Leave of Absence Policy

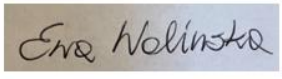
Approved by: B.Suddhi	**Date:** September 2026
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Leave of Absence Policy

Signed by:



Headteacher Date: September 2026



Chair of governors Date: September 2026

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Statement of Intent

Pear Tree Infant and Nursery School recognises that employees may, from time to time, need to take time away from work for personal, family, medical, compassionate or other important reasons.

The school recognises that a fair and effective approach to leave of absence contributes to staff wellbeing, morale and retention while ensuring that the educational and operational needs of the school are maintained.

This policy sets out:

- statutory leave entitlements;
- discretionary leave arrangements;
- circumstances in which paid or unpaid leave may be granted;
- how employees should request leave;
- arrangements for emergencies;
- the factors considered when deciding discretionary requests; and
- the consequences of taking leave without appropriate authorisation.

The school will deal with requests fairly, consistently and sensitively.

The operational requirements of the school will be taken into account when considering discretionary leave. However, statutory rights to leave will not be unreasonably refused or restricted.

Where a statutory entitlement applies, the statutory entitlement will take precedence over any discretionary provision in this policy.

Where an employee is covered by a Derby City Council employment policy, collective agreement or nationally agreed terms which provide a more favourable entitlement, the applicable terms will be followed.

The examples of discretionary leave contained in this policy are not exhaustive. The Headteacher may consider requests for other circumstances where appropriate.
This policy is non-contractual and may be amended to reflect changes in legislation, local authority terms and conditions or school arrangements.

1. Scope

This policy applies to all employees of Pear Tree Infant and Nursery School, including teaching and support staff, unless a specific statutory provision or employment arrangement states otherwise.

This policy does not replace or duplicate policies dealing specifically with:

- annual leave;
- maternity leave;
- paternity leave;
- adoption leave;
- shared parental leave;
- parental leave;
- flexible working;
- sickness absence;
- redundancy;
- training and study leave; or
- other specific statutory or contractual leave arrangements.

Where another school or local authority policy applies to a particular type of leave, that policy should be consulted.

2. Legal Framework

This policy has regard to relevant legislation and guidance, including:

- Employment Rights Act 1996;
- Equality Act 2010;
- Employment Relations Act 1999;
- Children and Families Act 2014;
- Carer's Leave Act 2023;
- Carer's Leave Regulations 2024;
- Neonatal Care (Leave and Pay) Act 2023;
- Neonatal Care Leave and Miscellaneous Amendments Regulations 2025;
- Parental Bereavement (Pay and Leave) Act 2018;
- Parental Bereavement Leave Regulations 2020;
- Paternity Leave (Bereavement) Act 2026;
- Working Time Regulations 1998;
- Jury Service legislation and HM Courts & Tribunals Service guidance;
- Equality Act 2010 and associated employment guidance; and
- relevant Derby City Council terms and conditions and employment policies.

The school will also have regard to relevant ACAS guidance.

The statutory right to take reasonable unpaid time off for dependants remains separate from the statutory right to take Carer's Leave. Carer's Leave provides eligible employees with a separate entitlement of up to five working days of unpaid leave in a rolling 12-month period.

Neonatal Care Leave has applied to eligible parents where a baby enters neonatal care on or after 6 April 2025. Eligible employees can receive up to 12 weeks' Neonatal Care Leave, subject to the statutory conditions.

Parental Bereavement Leave provides eligible employees with up to two weeks' leave following the death of a child or a qualifying stillbirth.

3. General Principles

The school will consider requests for leave:

- fairly;
- consistently;
- sensitively;
- promptly;
- with regard to the employee's circumstances;
- with regard to the needs of pupils;
- with regard to the operational requirements of the school;
- with regard to previous leave taken where relevant; and
- in accordance with statutory rights and local authority terms.

When considering discretionary leave, the Headteacher may take into account:

- the reason for the request;
- whether the circumstances could reasonably have been arranged outside working hours;
- the amount of notice provided;
- the amount of leave requested;
- the employee's previous leave of absence;
- the impact on pupils and the operation of the school;
- the availability of suitable cover;
- the employee's working pattern;
- whether the employee has other reasonable flexibility available;
- whether a statutory right or other policy applies; and
- any relevant equality or reasonable adjustment considerations.

The school will not discriminate unlawfully when making decisions about leave.

4. Requesting Leave of Absence

Except in an emergency, employees should request leave as soon as they become aware that it is required.

Requests should be made in the first instance, verbally to the Head Teacher, it should then be followed up using the school's electronic leave request system – this is a Microsoft form.

Employees should provide:

- the reason for the request;
- the date or dates requested;

- the expected duration; and
- any other information reasonably required to determine the request.

Where appropriate, supporting evidence may be requested.

Leave should not be taken until it has been authorised, unless:
- the leave is an emergency;
- the employee has a statutory right to take the leave; or
- the circumstances otherwise mean that prior authorisation is not reasonably possible.

Where the Headteacher requires leave, the request will be made to the Chair of the Governing Board or another appropriate governor in accordance with the school's delegated arrangements.

5. Emergency Leave

An emergency is an unexpected situation requiring the employee to take action personally and which cannot reasonably be dealt with by someone else.

Examples may include:
- sudden illness or injury involving a dependant;
- an unexpected breakdown of childcare or care arrangements;
- a serious domestic emergency;
- a significant incident affecting the employee's home;
- an unexpected incident involving the employee's child during school hours; or
- another serious and unforeseen situation requiring immediate action.

Employees should contact the Headteacher as soon as reasonably practicable.

Employees should explain:
- the nature of the emergency;
- why their attendance is necessary; and
- how long they expect to be absent.

Employees should keep the school updated if the period of absence is likely to be longer than initially expected.

Emergency leave will be dealt with in accordance with the appropriate statutory entitlement, local authority provision and/or discretionary provisions in this policy.

6. Discretionary Leave with Pay

The school may grant paid discretionary leave in circumstances such as those set out below.

These provisions reflect the school's current approach and any applicable Derby City Council terms and conditions. Where the local authority changes its terms, the school will apply the applicable current provision.

leave normally granted with pay	**Days Per Rolling 12 month period**
compassionate leave • illness or injury of a significant other person giving rise to serious domestic difficulties: • Family or dependant sickness • Carers - when employee needs time off to care for a member of their immediate family, because the care arrangements have unexpectedly broken down and no one else is immediately available. • Domestic crisis- When serious situations happen unexpectedly	period reasonably necessary but not normally more than 3 days. If employees have had five days approved under this policy with pay in a rolling twelve-month period, any further time would automatically be without pay
bereavement leave death (including funeral) of a significant other person	period reasonably necessary but not normally more than 5 days
moving house where it cannot be arranged for a non-working time	1 day
personal events or emergencies i.e., an event which, if response were to be delayed, would result in significant personal loss to the employee such as fire or flood	1 day
accepted impossible travel because of weather or other public crisis.	period reasonably necessary but not normally more than 2 days
interviews for jobs in the education service	period reasonably necessary but not normally more than 3 days
dependant care leave. employees may only take **paid** time off to provide personal care for a dependent where there is an immediate crisis. (there is a statutory right to take **unpaid** leave see 6.1below)	In normal circumstances not more than 1day on each occasion. Up to 3 days.

The above provisions are subject to the circumstances of each case.

Where an employee has already received five days' paid discretionary leave under these provisions during a rolling 12-month period, further discretionary leave of this type will normally be unpaid unless there are exceptional circumstances or a different statutory or contractual entitlement applies.

The school may exercise discretion where applying the normal limits rigidly would be unreasonable in the circumstances.

7. Discretionary Leave without Pay

The school may grant unpaid leave for circumstances including:

Summary non exhaustive examples of absence normally granted without pay	**Days Per Annum - All Staff**
Any personal reason other than those above which it was not possible to schedule for a non-working day or time or within annual leave e.g. dentist, optician, medical appointment, driving test, important one-off family occasions.	maximum of 3 days
Attendance as witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as witness not representing the school	period of attendance necessary.
Leave of absence for religious observance	Employees from a religious minority group may designate up to two days a year as their religious holidays

- other circumstances considered appropriate by the Headteacher.

The school will normally consider up to **three days' discretionary unpaid leave per year**, although this is not an automatic entitlement.

Requests for longer periods may be considered where there are exceptional circumstances.

The school will consider whether another statutory or contractual form of leave applies before granting discretionary unpaid leave.

8. Medical and Healthcare Appointments

Employees should make medical and healthcare appointments outside working hours wherever reasonably possible.

Where this is not possible, the employee should discuss the appointment with the Headteacher as soon as possible.

Hospital appointments

Where supported by appropriate evidence, employees may be granted up to half a day of paid leave to attend a hospital appointment where it has not been reasonably practicable to arrange the appointment outside working hours.

This may include:

- hospital appointments;
- medical screening;
- diagnostic appointments; and
- blood donation.

This does not normally include appointments associated with elective surgery unless otherwise agreed.

GP and dental appointments

Employees should normally arrange GP, dentist, optician and similar appointments outside working hours.

Where this is not reasonably possible, the Headteacher may agree a reasonable period of time away from work.

Employees should, where possible, arrange appointments at the beginning or end of the working day to minimise disruption.

Pregnancy-related appointments

Pregnant employees have specific statutory rights in relation to antenatal appointments.
The school will provide time off in accordance with the relevant statutory and contractual provisions.

Employees should not be required to use annual leave for statutory antenatal appointments.

Disability-related appointments

Where appointments are connected with a disability, long-term health condition or reasonable adjustment, the school will consider the Equality Act 2010 and whether reasonable adjustments are required.

Such appointments will not automatically be treated in the same way as ordinary personal appointments.

9. Religious Observance

The school recognises the importance of religious observance.

Employees may request leave to observe:

- religious festivals;
- holy days;
- pilgrimages;
- prayer or other religious observance; or
- other significant religious obligations.

Employees may also request reasonable adjustments to working arrangements, including changes to working times, where appropriate.

Requests will be considered sensitively and on an individual basis, taking account of:

- the employee's religious observance;
- the school's operational requirements;
- the amount of notice provided;
- the employee's working pattern;
- whether alternative arrangements can reasonably be made; and
- equality considerations.

Employees should provide as much notice as possible, preferably at the beginning of the academic year where dates are known.

Up to two days' unpaid leave may normally be requested for religious observance under the school's discretionary arrangements.

The school will also consider whether an alternative working arrangement or reasonable adjustment would be appropriate.

10. Public Duties

Employees may have a statutory right to reasonable time off to undertake certain public duties. Public duties may include service as:

- a local councillor;
- a magistrate;
- a school governor;
- a member of certain statutory tribunals;
- a member of certain NHS bodies;
- a prison visitor; or
- another qualifying public duty.

Employees should notify the Headteacher as soon as they become aware that time off will be required.

The school will consider:

- the amount of time reasonably required;
- the frequency of the duties;
- the amount of time already taken;
- the employee's role;
- the effect of the absence on the school;
- whether alternative arrangements can be made; and
- any applicable statutory or local authority provisions.

Statutory public duty leave is normally unpaid unless the employee's contract, local authority terms or school arrangements provide otherwise.

Where reasonably possible, the school may agree paid leave in accordance with the applicable local authority terms.

11. Jury Service

Employees who receive a jury summons must notify the Headteacher as soon as possible and provide a copy of the summons.

The school will release employees for jury service in accordance with their statutory rights. Where the employee's absence would cause significant operational or educational difficulties, the school may support the employee in applying to the court to defer or be excused from jury service where the relevant grounds apply.

Employees should keep the school informed about:

- the expected length of service;
- any days when they are not required at court; and
- any changes to the expected end date.

Where jury service lasts for less than a full working day, employees should return to work for the remainder of the day where reasonably practicable.

Pay during jury service

The school will follow the applicable Derby City Council terms and conditions regarding pay during jury service.

Where the school continues normal pay, the employee must complete and provide any required court documentation so that the school can determine the appropriate payment arrangements.

Where an employee receives a court allowance for loss of earnings, the school will apply the applicable local authority arrangements.

Employees must not receive duplicate payment for the same period.

Current GOV.UK guidance confirms that employers are not legally required to pay employees during jury service, although employers may choose to do so; employees who are not paid can claim loss-of-earnings compensation from the court.

Employees must provide any court remittance or relevant payment information requested by the school.

12. Statutory Time Off for Dependants

Employees have a statutory right to a reasonable amount of unpaid time off where necessary because of an unexpected event involving a dependant.

This may include circumstances where a dependant:

- becomes ill;
- is injured;
- is assaulted;
- gives birth;
- dies;
- requires care arrangements to be made because of illness or injury;
- experiences an unexpected breakdown of care arrangements; or
- is involved in an unexpected incident during school hours.

A dependant may include:

- a spouse or civil partner;
- a partner;
- a child;
- a parent;
- a person living in the employee's household, subject to the statutory exclusions; or
- another person who reasonably relies on the employee to provide care or assistance.

Employees should notify the school as soon as reasonably practicable and explain:

- the reason for the absence; and
- how long they expect to be away.

There is no fixed statutory number of days for time off for dependants. The amount of leave must be reasonable in the circumstances.

The statutory right is intended to allow employees to deal with the immediate problem and make longer-term arrangements where necessary. It is not normally intended to provide extended ongoing care.

Time off for dependants is unpaid unless the employee has a separate contractual or discretionary entitlement to paid leave.

13. Carer's Leave

Eligible employees have a statutory right to take up to **five working days of unpaid Carer's Leave in each rolling 12-month period** to provide or arrange care for a dependant with a long-term care need.

Carer's Leave is separate from emergency time off for dependants.

A dependant may include:

- a spouse or civil partner;
- a child;
- a parent;
- a person living in the employee's household; or
- another person who reasonably relies on the employee to provide or arrange care.

A long-term care need includes a disability, an illness or injury likely to require care for at least three months, or a need for care for a reason connected with old age.

Employees do not have to provide evidence of the dependant's care needs unless the law permits such a request.

Carer's Leave:

- is a day-one employment right;
- is unpaid;
- can be taken flexibly;
- may be taken in half-days or individual days;
- does not have to be taken consecutively; and
- is subject to the statutory notice requirements.

Employees should submit requests through the school's normal leave request system where practicable.

The school may postpone a period of Carer's Leave where the statutory conditions for postponement are met and taking the leave at the requested time would cause significant disruption to the operation of the school.

The school will not refuse the statutory entitlement where the legal conditions are met.

14. Parental Bereavement Leave

Employees may have a statutory entitlement to Parental Bereavement Leave following the death of a child under the relevant statutory provisions.

Eligible employees may take up to **two weeks' Parental Bereavement Leave**.

The entitlement applies from the first day of employment, subject to the statutory eligibility requirements.

Leave may be taken:

- as one continuous two-week period; or
- as two separate one-week periods.

Leave can normally be taken within 56 weeks of the child's death or qualifying stillbirth.

Eligible employees may also qualify for Statutory Parental Bereavement Pay, subject to the statutory eligibility requirements.

The school will deal with such requests sensitively and will provide appropriate support.
Employees do not need to use annual leave or sickness absence in place of statutory Parental Bereavement Leave.

The statutory rules allow the leave to be taken flexibly within the relevant 56-week period.

15. Neonatal Care Leave

Employees may be entitled to statutory Neonatal Care Leave where their baby requires qualifying neonatal care.

The statutory entitlement applies to eligible employees where the relevant conditions are met. Eligible employees may receive up to **12 weeks of Neonatal Care Leave**, with the amount available depending on the period the baby spends receiving qualifying neonatal care.

The leave is in addition to other statutory family leave entitlements.

Employees may be able to take Neonatal Care Leave:

- while the baby is receiving neonatal care;
- shortly after the baby leaves neonatal care; or
- later within the statutory period.

The statutory entitlement applies from the first day of employment, subject to the statutory eligibility conditions.

Employees may also qualify for Statutory Neonatal Care Pay if the statutory conditions are met.

The school will support employees in accessing this leave and will deal with requests sensitively.

Current statutory guidance provides for up to 12 weeks of Neonatal Care Leave and sets out specific rules regarding eligibility, notice and when the leave can be taken.

16. Bereaved Partner's Paternity Leave

Following changes introduced in 2026, an eligible employee may have a statutory right to Bereaved Partner's Paternity Leave where the mother or primary adopter of their child dies during the relevant period following the child's birth or placement for adoption.

The entitlement is separate from ordinary paternity leave.

Eligible employees may be entitled to an extended period of leave to care for their child, subject to the statutory conditions.

The school will deal with applications sensitively and in accordance with the statutory requirements in force at the time.

Employees should contact the Headteacher or school office as soon as reasonably practicable where this type of leave may apply.

17. Other Statutory Family and Parental Leave

The school will comply with all statutory family and parental leave entitlements.

These include, where applicable:

- maternity leave;
- statutory maternity pay;
- paternity leave and pay;
- adoption leave and pay;
- shared parental leave and pay;
- parental leave;
- parental bereavement leave;
- neonatal care leave and pay; and
- Bereaved Partner's Paternity Leave.

These arrangements are normally covered by separate policies and procedures.

Employees should speak to the Headteacher or school office if they are unsure which form of leave applies to their circumstances.

Where legislation changes, statutory entitlements will apply from the date required by law even if this policy has not yet been formally updated.

18. Appeals

Where a request for discretionary leave is refused, the employee may appeal.

An appeal should normally be submitted in writing to the Headteacher within **five working days** of receiving the decision.

Where the original decision was made by the Headteacher, the appeal should be made to the Chair of the Governing Board or an appropriate governor delegated by the Governing Board.

The appeal should explain why the employee believes the decision should be reconsidered.

The appeal will consider:

- the original request;
- the reason for refusal;
- any additional information provided;
- the operational impact;
- whether the correct policy or statutory provision was applied; and
- any relevant equality or reasonable adjustment considerations.

The appeal decision will be confirmed in writing.

The appeal decision will be final within the school's leave of absence procedure.

An appeal does not remove an employee's statutory right to leave.

19. Pension and Pay Implications

Some forms of leave may be unpaid and may therefore affect:

- salary;
- pension contributions;
- pensionable service;
- national insurance;
- statutory payments; or
- other employment benefits.

Employees will be informed where a period of leave is expected to affect pay or pension.

Employees who are members of the Local Government Pension Scheme or Teachers' Pension Scheme should seek advice where appropriate regarding the effect of unpaid leave on pension arrangements.

The school will apply the relevant pension scheme rules.

20. Equality, Fairness and Reasonable Adjustments

The school is committed to equality of opportunity.

Requests for leave will be considered without unlawful discrimination.

The school will consider reasonable adjustments where an employee is disabled or where another legal obligation requires adjustments to be considered.

This may include consideration of:

- medical appointments;
- treatment;
- caring responsibilities;
- working arrangements;
- religious observance;
- disability-related needs; and
- other circumstances where an adjustment may be appropriate.
-

The school will not automatically treat disability-related appointments or needs as ordinary discretionary personal leave where the Equality Act 2010 requires a different approach.

Employees are encouraged to discuss any relevant circumstances with the Headteacher or line manager at an early stage.

21. Confidentiality and Records

Requests for leave will be handled sensitively and confidentially.

The school will maintain appropriate records of:

- leave requests;
- approvals and refusals;
- reasons where necessary;
- periods of leave taken; and
- relevant supporting documentation.

Information will only be shared with staff who have a legitimate need to know.

Records will be stored securely in accordance with the school's Data Protection Policy and Records Management and Retention Schedule.

Information relating to medical conditions, family circumstances or bereavement will be treated as confidential personal information.

22. Unauthorised Absence

Employees must not take discretionary leave without authorisation.

Failure to attend work without appropriate authorisation or without a valid statutory reason may be treated as unauthorised absence.

Repeated or deliberate unauthorised absence may be dealt with under the school's Disciplinary Policy.

Where an employee has been unable to obtain prior authorisation because of an emergency, the circumstances will be considered before any decision is made regarding the absence.

The school will distinguish between genuine emergencies and absence that has not been appropriately reported.

23. Monitoring and Review

The Headteacher will monitor the operation of this policy and will consider:

- the number and nature of requests;
- consistency of decision-making;
- staff feedback;
- operational impact;
- equality considerations;
- changes to legislation;
- changes to Derby City Council terms and conditions; and
- changes to nationally agreed employment terms.
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The Governing Board will review this policy annually or sooner where significant legislative or contractual changes occur.

The policy will be amended where necessary to ensure that statutory entitlements remain accurate.

Appendix 1 – Summary of Leave Arrangements

Type of leave	Paid/unpaid	Nature of entitlement
Emergency time off for dependants	Normally unpaid	Statutory reasonable time off
Carer's Leave	Unpaid	Up to 5 working days in a rolling 12-month period
Parental Bereavement Leave	Statutory pay may apply	Up to 2 weeks where eligible
Neonatal Care Leave	Statutory pay may apply	Up to 12 weeks where eligible
Bereaved Partner's Paternity Leave	Statutory provisions apply	Subject to statutory eligibility
Jury Service	In accordance with LA/school arrangements	Statutory time off
Public duties	Normally unpaid unless applicable terms provide otherwise	Statutory reasonable time off
Religious observance	Normally unpaid unless otherwise agreed	Discretionary/statutory equality considerations
Hospital appointments	Normally paid where the school's provision applies	Subject to circumstances and evidence
Bereavement/compassionate leave	Normally paid under discretionary provision	Subject to circumstances
Moving house	Normally paid	Normally 1 day
Domestic emergency	Normally paid under discretionary provision	Subject to circumstances
Other personal appointments	Normally unpaid	Discretionary
Other personal circumstances	Normally unpaid	Discretionary

Appendix 2 - Procedure

Leave of Absence Request Procedure

This procedure works in conjunction with the Discretionary Leave of Absence Policy 2025 which sets out the fair and consistent approach to approval of absence requests by staff.

*Please be aware that all dental, medical (excluding hospital) appointments should be made out of school hours, and approval is at the discretion of the Head Teacher.

All requests for leave must follow the below process:

1. Speak to Bindy Suddhi regarding your absence request.



2. Complete the Leave of Absence Microsoft Form



3. Once approved, ask the office to add your absence to the diary.