



Triumph Learning Trust

Aspiration - Collaboration - Innovation

Leave of Absence Policy

Policy Details

Policy Level	Trust
Document Approver	Trust Board
Document Status	Final
Applicable to	All Trust Employees
Review Frequency	Every 3 Years

Revision History

Revision	Date	Details	Approved by
0	11 April 2025	First Issue	JCNC
1	1 July 2025	Revised	JCNC

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1. Introduction

In order that we best meet the needs of the pupils in our care it is expected that staff will attend work consistently. Leave of absence requests should be kept to an absolute minimum to minimise the impact that staff absence has on the children's education and on the smooth running of the school/trust. In exceptional circumstances an employee may request leave of absence from work. All such requests (in writing) will be treated fairly and equitably so that there is a consistency regarding decisions made by the Headteacher on behalf of the Board of Trustees. Granting leave of absence by the employer is not a contractual obligation but is in place to support staff in exceptional circumstances; it should not be seen as a right nor entitlement. However, the school/trust will provide support to staff where the impact on pupils and the operation of the school/trust are kept to a minimum.

This document summarises the existing policies and practices in respect of leave of absence, including compassionate leave, (except those covered by Sickness and Family Friendly Policies (including maternity leave, shared parental leave, paternity leave and adoption leave) and applies to all staff in school/trust.

2. Principles

Applications for leave of absence for reasons other than sickness or maternity/paternity/adoption (see separate policies) may arise and be granted as a result of an employee's entitlement under legislation, under provisions agreed as part of the conditions of service, or at the discretion of the CEO or Headteacher.

In all applications for leave of absence, the following principles apply:

- a) No employee may be absent from duty without approved leave of absence.
- b) In general, the operational needs of the trust/school will be of prime importance in making a decision.
- c) Requests to swap hours, use PPA or Leadership time or accrued overtime to offset a leave of absence is not permitted (unless a member of staff has been recruited in a role that specifically requires that person to work flexible hours).
- d) A clear distinction should be drawn between leave of absence for compassionate purposes and leave for other purposes. Certain categories of compassionate leave provide for an automatic entitlement, others are discretionary. Leave for other purposes may be automatic in certain cases and discretionary in others. In all circumstances, there is a need for equity and fairness so that consistent decisions are taken.
- e) All year-round employees should take their annual leave during school holiday periods except in exceptional circumstances following approval by the Headteacher (or in the case of the shared services team, the CEO), or where their contract entitles them to take some leave during term time. All year-round employees should have regard to future commitments and allocate annual leave where it is reasonable to do so.
- f) Leave of absence with pay will not be granted for more than **three working days** in any one academic year with the exception of categories identified in Appendix B. Part time

staff will receive leave on a pro rata basis where a day is classed as your normal working hours for the day's leave requested. Staff shall apply for leave of absence to the Headteacher or CEO who will record it locally.

- g) All requests for leave of absence must be done in writing on the Leave of Absence Request Form (Appendix A).
- h) The Headteacher/Head of School shall apply for personal leave of absence for reasons other than personal illness to the CEO who shall use the same process as above.
- i) If the absence for reasons other than personal illness is extended beyond the three working days allowed, the basic principle is that pay will cease until the employee resumes duty. Where unpaid leave of absence is approved, the employee will be paid for the weekend and/or public holidays following the last day of work but on return, payment will only be made from the actual date of return. Where the employee resumes work on a Monday, payment will be made for the preceding weekend, providing the employee clarifies that they would have been available for work on the Saturday or Sunday. Where leave of absence is granted in advance for a term or school year then the period without pay will include the associated holidays.
- j) Where in exceptional circumstances leave of absence without pay is granted on an indefinite basis (e.g. because of family crisis), then if the employee returns to duty after a holiday, payment will be made from the day they certify they are able to return to duty. Notification must be made on the Leave of Absence form (process as above)."
- k) If leave of absence, owing to exceptional circumstances beyond the three days is necessary, applications must be made in writing (on the Leave of Absence form) to the Headteacher or CEO, if possible before such leave is required, or in any case, no later than two days after return to duty.
- l) If an employee is given leave of absence for any activity where the employee receives additional payments over and above reasonable expenses actually incurred, then it is a condition of granting leave of absence with pay that such additional payment shall be repaid to the school/trust. The Trust will allow the employee to retain a reasonable proportion of the payment in respect of preparatory work undertaken in the employee's own time and/or their own personal taxation liability.

Similarly, if an employee is granted leave of absence without pay to undertake activities for which they receive payment which is in excess of normal salary receivable, then the payment in excess of normal salary should be repaid to the school/trust.

- m) Leave of absence without pay is not justified merely on the grounds that there is no cost implication.
- n) For absences in relation to maternity/paternity/shared parental leave, please refer to the appropriate policy. These can be provided to you by the School Operations Manager.
- o) There is an expectation that all medical and dental appointments for staff or their children, including well person screening, take place outside of the school day where possible. Leave of absence will only be granted in an emergency or where no other option is available. It is essential that staff provide proof of any appointments that are necessary during the school day.

Employees are advised to check that they have approval (where possible) of their leave of absence request and have checked term dates before making any bookings or arrangements (e.g., tickets for events, travel bookings etc.). The school/trust cannot be held responsible for any costs incurred where a leave of absence has been reasonably rejected.

3. Considering Requests

In considering any requests for leave of absence, account will be taken of the legislative rights; the reasons for the request, the amount of leave requested, previous requests, precedents, general or specific school policies and the effect of the leave on the school/trust. The trust procedure for administering leave of absence is given below:

- Any request for Leave of Absence must be requested via the form contained within Appendix A prior to the date(s) requested. A timely response will be provided by the Headteacher prior to the date(s) requested.
- If it is not possible to complete a Leave of Absence Request Form in advance (e.g., in the event of an unexpected crisis), it must be completed with the actual dates of absence immediately following the return to work.
- The Leave of Absence Request Form will be retained, together with a record of any paid/unpaid leave granted.
- Details of the reason for the request must be given, e.g. 'personal' is not sufficient.

4. Legislation

Certain legislation incorporates basic rights for time off in certain circumstances. These rights are contained in acts of parliament. These rights are accounted for within the Trust's practices and policies that at least match the basic legislative entitlements.

5. Appendices

Appendix 1	Staff Leave of Absence Form
Appendix 2	School Policy and Precedents Established
Appendix 3	Supplementary Information

Appendix 1 – Staff Leave of Absence Form

Request	
Name:	
Date(s) of absence:	
Times (if applicable)	From: To:
Reason:	
Category applied under:	A, B, C or D (See Appendix B)
Paid/Unpaid?	
Signed:	
Date:	

Decision	Approved / Not Approved
Reason:	
Paid/Unpaid	Paid/Unpaid
Signed:	
Print name and Role:	
Date:	

Appendix 2 – School/Trust Policy and Precedents Established

This section summarises in alphabetical order the trust policy based. Each request has been allocated a category from A to D to highlight the appropriate policy or precedent set. This is not an exhaustive list and school/trust will consider all requests for Leave of Absence. Further details about some categories can be found in Appendix C.

Category A Entitlement to paid leave of absence not necessarily restricted to the limit of 3 days per year set by Category B.

Category B Up to 3 days paid leave of absence per annum in total – irrespective of any leave granted in Category A.

Category C Unpaid Leave

Category D Discretionary

Leave of Absence Request	Category
Abroad To attend family crisis and visit sick relatives (unpaid)	D
Adoption See policy on adoption leave	
Ante-Natal Care (not pregnancy tests)	A
Appointments Medical or dental for self, or dependent where presence of the member of staff is required. On appointment to a senior post in another Local Authority, leave to participate in appointments, management planning etc. (generally with pay)	B D
Approved Examiner Duties	A
Attendance at: <ul style="list-style-type: none"> Court as a Magistrate Court or Tribunal as Witness or on Jury Service Standing Advisory Council for Religious Education Selection for Headteacher Appointments (members of an appropriate Council Committee) Approved courses and conferences including associated examination (but not study leave) Interviews (except interviews abroad that will require specific consideration) 	A
Attendance at: <ul style="list-style-type: none"> Rent and Industrial Tribunals (not as witness) Court (not as Magistrate, witness or jury) Well Person clinic – preventative medicine School attended by employee's own child 	B

Award Ceremonies <ul style="list-style-type: none"> Where employee is a recipient When a member of the employee's immediate family is a recipient When a member of the employees' family is a recipient e.g. niece, daughter-in-law etc. 	B B C
Bereavement	
Of parent, grandparent, sibling, partner, child (18 or over) or grandchild (or person standing in similar relationship) and attendance at funeral	A
Irrespective of relationship and attendance at funeral	B
Parents of a child (under the age of 18) who dies, or have a stillbirth after 24 weeks of pregnancy, are entitled to two weeks Parental Bereavement Leave in accordance with legislation. This period of leave is at full pay.	
Candidates at Elections <ul style="list-style-type: none"> Up to 3 weeks for Parliamentary/European Elections Up to 2 day for Local Elections 	A
Carer's Leave See Appendix C for more information	C
Close friends of immediate family General matters (unpaid)	D
Courses – work related (including associated examinations)	A
Courses of personal interest	D
Court Attendance As magistrate, witness or on a jury Other See Appendix C for more information	A B
Conferences	A
Death Of parent, sibling, partner, child (18 or over) or grandchild (or person standing in similar relationship) and attendance at funeral Irrespective of relationship and attendance at funeral Parents of a child (under the age of 18) who dies, or have a stillbirth after 24 weeks of pregnancy, are entitled to two weeks Parental Bereavement Leave in accordance with legislation. This period of leave is at full pay. See Appendix C for more information.	A B
Leave of Absence Request	Category

Dental Appointment For self, or dependent where presence of the member of staff is required	B
Domestic Crisis such as fire, flood, storm damage, burst boiler etc. Not a crisis e.g. fitting appliances which cannot be arranged outside of school hours	B C
Driving Test	C
Elections <ul style="list-style-type: none"> Up to 3 weeks for Parliamentary/European Elections Up to 2 day for Local Elections 	A
Election Polling Duty Subject to discretion of Governing Body taking into account current council policy. Any training associated with polling duties is undertaken in the employee's own time as the fee paid takes this into account. There is no compensatory time off for any polling duties undertaken outside an employee's normal working hours.	D
Elective Medical Procedures Should be undertaken in own time with unpaid leave at the discretion of the Governing Body. Unexpected side effects requiring additional recovery time treated as sickness absence. Treatment for a recognised medical problem (e.g. cosmetic surgery for a disfigurement) treated as sickness absence. If there is any doubt about whether a particular procedure is conducted for the health of the individual, then the school may ask for medical evidence from the employee's medical practitioner.	C
Exams following personal interests/hobbies	D
Examiner Duties	A
Family Practitioner Committee	C
Family matters or matters concerning close friends Without pay. This may necessitate consideration of extended leave to travel abroad to their family crisis and visit sick relatives	D
Fertility Treatment For employees needing to take time off for fertility treatment. To cover normal recovery time e.g. when it is not possible for an employee to work after fertility procedures which involve a general anaesthetic or heavy sedation. See Appendix C for more information.	A
Fitting of Appliances – domestic arrangements	C
Governor Of LA school, Academy, Grant Maintained School or Higher Education Establishment	A
Guest lecturer/speaker Elsewhere arising from employee's job (NB any special payments in excess of normal salary may lead to unpaid leave)	A
Health Authority Member	A

Holidays Only in extremely exceptional circumstances (e.g. where booked prior to appointment or where of direct relevance to teaching). Without pay.	D
House Removal Provided that it is the first relocation from the area of previous residence (i.e. 30 miles plus from the centre of the city or town in which the school/office is based) into the city or town in which the school/office is based, or to within a radius of 15 miles, after taking up appointment with the Trust and providing leave is taken within 12 months of taking up post	B
Illness Of child/wife/husband/partner or some other dependent, including medical or dental appointments where the presence of the member of staff is required (maximum 3 days)	B
Of child/wife/husband/partner or some other dependent, including medical or dental appointments where the presence of the member of staff is required (in excess of 3 days)	C
Long term absence due to serious health issues of close dependent (assessed by Headteacher)	D
Interests (Hobbies) Only in exceptional circumstances or of direct relevance to teaching	D
Industrial Action Causing invalidity of transport leading to absence from work – when a member of staff cannot return from holiday or lives outside a 15 mile radius of the city or town of their school/office base (staff within 15 mile radius being expected to report for duty)	C
Jury Service Employees on Jury Service are allowed to claim for loss of earnings and should do so. Contact should be made with the payroll provider to clarify arrangements. The employer should make up any difference between loss of earnings allowable and normal pay.	A
Leave of Absence Request	Category
Justice of Peace/Magistrate Service	A
Legal Matters e.g. adoption procedures or the administration of estates which require professional advice and which is not possible to arrange outside of school hours, and similar legal and related business	B
Local Authority Member	A
Lord Mayors Guest Subject to the discretion of the Governing Body, but paid leave is normally granted to an employee invited by the Lord Mayor to attend a civic function.	D
Matters Concerning members of immediate family or close friends. Without pay if given. This may necessitate consideration of extended leave to travel abroad to attend a family crisis and visit sick relatives.	D

Mechanical failure of transport – and the unavailability of other transport – where the member of staff is returning from holiday or lives outside a 15 mile radius of the city or town of their school/office base (staff living within a 15 mile radius being expected to report for duty)	C
Medical Appointment For self, or dependent where presence of the member of staff is required	B
Military Service Volunteer reserves and Territorial Army (Maximum 2 weeks paid – any excess will be unpaid). See Appendix C for more information	A
Penderel Trust Committee	A
Personal interests Or Hobbies (including courses/exams) only in exceptional circumstances or where of direct relevance to teaching	D
Pregnancy – see maternity leave provisions Pregnant women exposed to the risk of contracting any illness that is potentially harmful to their pregnancy in the course of their work are allowed paid leave if no suitable alternative work is available. The advice of Occupational Health should be sought	A
Redundant employees – seeking alternative work	A
Religious reasons Granted with pay for religious festivities, without pay if in the capacity of a representative of a religious organisation	D
River Authority	C
Standing Advisory Council for Religious Education	A
Selection – for Headteacher appointments	A
Service Volunteer reserves and Territorial Army (Maximum 2 weeks paid – any excess will be unpaid) See Appendix C for more information	A
Speaker or Guest Lecturer Elsewhere arising from employee's job (NB any special payments in excess of normal salary may lead to unpaid leave)	A
Special Constable Up to 6 days per annum (pro rata for part time employees) with average earnings paid. No time off for hours outside normal working hours. In national or local emergencies, additional leave at discretion of Governing Body See Appendix C for more information	A
Trade Union Training and Duties Covered under the Facilities Agreement	A

Transport Unavailability of any due to weather conditions, mechanical failure, or industrial action when employee is returning from holiday or lives outside a 15-mile radius of the city or town of their school/office base (staff living within a 15-mile radius being expected to report for duty)	C
Unable to travel to work due to extreme weather conditions	A
Travel abroad to attend a family crisis/visit sick relatives (without pay) Not holidays or pilgrimage	D
Tribunal Attendance as a witness Other attendance	A B
Welfare Visit to Occupational Health and Counselling Service. Where no alternative appointment is available or where referred by the school	A

APPENDIX 3 - Supplementary Information

This section gives more information about some categories of leave of absence and the associated processes, as well as the role of Occupational Health.

Carer's Leave

Employees are entitled, from their first day of employment, to unpaid leave to give or arrange care for a 'dependant' who has:

- 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 an employee for care.

Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days (e.g. if the employee works 3 days per week, one week consists of 3 days). This can be taken either as a whole week or as individual days or half days throughout the year. If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant.

Employees need to give notice before they want their leave to start. If the request is for half a day or a day, the notice period must be at least 3 days. If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days. However, as much notice as possible is requested in order to enable the school/trust to be operational in the employee's absence.

Employee's terms and conditions (such as annual leave, sick pay, the right to return to their job etc) are protected during carer's leave. Whilst the request for carer's leave is not required by law to be made in writing, employees are asked to complete the Leave of Absence Request Form in Appendix A in order to assist the school/trust in processing their request. Employees are not required to provide evidence of their dependent's care needs.

The school/trust cannot refuse a carer's leave request but can ask the employee to take it at a different time if the employee's absence would cause serious disruption to the school/trust.

If the request is delayed the school/trust must:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

Further detail about Carer's Leave can be found at <https://www.gov.uk/carers-leave>

Court Attendance - Jury Service, Witnesses, etc.

a. There are statutory provisions for attendance at Court for Jury Service, but not for Court attendance for other purposes. The school/trust, however, also apply the statutory provisions to witnesses in Police prosecutions or at a Coroner's Court (i.e. excluding private prosecutions in the County Court, etc.).

The following procedure should be followed:

Employee

i. On receipt of a summons to appear an employee should report this to their Headteacher/Manager and will then be granted leave of absence. ii. The employee is required to claim an allowance from the Court for loss of earnings. iii. The employee will be issued with a loss of earnings form by the Court and this must be sent to the school/trust's payroll provider for completion. The form will be returned to the employee to submit to the Court, (along with guidance notes on the process). iv. On receipt of the court payment remittance, a copy of the document must be submitted to the school/trust's payroll provider to ensure the deduction made is consistent with the allowance paid by the Courts. v. Following the leave of absence, the equivalent sum to the loss of earnings claimed from the Courts will be deducted from the employee's salary.

Headteacher

vi. If exceptionally the employee's absence extends beyond 30 days, the Headteacher/Manager should seek advice from the school/trust's payroll provider regarding payment of pension contributions. vii. on the employee's return to work following jury service, the Headteacher/Manager should complete and submit the on-line Jury Service Deduction of Salary Form direct to the school/trust's payroll provider. The school/trust's payroll provider will action the deduction from salary on receipt of the Jury Service Deduction of Salary Form (available from the school/trust's payroll provider).

viii. If the employee does not attend court as granted, the Headteacher/Manager must inform the school/trust's payroll provider accordingly.

b. Where a private prosecution results from violence against an employee, the employee and other employee witnesses will be allowed time off with pay to support the prosecution. (Please refer to the procedure for dealing with violence at work).

c. Time off for private prosecutions in other circumstances will not normally be allowed. The Governing Body has delegated authority to exercise discretion in special circumstances. The Headteacher (on behalf of the Governing Body) should refer for advice in these circumstances to the school/trust's payroll provider.

Fertility Treatment

For employees needing to take time off for fertility treatment, up to 5 days paid leave will be provided in any annual leave year for such purposes. The leave can be taken as half days where appropriate. This time off should cover normal recovery time, for example when it is not possible for an employee to work after fertility procedures which involve a general anaesthetic or heavy sedation. In the event that such treatment results in the employee becoming unfit for work, the usual sickness absence provisions apply, including the procedure

for certification. Employees who are supporting their partner who is undergoing fertility treatment will be allowed up to 3 days paid leave in any one annual leave year for this purpose. These days can be taken as half days where appropriate. If an employee needs more than the 5 or 3 days, annual leave/flexi-time/time in lieu should be used. For term-time only employees, unpaid leave would need to be granted by the Headteacher. Specific arrangements will vary according to each individual case. The employee should provide their Headteacher/manager with appropriate evidence such as a letter from their GP or clinic administering the treatment. The employee should provide as much notice to their Headteacher/manager as possible so that necessary arrangements can be made. All requests for time off will be treated in the strictest confidence.

Employees should, if possible, try to arrange appointments to cause as little disruption to the working day as possible as would be required for any medical appointment. Where possible, Headteachers should provide flexibility for employees to attend short appointments by treating them in the same way as other medical appointments.

Leave for Special Constables

An employee serving as a Special Constable will be entitled to up to 6 days per annum (pro rata for job sharers and part-timers) and will be entitled to their average earnings. An employee must provide written confirmation that they have been recruited as a Special to the Police Force. It must also state how many hours of work they will be undertaking per month. The employee must complete their time sheet or absence return by indicating that they were "Absent on Special Constable Duty". No time off will be given for any hours worked outside normal office hours. Requests for time off to undertake these duties must be submitted in writing to the Headteacher for approval. There will be no carry forward of this entitlement from one leave year to the next. In exceptional circumstances of either national or local emergencies consideration would be given to granting additional leave. This would be at the discretion of the Governing Body.

Magistrates Services

Under legislation the school/trust are only required to grant leave of absence without pay. However, the school/trust will make up the level of allowances received to normal pay rates. The court remittance received by the employee must be sent to the school/trust's payroll provider once received. This allowance is then deducted from the employees' pre-tax earnings. Headteachers should be aware that the minimum number of sittings per year for Magistrates is 13 days a year. The amount of time which an employee is to be permitted to take should be considered paying particular regard to:

- How much time off is required for the performance of the duties of the organisation.
- The circumstances of the employer's business and the effect of the employee's absence on the running of that business.

Parental Bereavement Leave

Parents of a child may take up to two weeks leave of absence at full pay if their child dies before they turn 18 or if they have a stillbirth after 24 weeks of pregnancy. The two weeks can be taken consecutively or as two separate weeks. A week is classed as the number of days that an employee normally works in a week (e.g. if the employee works 3 days per week, one

week consists of 3 days). The leave of absence can start on or after the date of death or stillbirth and must finish within 56 weeks of the date of death or stillbirth. You must give notice of taking Parental Bereavement Leave as follows:

0-8 weeks after the child's death or stillbirth – you must give notice before you would normally start work on the first day of the week or weeks you want to take off work. In the first 8 weeks the school/trust will accept notification via telephone, voicemail, text message or email.

9-56 weeks after the child's death or stillbirth – you must give at least one week's notice before the start of the week or weeks you want to take off work. The school/trust requests that this is done using the request form in Appendix B

Further detail about Parental Bereavement Leave can be found at

<https://www.gov.uk/parental-bereavement-payleave>

Territorial Army Leave

Employees serving in the Territorial Army will be entitled to up to 10 days leave per annum (pro rata for job sharers and part timers). They will be entitled to average earnings less any payment from the army (excluding out of pocket expenses) to attend their annual training camp. Any further requests will be considered as unpaid leave. Further information is available on the website www.sabre.mod.uk.

The role of Occupational Health

School/trust policy is that the Headteacher/CEO can only agree paid leave for compassionate reasons that are laid down in the policy; all other requests for compassionate leave (paid or unpaid) are at the CEO's discretion. It is advisable to take advice from the Occupational Health & Counselling Support Provider in such cases. Paid leave for other reasons can only be agreed if one of the situations/categories defined within this policy allow it. In addition, in the future where employees approach the Occupational Health & Counselling Support Provider for leave of absence, the Provider can only make recommendations to the CEO for leave of absence. The final decision will be that of the CEO.