 Procedure

- 5.1 Requests for leave of absence should be made in writing or by completing the leave of absence application form which can be seen in **Appendix I** to the Headteacher giving as much notice as possible. However it is recognised that some situations (e.g. bereavement) cannot be foreseen. In this case the request should be submitted retrospectively as soon after the event as



practical. A summary of all types of leave of absence for which an employee can apply can be seen in **Appendix 2**. (Note: a word version of the application form, **Appendix 1**, is available on the Employment Handbook for Schools on the intranet.)

- 5.2 The Headteacher will review the application and inform the employee of the decision as soon as is reasonably practicable, including details of what the employee can do if they are dissatisfied with the decision.

When reaching a decision the Headteacher will consider:

The employee's duties

The amount of leave requested

How much time has already been taken as leave of absence by the employee

Whether the needs of the school can be maintained during the absence

Whether suitable and appropriate cover is available (if applicable)

The impact on other work colleagues

The need for consistency in the treatment of all employees

The requirement to treat employees without discrimination and the effect refusal could have on the applicant.

Whether there is a legal entitlement to the time off requested

- 5.3 When considering a leave of absence request the Headteacher will use their discretion to determine if the leave of absence period is going to be granted or not and if the period will be on a paid or unpaid basis unless stated otherwise within this document (i.e. where there is a legal right). The specific discretions that will be applied by this school may be outlined within **Appendix 3** (a word version of which is available on the Employment Handbook for Schools on the intranet).
- 5.4 If the request for time off is refused, the Headteacher will provide, if requested by the employee, a full explanation of the reasons for this, along with details of any alternative leave arrangements that the school might be able to accommodate. Written confirmation of the reasons for refusal will be provided where requested by the employee.
- 5.5 If an employee is dissatisfied with the outcome of any decisions relating to a request for leave of absence they have the right to appeal, as set out within this document.
- 5.6 Where the leave is paid, the employee will receive their normal salary payment including all regular contractual payments.
- 5.7 Where the leave of absence is unpaid, employees and Headteachers should be mindful of potential pension implications and associated costs.
- 5.8 A record will be maintained within school of all leave of absence requested and taken and this will be reported to the Governing Body at appropriate intervals. This will be delivered within the termly Headteacher's Report to Governors. This record will include an accumulated number of days taken per employee during the academic year.



6 Types of Leave

The following list of examples is not exhaustive, and leave of absence in circumstances not outlined in this section may be granted. As with the granting of any leave of absence, this will be at the discretion of the Headteacher.

All amounts stated below are pro rata for part time employees.

For the purposes of applying a maximum approval for leave of absence requested, the academic year will be used commencing on 1st September and finishing on 31st August.

This document does not cover adoption leave, maternity leave, paternity leave, maternity support leave, ante-natal care, sickness and trade union duties. Please refer to relevant policies contained within the Employment Handbook for Schools.

6.1 Court Attendance

An employee who has been issued with a summons to attend court as a witness is legally required to attend, and therefore time off (as required) should be granted. The employee will be paid during this absence but is required to make claims for any witness expenses which they must declare to the school (who will notify the HR Employment Service Centre or chosen payroll provider) to enable any salary adjustments to be made.

An employee who attends court on a voluntary basis as a witness can request time off. Consideration of such requests will take into account the circumstances of the case and whether attendance would benefit the employee (eg. child custody). The Headteacher has the discretion to determine whether any leave approved in this situation is paid or unpaid.

6.2 Elections Duties

Paid time off can be granted for employees who are carrying out election duties for Wigan Council at the discretion of the Headteacher.

6.3 Examination Leave

Time off for examinations would normally only be granted in situations where the employee is receiving financial and/or time support from the school for that programme of study i.e. where the qualification is linked to their job roles/responsibilities or continuing professional development. It applies to examinations that have to be sat during working days. It is at the Headteacher's discretion as to whether such leave is granted and whether it is paid or unpaid, but time off will be limited to the time of the examinations.

It does not apply to driving tests (times for which can be selected) or for the written papers (which can be taken during evenings), unless this is an integral requirement of that person's work.

In situations where employees are undertaking a programme of study that is not financially or time supported, but that requires sitting an examination in work time, the Headteacher may



wish to exercise discretion to grant leave of absence providing the qualification will enhance the employee's professional development as a member of the school employees.

6.4 External Examiner/Verifier or Moderator

For those employees who act as an external examiner/verifier or moderator, up to two days leave can be granted for marking and between 12 and 15 days can be granted for a Chair of Examiners. It is at the discretion of the Headteacher whether these days are paid or unpaid.

It should be possible to plan such absences well in advance to cause minimum disruption.

As fees are normally paid for this work, it is recommended that where absence is approved with pay, any fees other than for work done outside of directed time, should be paid back to the school.

6.5 Fertility Treatment

Whilst there is no legal right to paid time off for fertility treatment, it is recognised that undergoing fertility treatment may be stressful and an individual may need support during this time. As such, the Headteacher may grant up to five days' paid leave within each academic year for an employee to attend appointments relating to their fertility treatment (this is reduced for part time employees in line with their weekly hours).

For any staff who have an annual leave entitlement that can be taken at times other than school closure periods, any time off will be split in half. That is, half must be taken as annual leave and half as paid time off. This would give a maximum of five days' paid time off under leave of absence and five days off under their annual leave entitlement, reduced for part-time employees.

Employees must have at least 26 weeks' continuous service with school at time of the first medical appointment in connection with fertility treatment to qualify for the paid time off.

6.6 Guest Lectureship and Consultancy

An employee may be invited to speak publicly on a particular subject. It is at the discretion of the Headteacher whether any leave is to be granted (paid or unpaid).

Employees should notify the Headteacher well in advance of the event along with details of what this will involve and what fees are payable.

Consideration should be given to whether the school will benefit from allowing attendance at such an event. Sometimes payment can be made in the form of equipment or resources for the school. Where the employee prepares for the occasion and travels in their own time, it would not be unreasonable to allow some remuneration earned to stay with the employee, in recognition for the work done. A split between the employee and the school should be considered.



6.7 Interview Leave

A maximum of five days' paid leave may be granted for attendance on job interviews. Additional leave (paid or unpaid) above these limits is at the Headteacher's discretion.

It is recognised that Headship and Management appointments can typically take between two to three days and this should be considered as part of any further requests for leave.

In addition, as part of the application process, employees may be required to attend a school observation visit. Time off for such visits can also be considered as part of the maximum five days' paid leave referred to above.

If an employee's absence is excessive and becomes unreasonable and/or unmanageable, then it would be appropriate to bring to his/her attention and ask the employee to be more selective in their applications.

Those staff that are under notice of redundancy have a legal right to reasonable time off to look for alternative work (which may include attendance at interviews). Please refer to the organisational change policy or redeployment policy for further information.

6.8 Jury Service

Under the Juries Act 1974 individuals may be required to go on jury service (subject to certain conditions).

Employees may apply to court to be excused from jury service. Such a request may be on the grounds that their absence from work would likely to have a serious effect on the running of the school.

There is no statutory duty for the Headteacher (or Governing Body) to grant this time off but in practice they have no choice but to do so, since a refusal to grant time off for jury service would constitute contempt of court.

Whilst there is no requirement for the school to pay employees whilst they are absent due to jury service, absence for jury service will be paid.

The Headteacher must ensure that the employee is aware of their requirement to complete a 'Certificate of Loss of Earnings' which they should get with the letter confirming their jury service. The employee must forward this form to the HR Employment Service Centre (or chosen payroll provider) who will communicate to the employee the steps they need to take to ensure full and correct allowances and entitlements are received by the employee.

6.9 Medical Appointments

Employees may request time off for medical appointments as follows:

Routine appointments

Routine appointments such as GP, dentist and optician appointments should be made outside of an employee's normal school-working hours.



Non-Routine Appointments

For non-routine appointments, such as emergency dentist appointments, hospital out-patient appointments/ treatment or NHS physiotherapy appointments, employees should make every effort to arrange appointments outside of their school working hours.

Where this proves impossible the employee must request the time off and provide proof of appointment prior to the appointment. In such cases, the employee will be granted up to three hours' paid time off for the appointment. Where more than three hours is required for the appointment, subject to agreement, the school may grant additional unpaid time.

If an employee needs to attend a medical appointment related to a disability and is covered by the Equality Act (2010), the leave will be classified as disability leave and a manager will consider what is reasonable time off to attend.

An outpatient appointment is not normally recorded as sick leave. However, if an employee is admitted to hospital, or cannot attend work due to sickness following a hospital procedure, this is recorded as sick leave.

Please note that time off in such circumstances relates only to the employee's own appointments i.e. it would not cover attendance at a dependant child's hospital appointment.

Evidence of the appointment should be provided with the application for leave of absence.

Ongoing Treatment

For ongoing regular treatment, the individual circumstances of each case must be considered. Other than exceptional circumstances this is unpaid if the appointments cannot be made outside of the school day. Options may include the use of annual leave (where the employee has a leave entitlement that can be taken at times other than school closure periods), allowing the employee to credit the time, unpaid leave, reduced working week, adjustment of work patterns etc. Adjustments may be for a temporary or permanent period according to need and the school's ability to support the option. Please refer to the Sickness Absence Management Policy for further guidance.

If an employee needs to attend a medical appointment related to a disability and is covered by the Equality Act (2010), the leave will be classified as disability leave and a manager will consider what is reasonable time off to attend. Please refer to the Schools Disability and Reasonable Adjustments Guidance within the Sickness Management Policy for further information.

6.10 Non-regular forces or Territorial Army

Whilst there is no requirement to allow time off for training for staff who are in non-regular forces or the Territorial Army, the school will grant up to two weeks' paid time off for the annual camp where it is not possible to arrange a camp in school holidays.

With regards to a reservist who is called up for service (known as mobilisation), they will usually get 28 days' notice (although they may receive less notice if they are needed urgently). An employee in this situation is required to inform the Headteacher as soon as possible when they know they are being mobilised.



Whilst the school doesn't pay salary or pension contributions during mobilisation, there is financial assistance that both the employee and the school (as employer) can claim. Further information is provided by the Ministry of Defence at the point of mobilisation.

It is possible to apply to cancel or delay mobilisation if this would seriously harm the ability of the school to provide its services. In such circumstances you are advised to take advice from HR & OD Services.

6.11 Parental Leave

Parents have the statutory right to time off **without pay** during a period of their child's life.

The Headteacher will consider applications from any employee who is a parent of a child up to 18 years of age, regardless of their length of service, and from any parent, step-parent, adoptive parent, or foster carer. This is in addition to any rights to maternity, paternity and adoption leave.

The statutory entitlement is up to 18 weeks' leave for each child and adopted child. The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless agreed otherwise).

This policy provides more flexibility than statutory entitlements in terms of eligibility criteria and how and when the leave can be taken. A request will be considered in whole week blocks, days or weeks, regardless of the circumstances. Staff do not have to take all the leave at once.

Requests will also be considered for leave in hours, for example, a temporary reduction in working hours or a change in work pattern. Applicants are required to give at least 21 days' notice prior to taking this leave. Schools have the right to postpone the leave for up to 6 months if the employee's absence would be unduly disruptive, save in certain circumstances (notably a father seeking leave in addition to paternity leave, following the birth of his child).

Members of the Local Government Pension Scheme must make contributions if the unpaid leave is for a period of up to 30 days. If the unpaid leave is for a continuous period of more than 30 days, the employee can choose to make contributions or not. Any unpaid leave for members of the Teacher's Pension Fund will be non-pensionable.

6.12 Public Duties

Staff have a statutory right to reasonable time off (without pay) for undertaking public duties. However, at the discretion of the Headteacher the school can grant up to a total of 18 days' paid leave each academic year for public duties if they are:

a magistrate (also known as a justice of the peace)

a local councillor

a school governor - with a maximum of up to five days paid for this particular duty (of the total 18 days) or the equivalent number of hours but only if these duties are carried out within a Wigan school. They would otherwise be unpaid.

a member of any statutory tribunal (e.g. an employment tribunal)

a member of the managing or governing body of an educational establishment

a member of a health authority



a member of the General Teaching Councils for England and Wales
 a member of the Environment Agency
 a member of the prison independent monitoring boards (England or Wales)

Additional leave, paid or unpaid, above these limits is at the Headteacher (or Governing Body)'s discretion.

See also Jury Service which is a public duty.

6.13 Religious Observance

Whilst there is no legal requirement to provide time off for religious or belief observance, an employee may request leave of absence in order to celebrate key religious festivals or attend ceremonies (not including wedding ceremonies) of up to three days' unpaid leave per academic year.

All requests should be considered sympathetically taking into account whether the request is reasonable and practical. This can be achieved by discussing the request with the employee(s) in an attempt to reach a mutual agreement.

It is important in all cases to ensure that the criteria for deciding whether to approve or decline the request is not directly or indirectly discriminatory.

In making decisions about leave of absence for religious observance, the Headteacher (or Governing Body) should take care not to disadvantage those workers who do not hold any religion or belief, or who hold a different religion or belief to the employee(s) who are requesting leave.

6.14 Special Leave (includes Bereavement)

Special leave can be granted in the circumstances set out below. Any paid special leave is limited to a total of six days per academic year.

Reason for Absence	Maximum Number of Days for the Type of Absence
<p>Time off for dependants: Employees have a legal right to reasonable unpaid time off during working hours for dependants, this time off is intended to deal with unforeseen matters and emergencies.</p> <p>A dependant is defined as a spouse, child, parent, and a member of the household or elderly neighbour who is dependent on an employee for their care. It does not include tenants, lodgers or boarders.</p> <p>Situations would include:</p>	<p>The Headteacher (or Governing Body) has the discretion to determine whether any leave approved in this situation is paid or unpaid.</p> <p>There is no set amount of time allowed to deal with an unexpected event involving dependant - it will vary on the event, but for most cases one or two days should be sufficient.</p> <p>School allows one single day, paid for a single sickness, to allow employees the opportunity to address the issue and make further arrangements. This is to a maximum of three days in one academic year. Any further days</p>



<ul style="list-style-type: none"> • a dependant falling birth, or is injured • arrangements for care are unexpectedly interrupted / terminated, for example, childminder is taken ill • dealing with an unexpected incident which involves a child of an employee whilst they are in the care of an educational establishment. 	<p>within the single absence, or 'day 1' following three days taken, will be considered but as unpaid.</p> <p>When considering requests for the leave, the Headteacher (the Governing Body) should consider the availability of other appropriate carers within the family unit.</p> <p>School permits one paid day of leave per sickness absence to enable employees to address the illness and make any necessary arrangements. This entitlement is limited to a maximum of three paid days within an academic year. Any additional days taken as part of the same sickness absence, or any further first day of sickness once the annual limit of three paid days has been reached, may be approved but will be unpaid.</p> <p>Headteachers should on an ongoing basis monitor the numbers of days' leave (paid or unpaid) taken by employees to ensure that this is not excessive.</p>
<p>Time off for employees who are: applying to become foster carers; or are approved foster carers and have a child in placement (or have had a child in placement for 75 percent of the previous 12 months) or are a family and friends carer.</p> <p>The above applies regardless of whether the placement is within or outside of the Wigan borough.</p>	<p>Up to four days' paid leave for employees applying to become foster carers; of which up to three days is for training and assessment and up to one day for panel approval.</p> <p>And for approved foster carers: up to five days' paid leave for approved foster carers to attend review meetings or training.</p> <p>The time off is per rolling 12 month period, commencing with the date of the first occasion of leave, but will also need to comply with the limit of six days' special leave per academic year.</p> <p>Requests of time off must be discussed and approved in advance with the Headteacher. Requests will be considered in an individual basis and approved, subject to operational requirements.</p>
<p>Very sick/terminally ill child or close elderly relative dependent upon the employee for daily care or living needs</p>	<p>Up to two days' paid leave can be agreed to make arrangements for ongoing care.</p> <p>Up to a further 30 days' unpaid leave can be requested (see also Dependant's Leave).</p>
<p>Hospital appointment of a child or close elderly relative dependent upon the employee for daily care and living needs</p>	<p>Paid leave for initial appointment (up to three hours).</p>



	Any additional leave request may be paid or unpaid depending upon the discretion of the Headteacher - any additional paid leave should only be up to a maximum of six days.
Death of a close family member. A close family member would include a spouse or partner, child or parent of the employee. A grandparent who has had responsibility for the employee's upbringing may also be included.	Up to six days' paid leave including the day of the funeral.
Death of a close friend	Up to one day's paid leave to attend the funeral.
Where a member of staff is appointed as executor of the will of any of the above-mentioned and is required to make all the necessary arrangements for the funeral, or have a long distance to travel to the funeral	Up to six days' paid leave (if this has not already been granted on account of the death).
Other personal domestic reasons as they occur. For example, if an employee is unable to arrange a house move on the weekend or during the holiday period, the Headteacher (or Governing Body) may wish to grant up to 1 day's special leave in such cases.	The Headteacher may wish to exercise their discretion to grant unpaid special leave in such circumstances.

Each case should be considered on its merits. In the case of a bereavement, consideration should be given to the existence of other relatives to assist with funeral arrangements, closeness of family and relationship and circumstances of the bereavement.

6.15 Sports Representation

Employees can request time off if they have been asked to represent their country, county, region or town in a sporting activity.

The Headteacher (or Governing Body), with the involvement of the local authority (excluding academies) can determine whether and how much leave of absence should be granted in such circumstances, and determine whether this should be paid or unpaid.

7 Appeals

An employee who is unhappy with the decision taken by the Headteacher can put their complaint in writing to the Governing Body within 10 working days of communication of the decision regarding their leave of absence application.

A panel of at least three Governors will consider the complaint and the Headteacher's reasons for not approving the request. Both the employee and Headteacher will be given the opportunity to explain their case to the panel. The meeting will follow the protocol for a



hearing Please refer to **Appendix 4**. The Governors' decision will be final although they may ask the employee and Headteacher to seek alternative solutions and to re-present them to the panel for consideration.

In the case of Headteachers, requests will be considered by the Chair of Governors. If the Headteacher is unhappy with the decision made, any complaints should be put in writing and referred to the Governing Body for consideration (in accordance with the process set out above).

8 Funding of Leave of Absence

Some types of leave of absence can be funded from de-delegated monies through the public services budget (excluding for academies).

9 Data Protection

Where the Council provides HR support to schools, and in this connection may therefore hold personal information about staff in schools, the Council holds that information in accordance with the General Data Protection Regulation (GDPR).

The school also holds personal staff data in line with the GDPR, as set out in the Data Privacy Primary Notice and Recruitment and Employment Privacy Notice. Further information on GDPR is available from the school.

10 Further Information

Information is available on the Employment Handbook for Schools, which is located on the Wigan Intranet page, with regards to other types of leave, including:

- Adoption leave;
- Maternity leave;
- Paternity leave;
- Maternity support leave;
- Ante-natal care;
- Sickness absence (includes Disability Leave);
- Trade union duties (see Facilities Agreement);
- Flexible working policy.

10.1 Leave of absence would not normally be granted for staff booking holidays during term time.

10.2 Where an employee submits a request for leave of absence, and this is refused, and the employee then subsequently takes those dates off unauthorised, or as sickness absence, this will be investigated in accordance with the disciplinary procedure and action taken as appropriate.



10.3 Where unpaid leave is granted under this policy, support employees should be aware that if unpaid leave taken in one leave year adds up to more than 4 weeks, their annual leave entitlement will be affected. For each month or part month's leave taken over the 4 weeks the employee will lose 1/12th of their annual leave entitlement.

Members of the Local Government Pension Scheme must make contributions for unpaid leave if it is for a period of up to 30 days. If the unpaid leave is for a continuous period of more than 30 days, the employee can choose to make contributions or not. Any unpaid leave for members of the Teacher's Pension Fund will be non-pensionable.

The Headteacher (or Governing Body) will be responsible for ensuring that the HR Employment Service Centre (or payroll provider) are aware of any pay adjustments required in respect of leave of absence.



Appendix I (Word version available in Employment Handbook for Schools)

Application For Leave Of Absence



PLEASE USE BLOCK CAPITALS

Employee Details							
Surname						First Name	
Employee Number (from your payslip)						Position Title	
School Name						School DFE No	
Directorate						Base	

PLEASE STATE NUMBER OF HOURS WORKED EACH DAY IN EACH JOB, IF MORE THAN TWO JOBS APPLY PLEASE USE AN ADDITIONAL SHEET.

Job Titles (Must be provided)	WORKING PATTERN (TEACHERS ONLY: PLEASE STATE AM, PM, FULL DAY OR HOURS TO BE DEDUCTED)							Total No Of Hours To Deduct In This Post
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
Job Title:								
Job Title:								

Dates of Absence		
First Date Absent	Last Date Absent	Reason For Leave

Support Staff only:
Pension – If absence is longer than 30 days please tick one of the following:
 I wish to pay pension contributions during unpaid absence.
 I do not wish to pay pension contributions during unpaid absence.
 I do not pay into the pension scheme.
If you decide to pay contributions for your unpaid absence then on your return to work a deduction for the full amount will be made from your first available pay.

For Completion by Headteacher/Chair of Governors	
Leave Recommended / Not Recommended (Delete as appropriate)	Leave With / Without payment of Salary (Delete as appropriate)

Employee Signature		
Signature	Name (Please Print)	
Contact Number	Date	
Certifying Officer (Please note you must be authorised as a certifying officer by your Headteacher/Chair of Governors)		
Signature	Name (Please Print)	
Position Title	Contact No	Date
HR Input Only	Input by	Date

Return to : (Add school email contact for leave of absence applications)

VERSION 1



Appendix 2 - Summary of Types of Leave of Absence

Type of Leave	Legal Requirement	Paid / Unpaid	Limits	Governing Body / Headteacher Discretions	Paragraph
Court Attendance	√ (if summoned)	Paid	No limit specified	Unpaid time off for voluntary witnesses	6.1
Election Duties		Paid	Day of Election only		6.2
Examination Leave		Paid / Unpaid	Time off for examination only	Paid - where the exam is linked/supports the employee's role within school	6.3
External Examiner / Verifier or Moderator		Paid / Unpaid	Up to 2 days for marking or up to 15 days for Chair of Examiners	Fees earned during directed time are to be paid back to school / time taken unpaid. Any costs to school are paid in full.	6.4
Fertility Treatment		Paid	Up to 5 days (a further 5 days can be taken as annual leave, if entitled)		6.5
Guest Lectureship and Consultancy		Paid / Unpaid	No limit specified	Number of days granted. Paid up to 2 days where any remuneration to be retained by school / cover costs covered. Or unpaid	6.6
Interview Leave		Paid	Up to 5 days	Additional unpaid leave above the limits specified	6.7
Jury Service	√ (subject to conditions)	Paid	Not specified	No statutory duty to grant time off but refusal to grant time off would be a contempt of court. Can apply for exception if the absence would likely have a serious effect on the running of the school.	6.8



Medical Appointments		Paid	Up to 3 hours for non-routine appointments	Additional time off above specified limits, unpaid Approval of disability leave	6.9
Non Regular Forces and Territorial Army (TA)		Paid	Up to 2 weeks if TA camp arranged during term time. No limit specified for Reservists	Whether to apply to cancel or defer mobilisation of a reservist when the needs of the school cannot be maintained during the absence.	6.10
Parental Leave	√	Unpaid	Up to 18 weeks	Granted unpaid time off when the needs of the school can be maintained during the absence.	6.11
Public Duties	√	Unpaid	Not specified	Paid up to 5 days - where the public duty is linked / supports the employee's role within school.	6.12
Religious Observance		Unpaid	Up to 3 days	Granted unpaid time off when the needs of the school can be maintained during the absence.	6.13
Special leave	√ (legal right applies to unpaid dependant's leave only)	Paid / Unpaid	Up to 6 days paid (defined limits within this depending upon nature of absence). No limit set on unpaid leave.	In the case of a very sick/terminally ill child or close elderly relative dependent upon the employee for daily care or living needs - grant up to a further 30 days' unpaid leave. In the case of dependants leave, this is unpaid. School permits one paid day of leave per sickness absence to enable employees to address the illness and make any necessary arrangements. This entitlement is limited to a maximum of three paid days within an academic year. Any additional	6.14



				days taken as part of the same sickness absence, or any further first day of sickness once the annual limit of three paid days has been reached, may be approved but will be unpaid. In the case of personal and domestic reasons, this is unpaid.	
Sports Representation		Unpaid	No limit specified	Granted unpaid time off when the needs of the school can be maintained during the absence.	6.15



Appeal Hearing Protocol

Chairs of appeal committees hearing appeals should ensure that all parties have a common understanding and agreement on the order of presentation.

Preliminaries

- a) Those present will be as follows:
- The appeal panel of at least 3 Governors will consider the complaint and the Headteacher's reasons for not approving the request (and HR Representative where applicable);
 - The Headteacher/ Chair of Governing body (in the case of the Headteacher) (and HR Representative where applicable);
 - to present the case for the decision.
 - Employee (and representative) - to present the case for the appeal
 - Witnesses called by either side or the appeal panel (not in the room until called)

Also present may be:

In the case of Community Schools, a representative for the Director of Children's Services (e.g. Wigan Council HR Representative, if not HR provider)

- b) The employee, representative, Headteacher/Chair of Governing Body (in the case of a Headteacher) who made the decision will enter the room together, when invited to do so by the panel.

The Appeal Hearing protocol

1. The Chair of the appeal panel introduces all parties, and outlines the procedure.
2. The employee, or their representative, will present the case for appeal. They may call witnesses.

Questioning of witnesses proceeds in the following order:-

- Employee and representative may question the witness;
- Headteacher/Chair of Governing Body (in the case of a Headteacher) who made the decision and HR Representative (if applicable) question the witness;
- Appeal Panel members/HR (if applicable) may question the witness;

Witnesses leave the room at the conclusion of their evidence and examination.

3. The employee, or their representative concludes their (case) presentation of the grounds for appeal.
4. The Headteacher/Chair of Governing Body (in the case of a Headteacher) who made the decision and HR Representative may seek clarification from the employee.
5. Members of the appeal panel and the Directors representative/HR (if applicable) may seek clarification from the employee.
6. The Headteacher/Chair of Governing Body who made the decision and HR Representative (if applicable) put forward the case for the decision.



They may also call other witnesses.

Questioning of witnesses proceeds in the following order:-

The Headteacher/Chair of Governing Body (in the case of a Headteacher) who made the decision and HR Representative (if applicable) question the witness;

Employee and representative may question the witness;

Appeal Panel members and Director's Representative/HR (if applicable) may question the witness.

Witnesses leave the room at the conclusion of their evidence and examination.

7. The Headteacher/Chair of Governing Body who made the decision/HR representative (if applicable) conclude the presentation of case for the decision.
8. The employee or representative may seek clarification from the Headteacher/Chair of Governing Body (in the case of a Headteacher) who made the decision/HR representative (if applicable).
9. The appeal panel and the directors representative/HR (if applicable) may seek clarification from the Headteacher/Chair of Governing Body who made the decision/HR representative (if applicable).
10. The appeal panel may choose to call any further witnesses that they determine necessary, and all parties will have an opportunity to question the witness.
11. The employee or representative is afforded the opportunity to summarise their case (no new evidence may be introduced).
12. The Headteacher/Chair of Governing Body/HR representative (if applicable) sums up (no new evidence may be introduced).
13. All retire from the room except the appeals panel and the Director's Representative (if applicable).
14. The appeals panel consider the evidence and determine whether to:
 - Uphold the appeal and therefore granting the request from the employee in full (or part).
 - Uphold the decision;
 - The Governors decision will be final although they may ask the employee and Headteacher to seek alternative solutions and to re-present them to the panel for consideration.
15. Before reaching a decision, the appeals panel may recall the parties to clarify points and/or adjourn for further consideration investigation if required.
16. The employee/representative and the Headteacher/Chair of Governing Body who made the decision /HR representative (if applicable) are invited to return and are informed of the decision. There is no further right of appeal. In some cases and with agreement, the decision may be conveyed via the telephone or in writing.
17. The decision is normally confirmed in writing within 5 school working days.