

Woodlea Primary School

Requests for time off policy



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Based on the Hampshire Time Off Guidance 2024

Time off

Time off for all absence for any reason other than sickness, involvement in activities related to trade unions, or taking part in in-service training

These regulations and guidance notes are applicable to all staff employed in Hampshire maintained schools. Where necessary a distinction is made between the various categories of staff involved, and where staff have an annual leave entitlement this should be taken into account when considering individual requests.

These regulations and guidance notes are concerned with all leave of absence from duty for any reason other than sickness, involvement in activities as accredited representatives of a trade union, or participation in in-service training. Hampshire County Council retains responsibility for determining policy on time off falling under all these categories for Hampshire maintained schools.

These regulations do not confer automatic entitlement to leave. Each application for leave will be considered on its merits. All the circumstances relating to the application should be considered in the light of the operational requirements of the establishment, including whether the applicant making the request for leave has a separate annual leave entitlement. In such considerations, therefore the individual needs of the employee must be balanced against the requirements of the establishment to ensure a fair and sympathetic general approach.

Unless paid leave is for recognised public duties (in which case the employer's discretionary exceptions budget may normally be accessible in the case of teaching staff) in Hampshire maintained schools, all other paid leave must be met from the school budget. For this reason, approval of requests for unpaid and/or paid leave of absence should be given by the Headteacher, only after consultation with the individual. Where appropriate, this consultation should include the Headteacher discussing the specific circumstances with the Chair of Governors and relevant Governors' Committee at the school.

Approval procedures

These regulations delegate, via governors of the school to heads of establishments, authority to authorise absence in the circumstances specified below. Any application for leave of absence that - in its purpose or length - falls outside the scope of this delegated authority shall be referred, via the Head, to the Chair of Governors and where appropriate the relevant governors' committee at the school.

Leave shall only be taken with the prior approval of the Head of Establishment and, if necessary, governors. However, in an emergency formal approval may need to be obtained retrospectively. In normal circumstances applications for approval should be made at the earliest possible date - bearing in mind that the application may need to be referred beyond the Headteacher.

Any decision regarding leave of absence under these regulations must be communicated to the member of staff making the application as soon as a decision has been taken. If a member of staff and the Head are unable to agree on the action that is appropriate in respect of any particular application, the matter should be referred to Education Personnel Services for advice. If the matter still cannot be resolved between the Head and the member of staff, it may need to be referred to a panel of the Governing Body for a decision. At all stages, decisions will be communicated as quickly as possible to the member of staff making the application. It is a general principle throughout the document that no application for leave of absence should be unreasonably refused.

Before agreeing to be nominated for a public duty or office, or enrolling for an examining activity (or other activity which may have time off implications under the terms of this document) a member of staff shall, in order to allow advance planning, first discuss with their Head the possible implications of taking on the responsibility. Each specific absence or programme of absences thereafter shall be subject to the prior approval of the Head, which shall not unreasonably be withheld.

If, under these regulations, a member of staff has been absent from duty for an aggregate total of more than five days in a particular term, the Head may need to consider whether the details should be reported to the Governors at

their next ordinary meeting. If such a report is to be made, the member of staff shall be informed prior to the meeting.

With the exception of entitlement to parental leave and public duties, Heads should ensure that, after taking into account any leave previously authorised by them, the total under these regulations for any particular member of staff in any 12-month period does not exceed ten days with pay and ten days without pay. If the Head considers that leave in excess of these periods may be justified, the case with supporting details, and after taking advice from Education Personnel Services, should be submitted for consideration to the relevant committee of the governing body.

If a Headteacher requires personal leave of absence under these regulations, application should be made to the Chair of Governors. These regulations and guidance notes will apply in the same way as for other members of staff. Where a Headteacher makes a personal request for leave of absence to the Chair of Governors which is beyond the limits set out in this guidance, the Chair should consult with the Area Director or school improvement provider where necessary before approval is given. If a member of staff (including the Head) is absent under these regulations for half a day or longer, the school must report the absence through their payroll system.

Appeals

On extremely rare occasions an appeals panel of the governing body may be called upon to give a decision with regard to the granting of paid and/or unpaid leave of absence. For this reason, governors who are members of the appeals panel should not be part of the decision-making process under these regulations, e.g. they should not sit on the relevant governors' committee considering individual requests.

Effect of leave on benefits

In any circumstances where unpaid leave is granted, the member of staff should ensure that he or she understands the effect this will have on his/her longer-term pension benefits. Further information and advice is available from the relevant pension provider:

Teachers' Pensions Scheme

[Teachers' Pensions Scheme website](#)

Phone: 0845 6066166 or 01325 745000.

Local Government Pension Scheme

[Hampshire Pension Services](#)

Phone: 01962 845588

National Insurance Benefits

National Insurance benefits are not affected by periods of paid or unpaid leave.

Time off for professional duties or consultancy work

Examining activities

A Head may authorise paid leave to enable a teacher to attend an activity arranged by an examination board, provided that the teacher is engaged by the board as an examiner, as a moderator or as a member of a subject panel or managing committee; and

- the activity is concerned with the preparation of examination papers, the moderating of examinations, the marking of examination scripts, the award of grades or the consideration of appeals

- the activity cannot practicably be held outside the teacher's normal working hours, and the teacher's attendance at the activity is essential; and
- the activity requires the teacher to spend time additional to that normally needed to fulfil his/her contractual responsibilities
- any fees (other than expenses) paid by the examining board to the teacher are in recognition only of work that the teacher has undertaken in addition to his/her contractual responsibilities
- the maximum leave thus authorised - per academic year, per teacher - should not normally exceed five days or, if the teacher is a chief examiner, chief moderator, chair or vice chair of a subject panel, ten days per academic year

Examinee activities

A Head may authorise paid leave to enable a member of staff to attend an examination that is relevant to the employee's professional development.

Paid leave may be authorised by the Head to help an employee to undertake final revision immediately prior to a relevant examination on the basis of a maximum of a half day's leave for each half-day examination, and a maximum total of five days per academic year.

Consultancy work

Where any member of school staff wishes to engage in this work, during times when they would otherwise be working for the school, the following principles should be applied:

- formal approval from the Governing Body should be obtained before any commitment is made to undertake work which, actually or potentially, will impact on the substantive job of the postholder at the school
- as part of this approval, the Governing Body should define a maximum amount of working time in the academic year in which the work may be undertaken
- prior to any work being undertaken all parties involved (the governing body, the employee undertaking the consultancy work, and the contracting party), must have agreed in writing the full terms of the work to be carried out including; arrangements for pay, expenses, time allocated to complete the work, and the nature of the consultancy work being undertaken
- on the basis that the member of staff continues to be paid, in full, by the donor school for this work, any fees received from the host school or contracting organisation will be paid into the donor school's accounts. No money can be paid directly to the employee from the contracting party.
- Subject to the Governing Body of the donor school recovering wherever possible, the gross salary cost for the day(s) absence from the school (where $1/365$ = one day's salary), one third of consultancy fees received (in excess of the gross pay having been recovered) may be paid to the employee to recognise work undertaken which does not directly fall within contractual responsibilities to the school. Where the consultancy fees agreed do not cover the gross salary cost to the school, the employee shall not receive any additional payment
- any payment under the previous bullet point will be paid to the employee through the school's payroll system thereby ensuring that statutory tax and national insurance responsibilities are met; this will be paid as an additional payment, either:
 - for teaching staff: Payment will be made in accordance with the Statutory Teachers Pay and Conditions document, under the heading 'additional payments' (e.g. Ofsted Duties wage type 6807 or Professional Duties wage type 6808)
 - for support staff: payment will be made in accordance with the current EHCC agreement; payment should be made in line with the EHCC salary policy under 'Special Recognition' (wage type 6087)
- note that, being a non-contractual arrangement, any additional payment for Ofsted consultancy work is non-pensionable
- payments for expenses (e.g. travel, food, accommodation) reasonably incurred by the employee whilst performing consultancy work are a matter exclusively between the employee and the contractor. Where such payments are included in a flat fee, they will be deducted from the fee before the above

arrangements are applied. The school should then reimburse the employee these costs as per their normal expenses process

- National Leaders of Education (NLEs): the headteacher continues to be paid in full by the donor school. Funding is paid directly from the National College to the donor school to enable them to develop their leadership capacity and not 'lose out' whilst the headteacher is at another school e.g. to provide additional cover during the headteacher's absence. No additional salary payments would be paid to the headteacher
- Local Leaders of Education (LLEs): the headteacher continues to be paid in full by the donor school. The costs to the donor school associated with recruitment, associate support to the Local Authority, Diocese or equivalent agency and the training programme are funded by the National College. No additional salary payments are payable to the headteacher

Travel and subsistence costs for NLEs and LLEs are met by the host school and should be agreed as part of the initial arrangements.

Time off for public duties

If a member of staff is granted **paid** leave to undertake public duties, all appropriate allowances must be claimed relating to this public duty. The employer shall then deduct, from the employee's full pay, an amount equal to the allowances which are received for attendance and loss of pay. Any allowances for travelling and subsistence will **not** be deducted.

It will be the responsibility of the member of staff to ensure that public duty commitments for which loss of earnings can be claimed (e.g. jury service) are notified to the Head of Establishment as soon as possible. Any paperwork from the Court asking for pay details must be sent to the Integrated Business Centre (IBC) Payroll. IBC Payroll will provide an explanatory letter and certificate of attendance which the Court will sign to confirm the amount of reimbursement. This form must be returned by the member of staff to IBC Payroll for the appropriate deduction from salary to be made.

Public offices

A Head may authorise paid leave (subject to the provisions regarding length of absence in 'Approval Procedures') for a maximum of 18 days in any 12-month period to enable an employee to function as:

- a Justice of the Peace
- a Governor of an educational establishment that is maintained by a Local Authority
- a member of a local or health authority
- a member of a statutory tribunal, e.g. an Employment Tribunal
- a member of a Post-16 further education college corporation or academy governing body
- a member of a body appointed by central government
- a special constable
- a member of the Teaching Agency misconduct panel

If additional leave is sought by an employee, and the Head considers that leave in excess of the 18 days may be justified, the case, with supporting details and after taking advice from Education Personnel Services, should be submitted to a relevant committee of the governing body for consideration.

Candidates and agents in elections

A Head shall authorise unpaid leave - from the date of the proclamation of the dissolution of Parliament to the day following the declaration of the result - for an employee who stands as a candidate, or who acts as an agent, in a parliamentary election.

A Head shall authorise unpaid leave on the polling day for an employee who stands as a candidate, or who functions as a presiding officer, in a local government election.

Court/Jury Service

A Head shall (or, if the attendance is discretionary, may) authorise paid leave to enable an employee to serve as a juror or witness in a court. Where an employee is attending court for some other purpose pay shall be subject to consultation with Education Personnel Services.

Service in reserve forces

There are certain rights and responsibilities afforded to members of volunteer reserve forces (e.g. leave, training and mobilisation), which schools need to be aware of before they employ a member of a reserve force. Please contact Education Personnel Services for more information.

Training: In exceptional circumstances - if it is not practicable for training to take place during education establishment holidays - a Head, in consultation with the Governing Body and Education Personnel Services, may authorise paid leave up to a maximum of 10 working days per annum for a member of the reserve forces to attend relevant training.

Mobilisation: If a reservist is called into full time service with the Regular Forces, call-out papers will be sent to the reservist's line manager by the MoD. The maximum period of mobilisation will depend on the scale and nature of the operation and is typically between 3 and 12 months. In all cases of mobilisation, employers have the right to seek exemption if the reservist's absence is considered to cause serious harm to service delivery. If a Head is considering requesting exemption, they should seek advice from Education Personnel Services in the first instance.

Pension information: If the reservist is a member of the Local Government Pension Scheme (LGPS) or Teachers' Pensions, and chooses to remain in the scheme, then the MoD will make the employer contributions for the period of mobilisation. Additional voluntary contributions will be suspended for the period of mobilisation, and it will be the reservist's responsibility to liaise with pension services if they wish to continue to make additional voluntary contributions during the period of mobilisation.

Reservists and line managers are jointly responsible for ensuring that the relevant pensions department is made aware of the mobilisation arrangements in order that pension provisions can be administered correctly.

Time off for dependants

Statutory entitlement

In certain circumstances an employee is entitled to time off during working hours in order to assist or make emergency or short-term arrangements for the care of a dependant.

Dependant: The term 'dependant' will include a spouse, an opposite or same sex partner, child, parent, close relative or other person who lives in the same household as the employee (with the exception of a tenant, lodger, boarder or employee of the employee requesting time off). Additionally, where the dependant is ill, has been injured/assaulted or the arrangements for the care of the dependant have been unexpectedly disrupted/terminated, the term 'dependant' will also include any other person who reasonably relies on the employee for assistance or to make arrangements.

Specifically, an employee will be entitled to reasonable unpaid time off where an employee requires the time off in order to take action which is necessary:

- to provide assistance when a dependant falls ill or is injured or assaulted
- to provide assistance when a dependant gives birth (where the employee is the father of the child see also entitlement to paternity leave)
- to make arrangements for the care of a dependant who is ill or injured
- following the death of a dependant
- due to the unexpected disruption or termination of arrangements for the care of a dependant (e.g. due to the illness of a childminder etc.)
- to deal with an unexpected incident in relation to the employee's child, where that child is in the care of an educational establishment

Time off in these circumstances will be **unpaid** (subject to the Headteacher's discretion to grant paid time off as described below) and limited to that which is reasonable. Reasonable time off must be judged on the particular circumstances, taking account of the need of the employee for time off and the operational requirements of the school. Recent case law has held that it is not possible to specify a maximum period for time off. Such reasonable requests for time off must not be refused unless there are exceptional reasons.

Carers' leave

Statutory entitlement

The Carers' Leave Act 2023 allows an employee to be absent to provide or arrange care for a dependant who has a long-term care need.

Dependant: The definition of 'dependant' in the Act includes a spouse, civil partner, child, parent, someone who lives in the same household as the employee (with the exception of a tenant, lodger, boarder or employee of the employee requesting time off), or someone else who reasonably relies on the employee to provide or arrange care.

All employees are eligible to request this type of leave if the definition above is met. There is no length of service requirement. The entitlement is to one week's unpaid leave in a 12- month period. This can be taken in blocks from a minimum of half a day to one continuous week. A week is defined as the period of time that an employee is normally required to work during a week under their contract.

The employee must give notice which is either twice as many days before the first day of leave as the amount of leave requested, or three days before the first day of leave, whichever is earlier. The notice must specify the times that they wish to take the leave and confirm that they have not exhausted their entitlement. However, the employee cannot be required to provide evidence about their entitlement before leave is granted.

While schools are encouraged to deal with such requests favourably, the school may postpone the employee's carers' leave where there is a reasonable belief that service provision would be unduly disrupted. In this situation the manager must consult with the employee on the date to which the carers' leave will be postponed. This must be no later than one month after the first day of the leave period originally requested. The manager must provide to the employee in writing a notice setting out the reason for the postponement and the agreed new dates for the leave.

Once approved, the employee's unpaid carers' leave should be recorded using the 'time off for dependants' absence type.

Time off for death or serious illness of a close relative

Close relative: The term 'close relative' would normally include a spouse, an opposite or same sex partner, parent, child, brother or sister, but it may be appropriate for it to also include another relative, or relative of the spouse, who has had a very close association with the member of staff, their spouse or partner. There

may be circumstances where it is valid for a member of staff to attend to matters relating to the death or serious illness of a non-relative, but any leave granted in these circumstances will be subject to the same maximum paid leave period quoted in the section on 'Non-serious illness of a close relative' (i.e. one day).

A Headteacher has the discretion to authorise **paid** time off in accordance with the following provisions:

Death or serious illness of a close relative

On any given occasion a Head may authorise between three and five days paid leave to enable a member of staff to attend to matters relating to the death or serious illness of a close relative. If nursing is needed, consideration should be given when determining the reasonableness of any leave to the sick person's domestic circumstances (including the ability of other members of the family to assist). In the case of a death, the period of leave should reflect consideration of the individual's role in dealing with practical arrangements associated with the death, including registration of the death and organising the funeral. The definition of 'close relative' is given above and draws attention to the procedures to be followed where consideration is given to the extension of these provisions to a non-relative.

In exceptional circumstances paid leave in excess of the five days may be approved by the Head after consultation with the Chair of the Governing Body, this would normally be up to a maximum of ten additional days. If further leave is required beyond the additional ten days, it is recommended that Headteachers contact Education Personnel Services to discuss the appropriateness of this. In such cases, consideration would need to be given as to whether there are extenuating circumstances warranting such additional discretion, for example an employee who has had to travel overseas to attend a family funeral or a funeral being delayed due to extended seasonal holidays.

In the event of the death of a child under the age of 18, or a still born baby after 24 weeks of pregnancy, an employee who is a bereaved parent can take parental bereavement leave. In this situation the arrangements outlined above for compassionate leave may follow on from a period of paid bereavement leave. Further information on parental bereavement leave is given below.

If absence may be necessary for a prolonged period (pending, for example, the death of a relative who has a terminal illness), some unpaid leave may also be authorised in accordance with the provisions of the paragraph above. Such arrangements will need reporting to the full Governing Body.

A Head must seriously consider any special requirements of an employee who follows a particular religion or holds specific beliefs. Some religions and beliefs have prescribed mourning periods or special requirements. This may mean that an employee may ask for extended leave in order to meet the needs of their religion or belief. Headteachers should therefore give serious consideration to granting leave beyond the normal compassionate leave provisions as outlined above, and subject to the approval procedures.

Non-serious illness of a close relative

A Head may authorise paid leave for a maximum of one day to enable a member of staff to attend to the non-serious illness of a close relative except that, in the case of his or her child, such leave will normally be without pay and will be approved on the basis of providing the opportunity for the member of staff to make alternative child care arrangements.

In exceptional circumstances the Head has the discretion, in consultation with the governing body, to approve extra assistance to employees. Normally any leave allowed in addition to that above should be without pay. However, where unpaid leave would cause significant financial hardship, or where unforeseeable problems have arisen in the employee's contingency arrangements, the governing body may extend paid leave; or convert unpaid leave to paid leave; and provide additional paid leave or extend unpaid leave.

Parental bereavement leave

Statutory parental bereavement leave is available to an employee who is a bereaved parent, where they were the primary carer for a child under the age of 18 who has died, or a stillborn baby after 24 weeks of pregnancy. A primary carer is a birth parent (unless they are not the child's primary carer where the child has been adopted), adoptive parent, an individual who is fostering to adopt, a legal guardian and a foster parent (except where the fostering arrangement is short-term).

All employees are eligible to request this type of leave if the definitions above are met. There is no length of service requirement. There is no need for an employee taking parental bereavement leave to provide a copy of the child's death certificate or doctor's letter. If an employee loses more than one child, they are entitled to take a separate period of parental bereavement leave for each child.

Hampshire County Council/the school provides up to two weeks paid leave for a bereaved parent, which can be taken as a single block of two weeks or as two separate blocks of one week at different times up to 56 weeks after the date when the child died, for example at the anniversary of the child's death or to attend an inquest. (While the amount paid will be the same regardless of length of service, if a bereaved parent has at least 26 weeks continuous employment with the Council/the school up to the week before the child has died, and is still employed by the Council/the school, there will be an element of statutory parental leave pay included as part of this paid leave.)

Parental bereavement leave can be taken immediately after a child has died, without the need for notice to be given; this is known as the initial period. An employee who is a bereaved parent will need to inform their manager as soon as possible of their intention to take parental bereavement leave. The manager must confirm with the employee the date of birth of the child, the date of death, the start date of parental bereavement leave and whether this will be for one or two weeks. It will then be the line manager's responsibility (in conjunction with school office staff where appropriate) to contact the EPS helpdesk to pass on this information, along with the name and personnel number of the employee. (The EPS helpdesk will forward this information to the IBC for payroll processing.)

Where only one week parental bereavement leave was initially taken, a second week of parental bereavement leave can be taken after the initial period and should be agreed through discussion between the employee and their manager. In this situation the employee should give at least one week's notice of their intention to take the second week of parental bereavement leave. The manager (in conjunction with school office staff where appropriate) will need to contact the EPS helpdesk to confirm the start date of the second week of parental bereavement leave, along with the name and personnel number of the employee. (The EPS helpdesk will forward this information to the IBC for payroll processing.)

Where further time off is needed following a period of parental bereavement leave, the provisions for 'death or serious illness of a close relative' set out in the previous section may apply. The additional time off may be taken immediately following the period of parental bereavement leave or at a later date, through agreement with the manager.

A bereaved parent must be given appropriate support and should be given details of the Employee Support service, which can be contacted on 0800 030 5182. More information can be found on the [Employee Support \(Employee Assistance Programme\) page](#).

Time off for family

Adoption

Statutory and Occupational Adoption Leave and Pay provisions may be available to employees who have been newly matched, by a UK adoption agency, with a child (up to the age of 18 years) for adoption.

Adoption policy

Maternity

Pregnant employees are entitled to maternity leave regardless of length of service or number of hours worked. Employees employed on a temporary or fixed term basis may also be entitled to maternity benefits.

Maternity policy

Paternity leave

If eligible, a partner may take up to two consecutive weeks leave which must be taken within 56 days of childbirth or placement.

Paternity policy

Shared Parental Leave

Where a child is expected to be born on or after 5 April 2015 the mother may elect to curtail her maternity leave after the 2 week compulsory maternity leave period and share the remainder of the leave with her partner. Primary adopters can curtail their adoption leave and share the remainder with their partner.

Shared parental leave policy

Maternity support leave

Maternity support leave is paid time off granted to an employee who is the nominated primary carer of a pregnant woman or primary adopter, but who is not eligible for paternity leave.

MSL is therefore for the express purpose of supporting that mother or adopter at or around the time of childbirth or placement.

If eligible the employee has an entitlement of up to 5 days paid leave at or around the time of childbirth or placement.

In exceptional circumstances, additional paid leave or unpaid leave may be agreed by the Headteacher in consultation with the Governing Body if, for example, unforeseeable problems have arisen with the pregnancy/birth, or in the arrangements for looking after any other young children, or in the arrangements for the adoption placement.

Other family friendly leave policy

Parental Leave

An employee has a statutory entitlement of up to 18 weeks' unpaid parental leave in certain circumstances, which will depend on the employee's service for a child up to 18 years of age. A Headteacher shall authorise unpaid parental leave in accordance with the provisions of the Parental leave information sheet, which may be provided to an employee requesting details of their entitlement.

Other family friendly leave policy

Time off for fertility treatment

The School recognise that this can be a difficult time and managers will be expected to treat requests for leave and support with sensitivity and with the appropriate level of confidentiality.

This time off guidance applied to both men and women undergoing treatment.

Definition

Fertility treatment is any treatment or medical procedure intended to increase the chances of a person successfully conceiving a baby.

Statutory entitlement

There is currently no statutory entitlement to time off for fertility treatment.

Eligibility criteria

All staff members are eligible to request leave for this reason. There is no length of service requirement.

Staff should make appointments outside of work time or with minimal disruption to the school day where they are reasonably able to.

Entitlement

A reasonable amount of time off will be granted for an individual to undergo fertility treatment.

Time off in these circumstances will be unpaid, although an employee, where it is available to them, may wish to use flexi, time off in lieu or annual leave and managers should look favourably on leave requests unless operational requirements prevent the School from accommodating it and there is no reasonable alternative.

Where time off is needed to undergo an operation and post op recovery, this will be dealt with as sickness absence and should be reported and recorded in the normal way. This should be considered as an extenuating circumstance when reviewing whether to take formal action under the Sickness Absence Policy. Where the amount of time is, or has become, in the context of total absence, unreasonable in the school's view, further advice should be sought from Education Personnel Services before proceeding.

Provision arrangements

Staff undergoing fertility treatment are encouraged to discuss their plans with their line manager at the earliest opportunity so support can be offered and potential absences during treatment can be planned for (even if only provisional dates).

The manager may wish the member of staff to provide evidence (e.g., an appointment letter) for each occasion on which time off is requested.

Recording time off

The School must report the approved unpaid time off through their payroll system.

Absences resulting directly from the process of fertility treatment will be dealt with as sickness absence and should be reported and recorded in the normal way.

Additional support

Recognising that this can be an emotional time, staff should be reminded of the support available through Occupational Health and [Employee Support](#).

An overview of what is involved in the IVF process and an indication of the amount of time off that an employee may require can be found on NHS website: [NHS Choices - IVF treatment](#).

Other organisations that can offer support:

- [Human Fertilisation and Embryology Authority](#)
- [Fertility Network](#)

Time off for religious and belief observance

The Equality Act 2010 makes it unlawful for employers to discriminate directly or indirectly when dealing with requests for time off for religious observance. However, the law does not confer an automatic right for employees to have time off for religious observance nor does it afford employees an additional annual leave entitlement for such purposes. Headteachers and Governing Bodies must consider whether or not their policies, rules and procedures for leave of absence could be seen to directly or indirectly discriminate against staff of particular religions and beliefs and if so, what reasonable changes could be made to accommodate their needs.

Requests for time off to celebrate religious festivals

An employee may request leave in order to celebrate a festival, attend a ceremony or observe a spiritual day. A Head should seriously consider such requests and grant leave where it is reasonably practicable.

Where an employee who has an annual leave entitlement e.g. a member of support staff on a 52-week contract, requests time off for religious observance, their request can generally be granted as annual leave.

Where several employees request leave at the same time. Granting of leave will be dependent on the needs of the establishment and the decision must be fair and reasonable. Headteachers should follow the advice in the general principles section of this guidance.

Calendar indicating the main religion and belief events throughout the year

Headteachers should note that the dates of religions or belief festivals change from year to year.

Requests for time off to pray regularly

Some employees are required by their religion to pray at specific times during the day. Employees may therefore request time to pray during the school working day. A Head does not have to release an employee for prayer outside of normal rest breaks or holiday periods. However, where this is reasonably practicable, headteachers should be flexible in meeting requests and time should be allowed. A Head may be justified in refusing such requests if they conflict with the legitimate needs of the establishment but only if those needs cannot be met in any other way.

Employees may also request access to an appropriate quiet place or prayer room to enable them to undertake their religious observance. Headteachers are not legally required to provide a room or facilities for religious or belief observance. If a request is made, serious consideration should be given and where a room is available and could reasonably be used for this purpose, a Head should allow this.

Time off for other circumstances

Weddings

A Head may authorise paid leave for a maximum of one day to enable a member of staff to get married or to attend the wedding of a close relative.

Graduations

A Head may also authorise one day's paid leave to a member of staff to attend the graduation of their child or opposite or same sex partner.

A Head may also authorise one day's paid leave to enable a member of staff to attend his/her graduation ceremony.

Removals

A Head may authorise paid leave, normally for a maximum of one day, but with possible extension to two days in the case of a long-distance removal, to enable a member of staff to move house if it is not reasonably practicable for the removal to take place outside the employee's normal working hours.

Sport and cultural activities

A Head may authorise paid leave, in consultation with the Governing Body, to enable an employee to participate, as an amateur at an advanced level, in sport or cultural activities where this will be of benefit to the employee, the school and, where applicable, the County Council. (This paragraph does not apply to LA organised arrangements, such as tours by Youth Orchestras, which are the subject of separate approval procedures).

Political party conferences

A Head may authorise unpaid leave in consultation with the Governing Body to enable an employee to attend an annual conference of a political party as an official nominee of a local branch of a party.

Inability to get to normal workplace

If an employee is unable to get to his/her normal workplace because of transport difficulties which could not reasonably have been foreseen or overcome (caused, for example, by deep snow or a transport strike), he/she should immediately telephone the Head, and should report to the nearest place of accessible work.

Leave of absence for the first day shall be with pay provided the Head is satisfied that reasonable attempts have been made to attend for duty.

Headteachers and Governing Bodies have discretion to determine pay for absences which extend beyond one day where it can be demonstrated that it is clearly impractical for the employee to attend his/her normal workplace.

Interviews

A Head shall authorise paid leave to enable a member of staff in a Local Authority maintained school to attend an interview for another post within local government service. Other requests for leave to attend interviews should normally be supported but this is at the discretion of the Headteacher.

Transfer visits

A Head shall authorise paid leave to enable a member of staff in a Local Authority maintained school to visit an education establishment to which he or she is to transfer, and such leave must be arranged by mutual agreement between the Headteachers concerned.

Miscellaneous reasons

A Head may authorise leave (either paid or unpaid) for a maximum of one day per academic year to enable a member of staff to be absent from duty for any other reasonable purpose.

In consultation with the Governing Body, the Head has the discretion to authorise unpaid leave beyond one day per academic year per employee. This will apply to circumstances such as an employee requesting leave to see a solicitor on a personal matter.

Time off to train

- Procedure for requesting time off to train

Procedure for Requests for Time Off to Train

1. Introduction

Certain employees acquire a statutory right which enables them to request time to train.

The right to request time to train will not provide an automatic right to do so because, in some circumstances, the school will be unable to accommodate the employee's request. However, this right is designed to meet the needs of employees and employers and to encourage discussion, enabling employees and their line managers to consider requests for time off to train.

The employee must follow specific statutory procedures to ensure that requests are considered seriously.

- The Headteacher/line manager is under no duty to agree, but must hold a meeting with the employee and give serious consideration to their request.
- If a decision is made to refuse, reasons for that decision must be put in writing, including details of how to appeal against the decision and the necessary timescales.

In the case of a Headteacher making a request for time off to train, the Chair of Governors will consider the request.

This procedure does not replace the normal communication that exists between Headteachers and employees in relation to training needs or the discussion that takes place as part of the Performance Management/IPP process, and if agreements can be reached as part of these discussions there is no need to follow the statutory process.

2. Eligibility

The right to make a request for time off to train applies to all employees in organisations with 250 employees or more. Where HCC is the employer schools must comply with this procedure. Academies and Foundation and Voluntary Aided schools must comply with this procedure where they have over 250 employees but may also choose to adopt this procedure if they have less than 250 staff.

Employees must have 26 weeks' continuous service with the school (and/or County Council in the case of schools where HCC is the employer) at the date the application is made and have not requested time off to train under the right to do so during the past 12 months.

The following groups do not have the right to request time to train, although the school may choose to consider these requests:

- agency workers;
- young people of compulsory school age;
- young people who already have a statutory right to paid time off to undertake study or training (under section 63A of the Employment Rights Act 1996);
- 16 or 17 year olds who are already under a duty to participate in education or training as a result of Part 1 of the Education and Skills Act 2008;
- 18 year olds who are treated as if Part 1 of the Education and Skills Act 2008 applies to them.

3. Scope of a request

Eligible employees can request time off to undertake any training which they believe will improve their effectiveness within their job, and the performance of the organisation. This training can include accredited programmes which would lead to a recognised qualification or unaccredited training to help them develop specific skills that are relevant for the work they carry out and that of the organisation.

The request can relate to training which is delivered in any way the employee believes would be most appropriate and effective, e.g. at the employee's place of work or their home, provided by a local college or training provider or by the County Council, and undertaken within or outside of the UK.

There are no limits on the amount of time, study or training that an employee can request and a single request for time to train can contain several pieces of training.

4. Payment for time spent training

There is no right to be paid for time spent training, however Headteachers may agree to pay employees if they believe the training will be of benefit to the organisation. If time off with pay is not agreed, discussions will need to take place in order to agree whether the employee will work flexibly in order to make up the time they spend training, or whether they will take unpaid time off.

5. Frequency of requests

Employees have the right to make one request in any 12-month period and additional requests may not be considered. This applies unless an employee has asked that an earlier request be ignored.

If an employee asks that you ignore an earlier request which was made in the last 12 months, it would be on the following basis:

- the employee has mistakenly made an earlier request before 12 months elapsed and they wish to withdraw the earlier application;

- the employee did not undertake the agreed training following a request, because the training was cancelled through no fault of their own;
- the employee did not commence the agreed training following a request, because of unforeseen circumstances that were beyond their control.

In these circumstances, the earlier application must be ignored and their present request must be considered.

6. The Application Procedure

The employee is responsible for making an application by letter or email or they can use the [time off to train application form](#).

The request must contain the following information:

- a statement that the application is an 'application under section 63D Employment Rights Act 1996';
- the subject matter of the proposed training or study;
- where and when the proposed training or study would take place;
- who would provide or supervise it;
- what qualification it would lead to (if any);
- how the employee thinks the proposed training or study would improve their effectiveness in their job and the performance of the organisation;
- the date of the application;
- whether they have made a previous application and, if so, when and in what format.

The employee may also wish to include information on whether any external funding may be available to support his/her application. Employees are encouraged to do this by contacting local training providers directly.

If a request can be agreed without the need to meet the employee, the Headteacher must write to the employee to confirm that their request has been accepted on the basis of the information the employee has provided in writing.

Where the Headteacher wishes to meet with the employee to discuss the request, they must do so within 28 days of receiving the application. The employee has the right to be accompanied by his/her Trade Union/Professional Association representative or a work colleague. The representative is allowed to address the meeting but will not be able to answer questions on behalf of the employee. They can, however, confer with the employee during the course of the meeting.

If the employee's representative or work colleague is not available, the meeting may be postponed for up to 7 days from the date of the original meeting. If absence caused by the Headteacher's sickness or annual leave occurs, there is an automatic extension of the period in which the line manager has to arrange the first meeting up to a maximum of 28 days.

If the Headteacher receives a request but feels that they need additional information before they can give the request proper consideration, they can ask the employee to provide additional information.

If the employee refuses to provide the additional information required to consider the request, the manager may treat the request as withdrawn and must inform the employee of this in writing.

Should the employee fail to attend a meeting to discuss a request or an appeal meeting on more than one occasion without reasonable cause, the Headteacher may treat the request as withdrawn and should confirm this in writing to the employee.

7. Communicating Decisions on Requests

Having considered the employee's request for time to train and reached a decision to agree to the request, the Headteacher must within 14 days of the meeting confirm the decision to the employee in writing including the following details:

- the subject of the study or training;
- where and when they expect that it will take place, and over what period;
- who will provide or supervise the training;
- what qualification (if any) the training will lead to;
- how time will be taken, e.g. paid, unpaid or under the Flexible Working Hours Scheme;
- how the costs of the training will be met.

An employee might request more than one type of study or training at once. The Headteacher could decide to agree to part of the application and refuse another part. The decision notice must include the information above and make clear which part of the application is being agreed to and which part is being refused.

As a result of discussions, the Headteacher and employee may agree to meet the training need in a different way. In these circumstances, the letter should confirm the details of that agreement and the employee should provide written evidence of their agreement to it.

If the approval of an employee's request involves changing their terms and conditions - e.g. a change in working hours or because the training time will be unpaid - then the Headteacher should follow normal practices for making such contractual changes.

The IPP process should be used to monitor the expected outcomes from completion of the training.

8. When a request may be refused

On some occasions it may be necessary for a Headteacher/line manager to refuse an employee's request for time to train. However, the only grounds for refusing such a request are likely to relate to one of the following reasons:

- the training would not improve the employee's effectiveness in the organisation;
- the training would not improve the performance of the organisation;
- the burden of additional costs would be too great;
- detrimental effect on the ability to meet customer demands;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficient work during the periods the employee proposes to work;
- planned structural changes during the proposed study period.

If the line manager decides that they cannot accommodate an employee's request for time to train, they must inform them of the decision in writing, setting out:

- which of the business reasons they are turning down their request for;
- why the business reason, or reasons, apply in their circumstances;
- the appeal procedure;
- the date of the notice;

9. Appeals

The appeal procedure allows an employee to appeal against the Headteacher refusal of their request. An appeal must be made within 14 days of the employee being notified that their request has been refused. The appeal must be in writing (a letter or an email is acceptable), be dated and set out the grounds of the employee's appeal.

A Governors' Committee will be convened and must sit within 14 days of receipt of the letter of appeal to reconsider the employee's request.

The employee can be accompanied at the meeting by a Trade Union/Professional Association representative or work colleague. The representative is allowed to address the meeting but will not be able to answer questions on behalf of the employee. They can, however, confer with the employee during the course of the meeting.

Following the meeting, the Governors' Committee must confirm the outcome by dated letter within 14 days of the meeting. If the request is accepted then the letter should contain the detail as described under section 7 of this guidance. If the decision is to reject the application, the grounds for the decision must be included and why the grounds apply in the employee's circumstances.

10. Extension of periods

At all stages of the procedure, the time limit can be extended by mutual agreement. In these circumstances the Headteacher will write to the employee to confirm this.

The letter will be dated and specify the period that the extension relates to and the date on which the extension is to end.

11. Withdrawal of application by the employee

A Headteacher may treat an employee's application as having been withdrawn where the employee has either:

- advised verbally, or in writing, that they are withdrawing their application;
- failed on more than one occasion to attend a meeting to consider their request, without reasonable cause;
- refused to provide their Headteacher with information that is required to allow an assessment to be made, without reasonable cause.

The line manager will confirm the withdrawal of an application to an employee by dated letter, unless the employee has already provided written notice of the withdrawal of their application.

12. Dealing with unresolved time to train requests

The employee will not normally be allowed to raise a separate formal grievance related to the decision taken by the Headteacher. Such concerns will usually be managed within the Governors' Appeal Committee.

13. Funding for training and reimbursement of course fees

In many cases, it is likely that the school will agree to fund, or at least part-fund, the costs of the training, as it should be of benefit to the school. This may include course and tuition fees, examination fees, text books, reasonable travel and accommodation costs, and any other reasonable related costs.

Where the school has fully or partly funded the training or course of study, the Headteacher may wish to ask the individual to complete and sign a Form of Undertaking. In doing so, the employee will agree to pay back the costs of the training if they were to leave within two years of obtaining the qualification, or if they do not complete the course of study (except where they are prevented from completing the course by redundancy or retirement on health grounds). (There may be other exceptional circumstances where consideration is given to waiving, in part or in full, the above provisions).

Apprentice training as part of an agreed government-funded apprenticeship is exempt from this option to request that monies are repaid if an individual leaves within a certain timeframe. It is not possible to recoup any monies paid from the Apprenticeship Levy. Any training for a professional qualification that an apprentice undertakes that is separate from the apprenticeship (i.e. no monies are drawn down from the Levy to pay for it) should be subject to the same conditions in regards to signing a Form of Undertaking.

Where an employee is undertaking training at the request of the school, for example in order to obtain a NPQH, or SENCO qualification, it would not normally be appropriate to require repayment of course fees.

14. Equal Opportunities

Headteachers should take into account the school's Employment Equality Policy when considering an employee's request for time to train to ensure that a rejection of the request could not lead to the possibility of a claim for discrimination on any of the grounds protected under the Equality Act 2010 (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation).

Headteachers should also ensure that they do not treat a part-time worker or an employee on a fixed-term contract less favourably than a comparable full-time worker or permanent employee.