Pathways School

Leave of Absence Policy

Policy Monitoring

Date policy last reviewed: September 2026

Signed by:

Neil Jones	Headteacher	Date:	September 2026
Saima Ali	Chair of governors	Date:	September 2026

Date of next review: September 2027

This policy will be reviewed at least annually and following any concerns and/or updates to national/local guidance or procedure.

Contents:

Statement of intent

1. **Legal framework**
2. **Roles and responsibilities**
3. **Annual leave**
4. **Leave of absence**
5. **Carer's leave**
6. **Entitlement to take time off to perform trade union representative duties**

Statement of intent

Pathways School is committed to maintaining the health, safety and welfare of its staff. We seek to provide a positive and healthy working environment and recognise the value of our staff members' work-life balance. Regular attendance at work is an integral part of each staff member's contract of employment; however, we recognise that staff members will, on occasion, have genuine and acceptable reasons to be absent from work.

We also recognise that, on occasion, leave may need to be taken due to unforeseen circumstances, and we will try our utmost to accommodate the needs of our staff.

This policy outlines provisions to minimise staff absence levels across the school, the school's duties regarding staff leave of absence, and the provisions for staff to follow when requesting leave. This policy also aims to provide a fair and consistent framework for managing attendance and informs all staff members of their responsibilities regarding attendance at work.

In accordance with our obligations under the Equality Act 2010, we will make all reasonable efforts to allow staff members with a disability that affects their attendance at work to continue their employment.

This policy is not contractual, and we may depart from its terms where reasonable, and circumstances dictate.

1. Legal Framework

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

- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 2025
- The Working Time Regulations 1998 (with the new regulation 16B passed in April 2026)
- Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999
- The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- Equality Act 2010
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- The Paternity Leave (Amendment) Regulations 2024
- The Carer's Leave Regulations 2024
- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- ACAS (2010) 'Code of practice on time off for trade union duties and activities including guidance on time off for union learning representatives'
- DfE (2021) 'Teachers' Standards'
- DfE STPCD 2025: School teachers' pay and conditions document 2023 and guidance on school teachers' pay and conditions
- Department for Work and Pensions (2023) 'The fit note: guidance for patients and staff members'

This policy operates in conjunction with the following school policies:

- Sickness Absence Management Policy & Procedure
- Maternity, Paternity, Adoption, Parental and Parental Bereavement Leave Policy
- Staff Conduct and Discipline Policy
- Grievance Policy

2. Roles and responsibilities

The governing board will be responsible for:

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

The headteacher will be responsible for:

- Implementing this policy in line with their statutory duties.
- Informing all staff members of attendance management procedures.
- Making sure all absences recorded.
- Monitoring and reviewing absence across the school.
- Deciding if a stage one absence hearing with a staff member is appropriate when their absence level has reached a trigger point.
- Maintaining reasonable contact with staff members during a period of absence. The Headteacher and staff member will agree, at the start of the absence (or as soon as practicable), the purpose, method, and frequency of contact during the period of absence. This should reflect the staff member's individual circumstances and wishes. Where the staff member indicates that contact is unwelcome or distressing, the HT should minimise direct contact to only what is essential (e.g. statutory or safety requirements) and may agree an alternative point of contact, such as a nominated colleague.
- Meeting with staff members on their return to work, regardless of the duration of the absence.
- Implementing a special leave reporting structure for staff and reporting any requests to the governing board.

Line managers will be responsible for:

- Implementing this policy in line with their statutory duties.
- Briefing staff members on the school's absence procedures.
- Ensuring staff members are supported throughout their period of leave and being a point of contact for any queries or problems they may have.
- Recording all absence on notification.

Staff will be responsible for:

- Attending work when fit to do so.

- Complying with the school's notification of absence procedures.
- Maintaining reasonable contact with the school and meeting with the school when required during periods of absence of four weeks or longer.
- Arranging annual leave during school holiday periods.
- Requesting special leave as soon as possible.
- Arranging leave for a convenient time, i.e. not in conflict with other relevant staff leave.
- Adhering to this policy at all times.

3. Annual Leave

Specific annual leave arrangements are outlined in each staff member's contract of employment. This section of this policy outlines the guidelines the school will follow in relation to annual leave; however, the school will refer to staff members' individual contracts of employment when looking at their annual leave entitlement.

Staff will not be permitted to request annual leave to take a holiday within term-time.

Term-time only workers

Holiday entitlement and pay for term-time only workers will be calculated by reference to the hours worked over a 52-week average, known as the calendar week method.

Sabbatical leave

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

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

Staff requesting sabbatical leave must give at least **three months'** advance notice. Staff who request sabbatical leave of absence will receive a response within **two weeks** of their request. Any rejected requests can be appealed to the governing board.

Data Protection

All discussions and personal information about staff members' absences will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018. Please refer to our Privacy Policy for more detail on how data will be processed.

4. Leave of absence

The school will comply with any statutory regulations regarding allowance of time off for staff members. The school recognises that there may be times when staff members will need to take additional time away from work and will comply with this in line with their statutory duties.

Staff seeking to take a leave of absence will be required to gain approval from the Headteacher in advance, where possible. It is at the discretion of the headteacher to grant leave – any refusal will be reasonable and justified. Staff can appeal to the governing board if their request for leave has been rejected.

Compassionate Leave

*Staff are entitled to **three** paid days for compassionate leave in a school year. Staff must discuss this with the Headteacher in advance of any absence, providing at least one week's notice.*

Personal Days

*Staff may also take up to **two** personal days with pay. These may include religious holidays or circumstances that deem it necessary to take leave. Paid personal days will be approved at the discretion of the Headteacher.*

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

- Bereavement leave
- Time off to care for dependents
- Urgent domestic reasons
- Jury service and/or witness summons
- Justice of the Peace (Magistrate) duties
- Other public duties
- Personal health and welfare
- Examination and revision leave
- Religious observance
- Service in non-regular armed forces or volunteer reserve services

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

Unpaid Leave

Leave that falls outside the ambit of personal days or compassionate leave as listed above, or exceeds the total number of days provided for these, will be unpaid, and need to be approved by the Governors. Unpaid leave may be taken as follows:

- Wedding of a close family member: one working day
- Own wedding: 5 working days

If the request for leave is denied, and the member of staff continues with the absence, the leave will be considered unauthorised unpaid leave and may result in disciplinary action, including dismissal.

Absences due to missed flights

In the event of missed flights for staff traveling back to London after a holiday period, the leave will only be approved as unpaid upon evidence of the missed flight. Absence of this evidence may result in disciplinary action.

Maternity leave, paternity leave, adoption leave, parental leave and parental bereavement leave

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

Statutory Parental Bereavement Leave will be implemented alongside Statutory Parental Bereavement Pay, using the Statutory Parental Bereavement Pay tables to calculate this. Statutory Parental Bereavement Leave and Pay will be implemented in line with the school's Maternity, Paternity, Adoption and Parental and Parental Bereavement Leave Policy at all times.

Statutory Parental Bereavement Pay will be provided in line with the relevant requirements set out in the TUPE Regulations at all times.

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

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

Work-Related Injuries

Staff must report work-related injuries or illnesses to the First Aid lead or Headteacher as soon as possible. They will report all relevant injuries and illnesses (as defined in the RIDDOR 2013 legislation) to the Health and Safety Executive. Read more about this reporting duty in our First Aid policy.

Where a member of staff has been injured at school, they may take paid leave upon providing a doctor's note. In the absence of this, the leave will be unpaid.

5. Carer's leave

Staff members will be permitted up to one week of unpaid carer's leave, which will be taken either as one whole week or on separate days totaling one week.

This is specifically in relation to a 'dependant' who has long-term care needs such as:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

The dependant does not have to be a family member. It can be anyone who relies on them for care.

Staff members will be entitled to use statutory carer's leave in increments of half or full days that total up to a week – days or half days requested will not be required to be taken on consecutive days.

The staff member will provide notice of their intention to take statutory carer's leave, verbally or in writing. **The notice period will be either twice the length of the intended leave period or at least three days in advance, whichever is greater.**

Where the staff member fails to provide their notice of their statutory carer's leave before the relevant date, the school will consider whether sufficient notice has been already given, e.g. the dates of leave have already been specified but the staff member was not able to provide their full notice due to extenuating circumstances.

The school will not ask the staff member to supply evidence in relation to their request for statutory carer's leave before granting the leave; however, the school will reserve the right to postpose the period of leave if school operations would otherwise be severely disrupted.

In the event statutory carer's leave needs to be postponed by the school, the school will provide written justification for the delay and reschedule the period of leave to be taken within one month.

Rescheduled leave will be arranged with the staff member and will be for the same duration as the period of statutory carer's leave requested in their initial notice.

Notice of rescheduled leave will be provided to the staff member by the school no later than seven days after the staff member's initial notice or before the earliest day or half day specified in their notice, whichever occurs soonest.

Staff members on statutory carer's leave will be bound by all terms, conditions and obligations of employment, except remuneration, which would have applied had they not been absent – this includes any benefits.

Where a staff member takes statutory carer's leave immediately before or after any other statutory leave they are entitled to, e.g. maternity leave, the period of statutory carer's leave will not count towards the continuity of the period of absence and will be treated as a separate period of leave.

The staff member will not be subjected to any detriment by the school because they specifically took, sought to take, were perceived as likely to take, or made use of the benefits of statutory carer's leave.

Calculation of a week's leave

Staff members can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

They can either take a whole week off or take individual days or half days throughout the year.

In respect of the regulations, a week of carer's leave is a period of absence from work equal in duration to the period the staff member is normally expected or required to work in a week at the time of making the request. Where the period for which a staff member is normally expected or required, under their contract of employment, to work in the course of a week does not vary, a week's leave for the staff member is a period of absence from work which is equal in duration to the period for which the staff member is normally required to work during the course of a week in the relevant period.

In the case of a staff member who has worked for their employer for at least one week but less than 52 weeks during the relevant period, a week's leave is a period of absence from work which is equal in duration to the period calculated by dividing the total of the periods for which the staff member is normally required to work during the course of a week by the number of weeks the staff member has been employed.

In the case of an who has worked for their employer for less than a week, a week's leave is a period of absence from work which is equal in duration to the period for which the staff member is expected to work in that week.

6. Entitlement to take time off to perform trade union representative duties

The school will follow the ACAS 'Code of Practice on time off for trade union duties and activities including guidance on time off for union learning representatives.

A **"trade union representative"** is a staff member who has been elected or appointed in accordance with the rules of the independent union to be a representative of all or some of the union's members in the school(s) where the union is recognised for collective bargaining purposes.

A **"union learning representative"** is a staff member who is a member of an independent trade union recognised by the employer who has been elected or appointed in accordance with the rules of the union to be a learning representative of the union at the school.

The entitlements below only apply to staff members of the school.

Members of staff who are trade union representatives will be entitled to reasonable paid time off to perform their union duties and to undertake relevant training. Trade union representatives are also able to ask for unpaid time off work to undertake activities. Together, these arrangements constitute facility time.

Paid time off

For a union representative to be entitled to paid time off, the union must be:

- Independent.
- Officially recognised by the school's employer.

Union representatives have the right to have paid time off to conduct a variety of activities, including the following:

- Negotiating pay, terms and conditions
- Helping union members with disciplinary or grievance procedures, including meetings to hear their cases
- Going with union members to meetings with their line manager to discuss flexible working requests
- Discussing issues that affect union members, such as redundancies

Union learning representatives have the right to paid time off to:

- Analyse the learning or training needs of union members.
- Give information and advice about learning or training.
- Arrange or encourage learning or training.
- Discuss their activities as a learning representative with their employer.
- Train as a learning representative.

Where paid time off is granted, the staff member will be paid the amount they would have earned had they worked during the time off taken or, where the staff member's earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do.

Unpaid time off

Union members and union representatives may also request reasonable unpaid time off during working hours to take part in union activities, such as:

- Meetings with union officials.
- Meetings of official policy-making bodies.
- Workplace meetings to discuss and vote on the outcome of negotiations with the employer.
- Voting in union elections.

Staff members will not be permitted to request time off for activities relating to lobbying for, planning or carrying out industrial action.

Requests for time off

Union members will give their line managers as much notice as possible when asking for time off. When requesting time off, union representatives will provide their line managers with the following information:

- The purpose of the time off
- Details of the date and time being requested
- The location of the activity taking place

Wherever possible, union representatives will be asked to ensure any time off they are requesting does not interfere with the normal functioning of the school.

When a staff member requests time off to conduct union representative activities, their line manager will discuss how much time can be taken off. The following questions will be considered by the staff member's line manager:

- Can the school accommodate the amount of time requested, and ensure adequate cover for safety and the provision of educational services?
- Does the request contain the right information, and has enough advanced notice been given to provide cover arrangements where necessary?
- Does the request attract paid or unpaid time off?
- If the request cannot be accommodated, is there a reasonable alternative?

The staff member's line manager will determine whether a request for time off is appropriate. Staff members will be able to raise any disputes regarding the outcome of requests will be dealt with in line with the school's Grievance Policy. Staff members will also be informed of their right to take a case to an employment tribunal.

Facilities for union representatives

The school will make the following office facilities available on the premises for union representatives when they are taking time off to conduct union activities:

- **Meeting room**
- **Access to communication devices**

These office facilities will not be permitted to be used for union activities which are only union-facing and/or which encourage or promote industrial action.

Reporting arrangements

Arrangements will be in place to ensure union representatives can account for the duties and activities they have carried out during facility time.