



# Annual Leave and Leave of Absence Policy

## Version 4.0

Status	Statutory
Responsible committee/Individual	Trust Board
Author	HR Manager
Target Audience	All stakeholders
Date Policy Agreed	September 2021 (Version 1) July 2022 (Version 2) March 2023 (Version 3) July 2023 (Version 4)
Review Date	July 2024

## **CONTENTS PAGE:**

	<b>Page Number:</b>
1. Scope	3
1.1 Continuous Service	3
2.0 Annual Leave Entitlements	3
3.0 Annual Leave Support Staff	3
4.0 Sickness during a period of annual leave (full-time support staff)	4
5.0 Bank Holidays and Extra Statutory Days	4
6.0 Calculations of Annual Leave	4
7.0 Term-Time Only Staff	5
8.0 Carry Over of Annual Leave	5
9.0 Time Off In Lieu (TOIL)	5
10.0 Flexible Hours	5
11.0 Leave of Absence	6
12.0 Application to take Leave	7
13.0 Conduct	7
14.0 Monitoring Compliance with and effectiveness of the Policy	7

# Brighter Futures Learning Partnership Trust

## ANNUAL LEAVE AND LEAVE OF ABSENCE POLICY

### 1. SCOPE

The purpose of this policy is to set out the Brighter Futures Learning Partnership Trust Policy on leave entitlement and absence of leave. The aim is to outline the various leave entitlements available to staff and the notification procedure.

This policy covers both support staff and teaching staff.

The Trust is committed to promoting equality in all areas of employment and ensuring that no member of staff is discriminated against.

#### 1.0 CONTINUOUS SERVICE

Annual leave entitlements (for support staff) are calculated on continuous service (service that is unbroken). This includes continuous previous service with any public authority to which the [Redundancy Payments \(Continuity of Employment in Local Government, etc\) \(Modifications\) Order 1999](#) applies.

Where an employee returns to local government service following a break for maternity reasons, the employee will be entitled to have previous service taken into account in respect of the sickness and maternity schemes only, provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened.

#### 2.0 ANNUAL LEAVE ENTITLEMENTS

The annual leave year for all staff runs from 1<sup>st</sup> April to 31<sup>st</sup> March.

In accordance with the School Teachers Pay and Conditions Document, annual leave for teachers coincides with periods of School closure and public holidays.

#### 3.0 ANNUAL LEAVE SUPPORT STAFF

Employees are expected to plan and take their annual leave entitlement during the leave year which runs from 1<sup>st</sup> April to 31<sup>st</sup> March.

Support staff who are employed on a 52-week contract will be required to provide notice of any annual leave. 3/4 days annual leave must be saved for the period over Christmas, dependent on how the Christmas bank holidays fall.

All employees must apply for annual leave in advance, so that adequate services provision can be maintained. Employees on 52-week contracts will only be allowed to take a maximum of 5 days annual leave during term time, unless agreed by the Headteacher/Principal based upon the needs of the school. This may be 5 consecutive days or 5 individual days

#### **4.0 SICKNESS DURING A PERIOD OF ANNUAL LEAVE (FULL-TIME SUPPORT STAFF)**

Medical certification is required for full sick pay (where eligible) to become payable for those periods where the illness is during annual leave. Any sickness absence incurred during annual leave will be recorded in the usual manner and would still count towards any 'trigger points' that the Trust currently has in place relating to sickness absence levels. (Please refer to the Health and Wellbeing Policy for further guidance).

#### **Annual leave entitlement for support staff:**

As part of the NJC pay agreement for 2022, it was agreed that all employees covered by this National Agreement, regardless of their current leave entitlement or length of service, would receive a permanent increase of one day (pro rata for part-timers) to their annual leave entitlement from 1 April 2023. (This additional day has now been applied to the table below).

SCALE POINT	NO OF DAYS	NO OF DAYS AFTER 5 YEARS	NO OF DAYS AFTER 10 YEARS
Below equivalent salary of NJC SCP 22	27	30	32
Between equivalent salary of NJC SCP 22 and 27	29	32	34
Between equivalent salary of NJC SCP 28 and 39	31	34	36
Above equivalent salary of NJC SCP 39	31	34	36

#### **5.0 BANK HOLIDAYS AND EXTRA STATUTORY DAYS**

There are 8 bank holidays in a year, these are fixed dates with the exception of Easter which floats.

#### **6.0 CALCULATION OF ANNUAL LEAVE**

Annual leave is calculated as follows:

- If a member of staff starts on the 1<sup>st</sup> April they will receive a full year's entitlement

- If a member of staff starts anytime throughout the year they will receive a pro-rata amount which is calculated on the number of full months until the end of the annual leave year (e.g. an employee who starts in September would be entitled to seven months' worth of leave). This is rounded up to the nearest half day.

$$\text{Full years entitlement} \times \frac{\text{Full month left in the year}}{12} = \text{Pro rata entitlement}$$

Example

$$26 \text{ days} \times \frac{7}{12} = 15.16 \text{ (rounded up to 16)}$$

The same calculation applies to part time staff. However, annual leave is proportional to the hours worked.

Calculation for part time staff:

For part time staff, their annual leave entitled will be expressed in hours, calculated as follows:

$$\begin{array}{ccccccc} \text{Basic} & & \text{Standard weekly} & & \text{Employees weekly} & & \text{Pro-rata entitlement} \\ \text{entitlement} & \times & \text{hours} & \times & \text{hours} & = & \text{(hours)} \\ & & \text{5 days} & & \text{Standard weekly} & & \\ & & & & \text{hours} & & \\ 26 \text{ days} & \times & \frac{37 \text{ hours}}{5 \text{ days}} & \times & \frac{14 \text{ hours}}{37 \text{ hours}} & = & 73.1 \text{ hours} \end{array}$$

## 7.0 TERM-TIME ONLY STAFF

Employees who are employed to work 'term time only' receive a payment in their monthly salary which is equivalent to their annual leave entitlement and therefore are not permitted to take annual leave during term time. However, they may, in certain circumstances, be granted leave of absence (refer to leave of absence).

## 8.0 CARRY OVER OF ANNUAL LEAVE

Employees are not normally permitted to carry over annual leave. However, in the event of exceptional circumstances, the CEO, Headteacher/Principal may permit for a maximum of 5 days' to be carried over into the following annual leave year. Prior agreement/authorisation must be given **before** any annual leave is taken.

## 9.0 TIME OFF IN LIEU (TOIL)

Time off in lieu must be recorded separately. It is important for managers to manage the working arrangements of staff and ensure that the service is adequately maintained when staff members take time off. Staff must get permission from the Headteacher/Principal, or if part of Central Trust from the CEO in advance to take time off in lieu. If time off in lieu is taken

as a result of overtime worked this must be recorded and it is taken at plain time rate, i.e. number of extra hours worked.

## **10. FLEXIBLE HOURS**

Support staff who are employed on 52-week contracts may be required to work longer hours during term time to meet the needs of the school. Any additional hours worked may be (with the agreement of the Headteacher/Principal) offset against time worked during the school holidays.

There may be occasions where the school requires a presence during the school holidays of support staff who are contracted to work 52 weeks. These periods will be communicated and timetabled with employees.

Employees who accrue additional hours to take during the school holidays will be required to keep a record of their hours in line with the Brighter Futures Learning Partnership Trust requirements which will be retained centrally by all schools/UTC in the Trust. Employees will also be required to advise the Headteacher/Principal of the dates during the school holiday periods that they will not be present on school premises and this information will be shared and recorded with the HR/Business Manager within the school. The Headteacher/Principal will liaise with full time employees regarding any periods during school holidays where a presence is required.

## **11. LEAVE OF ABSENCE**

In incorporating leave of absence provisions, the Brighter Futures Learning Partnership Trust recognises that there are occasions when staff will find it necessary to be absent from work due to matters which are, in the main, outside their control. It must however, be understood by all concerned that absences from work have an adverse affect on the delivery of the service in which we are employed and therefore staff are required to apply for leave of absence with restraint.

Where leave of absence is necessary then only minimum periods of leave should be requested.

This is particularly relevant to those provisions that provide for up to a given maximum – the stated maximum must not be seen as the norm. It is incumbent on Headteachers/Principal when approving leave of absence to take account the effect on the service and whether the member of staff could reasonably have made other arrangements which would not interfere with their duties. This is particularly relevant in the case of part time staff.

- \* All absence leave is at the discretion of the Headteacher/Principal
- \* There may also be consideration of whether the leave time can be made up in extra hours where this is possible.

Applications for leave of absence from employees should always be submitted to the Headteacher/Principal on the approved leave of absence application form. Headteachers

requiring leave of absence for themselves must apply to the CEO. The maximum possible notice of proposed absence should always be given.

In cases of extreme necessity, where an employee is compelled to absent themselves without having obtained in writing prior consent, the employee must notify the Headteacher/Principal of the school at once and complete a leave of absence application from as soon as possible after return to duty.

Where indicated in the policy, salary will automatically be granted. Any additional leave requested will either be without salary or, at the discretion of the Headteacher, with salary where indicated. It will be for the Headteacher/Principal to decide whether salary is granted. In the case of the Headteacher/Principal the CEO will make this decision.

All applications for leave of absence for reasons not covered by the provisions of the regulations **must** be submitted to the Headteacher/CEO for consideration. These applications outside the provisions of the policy can only be made to the Headteacher/Chair/CEO in exceptional circumstances, at which time each case will be considered on an individual basis on its own merits.

Approved absence will be with or without salary as indicated below, but in any case salary shall be reduced by an amount equal to any allowance in respect of loss of earnings which the teacher claims and receives from any other source.

## **12. APPLICATION TO TAKE LEAVE**

All leave requests should be made in accordance with arrangements in the school. Requests must firstly be agreed by the employee's line manager, then approved by the Headteacher/Principal and will be subject to the needs of the school.

## **13. CONDUCT**

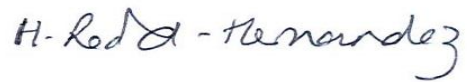
If an employee is found to have deliberately misused this policy, the matter will be dealt with under the Disciplinary Policy and Procedure.

## **14. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY**

Effectiveness and compliance of this procedure will be monitored on an annual basis by Central HR.

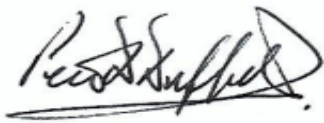
Teachers' Appraisal Policy agreed: July 2023 (Version 4)

Signed CEO of BFLPT – Helen-Redford-Hernandez:

A handwritten signature in black ink, appearing to read 'H. Redford-Hernandez', written in a cursive style.

Date: July 2023

Signed – Chair of BFLPT – Peter Duffield:

A handwritten signature in black ink, appearing to read 'Peter Duffield', written in a cursive style with a horizontal line underneath.

Date: July 2023

Policy created:	September 2020 (Version 1)
Revised:	July 2023 (Version 2)
	March 2023 (Version 3)
	July 2023 (Version 4)

Policy to be revised: July 2024



## LEAVE OF ABSENCE REGULATIONS FOR STAFF

Please note this leave allocation is based on full time equivalent.

### Days Per Annum (Rolling 12 month period)

Reason for Absence	Leave Entitlement		Discretionary Leave Entitlement	
	Period	With/Without Salary	Period	With/Without Salary
Death and Funeral of member of staff's immediate family, father, mother, brother, sister, spouse, residential partner	Minimum necessary up to a maximum of 5 days	With salary	In excess of 5 days	Normally without salary but at the <b>discretion of the Headteacher</b>
Death of a child/Long-term illness Parents and the primary carer (s) who suffer the loss of a child. This will apply to the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy  Long-term illness -you should discuss this with the Headteacher/Principal	Two Weeks	With Salary	In excess of two weeks	At the discretion of the Head teacher
Funerals other than of member of staff's immediate family e.g. grandparents, parent-in-law, brother/sister-in-law, friend	Minimum necessary up to a maximum of 1 day	With salary	In excess of 1 day	Normally without salary but at the <b>discretion of the Headteacher</b>
N.B. Except where long distances need to be travelled the normal reasonable requirement is regarded to be one day				

Reason for Absence	Leave Entitlement		Discretionary Leave Entitlement	
	Period	With/Without Salary	Period	With/Without Salary
Weddings of member of staff's immediate family or if attending as bridesmaid or best man	Day of wedding	With salary	In excess of 1 day	Without salary
In cases of dependant/close family illness	Minimum necessary up to a maximum of 2 days	With salary (for 3 occasions per academic year)	In excess of 1 day or where this is the 4th occasion onwards in the academic year)	Without salary
Attendance at a hospital/doctors appointment or similar where the arrangements are beyond the control of the employee <b>and cannot be arranged at a time outside normal working hours.</b>	Minimum necessary to maximum of 3 occasions	With salary	In excess of 3 occasions	Without salary
N.B. This provision is in respect of appointments for the member of staff only				
Dependant's care Leave	First 2 days with pay there after unpaid leave <b>Frequency at the discretion of Headteacher</b>			
Supporting the birth of a child	Any additional leave required to support the birth of a child <b>must</b> be discussed with the Headteacher/Principal. This may be granted with or without pay at the Headteacher/Principal's discretion. (Please also refer to the Maternity, Paternity, Adoption and Shared Parental Leave policy).			

Reason for Absence	Leave Entitlement		Discretionary Leave Entitlement	
	Period	With/Without Salary	Period	With/Without Salary
Parental Leave	<p>Parental leave is unpaid. You're entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.</p> <p>The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise).</p> <p>You must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless your employer agrees otherwise or if your child has a disability. You don't have to take all the leave at once.</p> <p>A 'week' equals the length of time an employee normally works over 7 days.</p> <p><b>Example</b> If you work 3 days a week, one 'week' of parental leave equals 3 days</p> <p>See parental leave entitlements in the maternity, paternity, adoption policy for additional information. This can be found on the BFLPT website.</p>			
Moving House	Minimum necessary up to a maximum of 1 day	With salary	In excess of 1 day	Without salary
N.B. Except where long distances need to be travelled leave of absence for house removal will be a maximum of 1 day				
Interview for other post	Minimum period of absence required to be able to attend up to a maximum of 2 days	With salary	In excess of 2 days	With salary

Reason for Absence	Leave Entitlement		Discretionary Leave Entitlement	
	Period	With/Without Salary	Period	With/Without Salary
Transport Failure	As may be unavoidably necessary	With salary		
N.B. Once it has become known that normal transport arrangements have failed staff are expected to immediately take steps to use alternative forms of transport				
Holiday with residential partner	As may be considered reasonable	Without salary		
N.B. This provision is intended to meet cases where the employee's residential partner is compelled to take his or her main holiday during term-time for such reasons as staggering of holidays in industry. <b><u>This will depend on the needs of the school.</u></b> Leave for short industrial breaks should not be approved.				
Significant Award to self or member of immediate family e.g. University Graduation Ceremony, National Honours	1 day	With salary	In excess of 1 day	Without salary
Sitting for an examination	Minimum period required to attend examination	With salary		
Attendance at a religious ceremony or religious observance	Reasonable as agreed by Headteacher/Principal (with salary).			
a) Witness at court or Jury Service	As may be required	With salary (no claim for loss of earnings to be		

Reason for Absence	Leave Entitlement		Discretionary Leave Entitlement	
	Period	With/Without Salary	Period	With/Without Salary
b) Petitioner or defendant	As may be required	made under Jurors' Allowances Regulations or other similar regulations). This will be reclaimed by the Authority – to be removed from the policy		
Duties of Justice of the Peace	As may be necessary up to 30 half days annually	With salary		
N.B. Salary will be reduced by the amount of the financial loss allowance claimable from the court				
Attendance at a Board of Governors/ Board of Visitors	As may be necessary	With salary		
Accompanying child for interview/school or college			Up to 1 day	Discretion of Headteacher/Principal
Standing as Local Councillor at Election	Day of election	With salary		
Duly appointed agent at an election	Day of election	With salary		
Visit to a new school after appointment	1 day	With salary		

Reason for Absence	Leave Entitlement		Discretionary Leave Entitlement	
	Period	With/Without Salary	Period	With/Without Salary
		(in negotiation with new employer)	Discretion of Headteacher/Principal	
Driving Test	Up to ½ day	Without salary		

## REQUEST FOR LEAVE OF ABSENCE

NAME: \_\_\_\_\_

ROLE: \_\_\_\_\_

### REASON FOR REQUEST

--

<b>Number of days requested</b>	
<b>Dates of the time off requested</b>	
<b>Signature</b>	
<b>Date</b>	
<b>OFFICE USE ONLY</b>	
LOA days in last 12 months	
<b>Approved: Y / N</b>	<b>PAID                      UNPAID</b>
<b>Headteacher/Principal signature:</b>	<b>Date:</b>