

Leave of Absence Policy

The school is committed to ensuring fair and reasonable practice in relation to employee leave of absence request for time off during term time. This policy aims to provide a framework for headteachers to consider leave of absence requests.

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Where the headteacher is the employee concerned, any reference to the headteacher in this policy should be replaced with the chair of governors.

1 Introduction

The entitlements to leave of absence are set out in national and local agreements, as well as in statutory requirements covered in legislation such as the Trade Union and Labour Relations (Consolidation) Act 1992, the Employment Relations Act 1999, the Employment Act 2002 and the Work and Families Act 2006.

This policy aims to maintain consistent practices to minimise the negative effects of absence on pupil learning and any increased pressure on colleagues. There may not be identical decisions in all cases, as each individual case will be assessed according to circumstances.

The following policies cover alternative leave provisions, and these are available on the Schools Portal:

- Maternity Leave Policy
- Paternity and Maternity Support Leave Policy
- Adoption Leave Policy
- Parental Leave Guidance
- Shared Parental Leave Policy
- Attendance Management Policy
- Flexible Working Policy
- Compassionate Leave Policy
- Bereavement Leave Policy
- Adverse Weather Guidance
- Reserve Forces Policy

Leave of absence is not restricted to the areas identified in this policy and if there is any doubt as to whether leave should be granted or whether it should be with or without pay, advice should be sought from the HR Advice and Support team.

2 Regular commitments

All leave entitlements detailed below are for an academic year i.e. September to August. Leave is on a pro rata basis for part time staff.

Prior to seeking or accepting extraneous commitments which will involve regular leave of absence requests during term time, employees must consult their headteacher and complete the Approval for Regular Leave of Absence form, available on the Schools Portal. This form should be completed and submitted in September, at the beginning of each school year.

If the headteacher agrees, in principle, to the employee undertaking the extraneous commitment, they should countersign the form. However, the employee will still be required to request each individual period of absence for the duties they have disclosed, and this will be subject to approval by the headteacher.

2.1 Official trade union duties and activities

Up to a maximum of **22 half days with pay** may be granted to an employee who is an official of an independent trade union, which is recognised by the employer and employees must be allowed reasonable time off during working hours for the following:

- collective bargaining with the appropriate level of management
- informing constituents about negotiations or consultations with management (assistance can be given with this for normal day to day business, e.g. by using internal mail systems, notice boards, etc available which could minimise time off)
- meetings with other lay officials or with full-time union officers on matters which are concerned with industrial relations between his or her employer and any associated employer and their employees (this would normally apply to meetings held prior to or after joint meetings with management)
- interviews with and on behalf of constituents on grievance and discipline matters concerning them and their employer
- explanations to new employees whom he or she will represent, of the role of the union in the workplace industrial relations structure (this refers to the induction of new members, not recruitment)
- training in aspects of industrial relations

Trade unions that are currently recognised by Durham County Council (DCC) are as follows:

- Non-teaching: GMB, UNISON, UNITE
- Teaching: ASCL, ATL, NAHT, NASUWT, NUT, NEU, Voice

For leave beyond 22 half days, approval must be sought from the Governing Body on the recommendation of the headteacher. Normally, any leave requested beyond 48 half days per annum would be granted without pay and any such leave would only be granted in the most exceptional circumstances.

An employee who is a member of a trade union that is recognised by DCC, is entitled to reasonable time off for other trade union activities not listed above, however this would be without pay. Examples of time off that might be granted **without pay** include branch meetings, political or annual TUC conferences or national meetings to which the TUC appoint representatives. The HR Advice and Support team can provide advice as to what activities would fall into this category.

2.2 Safety Representatives and Safety Committee Regulations 1979

These regulations provide for recognised trade unions to appoint safety representatives from among the employees at an establishment. The school must permit safety representatives to take time off work **with pay** when they carry out inspections of the workplace, either on a regular basis or following an accident, complaint or dangerous occurrence.

Leave of absence **with pay** may be granted to safety representatives attending the 10 day TUC training courses. It is the responsibility of the trade unions to agree amongst themselves the nominees for such courses.

2.3 Public duties

Up to a maximum of **48 half days with pay** may be granted to employees who are included in one or more of the categories below. Where an employee elects to take leave without pay they may be permitted to take unlimited leave following headteacher approval.

- Justices of the Peace (Magistrate)
- Members of a Local Authority
- Members of a Statutory Tribunal
- Members of a Regional or Area Health Authority
- Members of Police Authorities

Leave of absence with pay will be granted only if the employee concerned does not claim an attendance allowance/financial loss allowance. If the employee does claim such an allowance, leave of absence will be with pay less the allowance claimed.

Some local authorities pay an annual lump sum to councillors. These payments are neither an attendance allowance nor loss of earnings as such and therefore the council cannot make deductions from pay in relation to these sums.

2.4 School governing body members

Leave of absence to attend meetings of school governing bodies is granted **with pay** on the following basis:

Type of school	Leave
Primary schools (incl nursery & infant schools)	Up to 6 half days per academic year
Secondary schools	Up to 8 half days per academic year

Where employees are members of several governing bodies, time off with pay is subject to a maximum of 22 half days per academic year.

2.5 Examiners/Moderators (GCSE)

Up to a maximum of **22 half days with pay** may be granted to employees who are appointed as examiners or moderators for examinations in connection with GCSE for the purpose of:

- attending meetings of examiners and moderators called by appropriate Examining Bodies
- making such visits to other schools in connection with these duties as may be required by the appropriate examining boards

Leave of absence for the purpose of marking scripts should not be granted.

2.5.1 Examiners for Boards

Leave of absence for employees appointed as Examiners for University, Physical Training and similar examination Boards, or occasional lectures can be granted **without pay**.

2.6 Non-Political Organisations

Up to a maximum of **48 half days leave with pay** may be granted to members of organisations whose principal objectives include the improvement of the standard of local government services

(but whose objectives do not include the improvement of the status and conditions of employment of employees) may be granted to attend meetings at which any question affecting local government services is to be discussed.

2.7 Advancement of Religious Education

Up to a maximum of **48 half days with pay** may be granted to appointees to organisations whose objectives include the advancement of religious education in primary and secondary schools.

2.7.1 Religious Bodies

Up to a maximum of **11 half days without pay** may be granted for employees who represent religious bodies at local and national meetings of such bodies.

2.8 Political Organisations

Up to a maximum of **11 half days without pay** may be granted for employees who represent political organisations at political conferences.

3 Ad hoc requests

3.1 Jury service

There is no statutory provision entitling an employee to time off for jury service, however preventing a person from attending as a juror is both a crime and contempt of court. Leave of absence will be allowed and the school will deduct from the employee's pay an amount equal to the loss of earnings allowance received by the employee from the Court.

The employee should forward the Certificate of Loss of Earnings form, provided by the court, to Payroll and Employee Services for completion (pesschools@durham.gov.uk). The completed form should be returned by the employee to the court, and they will make payment to the employee. A deduction of the same amount will be made from the individual's net salary.

The school is responsible for entering the absence dates via the MyView system in order for the salary adjustment to be made.

3.2 Attendance at court

- Where an employee is giving evidence in court, leave should be granted **with pay**, less the attendance allowance paid from the court
- Where an employee is a defendant in a criminal case, leave should be granted **with or without pay**, depending on whether the charge is proven
- Where an employee is involved directly in a court case, leave of absence should be granted **without pay**

3.3 Redundancy

An employee who is given notice of dismissal because of redundancy is entitled to reasonable time off work **with pay** during working hours to look for another job or make arrangements for training.

3.4 Attend a colleague's disciplinary or grievance hearing

A worker who agrees to act as a companion at a colleague's disciplinary/grievance hearing should be granted reasonable time off **with pay** for that purpose.

3.5 Job interviews

Leave of absence can be granted to allow employees to attend interviews with other Local Authority schools or with government departments **with pay**.

Leave of absence can be granted to attend interviews with other bodies **without pay**.

3.6 Elections

Leave of absence **with pay** may be granted, at the discretion of the headteacher, to staff employed on Polling Day and at the count, in connection with County Council, Parliamentary and European Elections.

3.7 Unpaid leave

Requests for unpaid leave of up to four weeks can be dealt with by the headteacher. Requests for unpaid leave of more than four weeks should be dealt with by the Governing Body.

4 Requesting a leave of absence

An employee wishing to request a leave of absence, either as a one off or as part of a regular commitment, must complete the Request for Leave of Absence form and submit it to their headteacher. Requests should always be made in advance and employees should give reasonable notice.

As a general principle, all school-based staff should be available for work during term time. Requests for time off that are not covered by the entitlements above should be in exceptional circumstances only. Where a leave of absence request is granted that is not covered by any of the entitlements listed above, this will usually be **without pay**.

All requests for leave will be considered on an individual basis, taking into account the needs of the school and available resources. When considering requests that have an element of discretion, the headteacher should have regard to fairness and consistency with all employees taking and considering:

- the operational needs of the school
- the individual needs of the person concerned
- the length of time requested
- the amount of notice given

The Headteacher must consider the impact of granting the request and whether it will have a detrimental impact on the running of the school i.e. cost of covering the absence, disruption to pupils.

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

Headteachers can ask for evidence of extraneous commitments. All approved leave of absences must be recorded on the MyView system.

5 Pension implications

Employees who contribute to the Local Government Pension Scheme (LGPS) will continue to have contributions deducted and earn pensionable service as normal during a paid period of absence. However, during any unpaid absence from work, the employee will make no pension contributions and therefore the employee's service during this time does not automatically count for pension purposes.

The employee can choose to pay contributions to cover this period and therefore maintain their service, however, this decision must be made within 30 days of their return to work.

Further guidance can be obtained from the Pensions team by contacting 03000 264322 or pensions@durham.gov.uk.

Employees who are in the Teachers' Pension Scheme and take leave of absence will have their leave treated as pensionable if it is paid and non-pensionable if it is unpaid.



HR Advice and Support

For advice regarding the application of this policy please contact:

HR Advice and Support

hradvice@durham.gov.uk

Pay, Reward and Employment Services can be contacted by emailing:

Schools

PESSchools@durham.gov.uk

Further support can be accessed by contacting:

Occupational Health

occhealthadmin@durham.gov.uk

Health and Safety

hsteam@durham.gov.uk

Employee Assistance Programme

wisdom.healthassured.org/login

Employer Code MHA042951

Tel 0800 0280199

School policies and guidance documents will be reviewed periodically as required, and in accordance with any changes to legislation and best practice.

The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office

Author	Version	Last review
CT	V1.7	September 2025