Castle Camps C. of E. (V.C.) Primary School

Policy for

Staff Discretionary Leave of Absence

Date Approved by the Governing Body:
28th September 2026
Date for Review: September 2027

1. Introduction

1.1. The Governing Body recognises that the success of the Castle Camps depends upon the contribution of all employees and gives full acknowledgement that a fair and effective policy on discretionary leave of absence contributes to the maintenance of employee morale and thereby our success.

1.2. This policy sets out the discretionary leave of absence provisions to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of the Castle Camps are the priority and therefore there will be times when the Headteacher has to refuse a request for leave. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy the Headteacher has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.

1.3. This policy also sets out what you must do in the event that you must take leave of absence because you have a personal emergency.

1.4. The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence. If you need clarification on whether the leave of absence that you want to take is statutory or discretionary then you must speak to the Headteacher.

1.5. This policy does not cover leave which is included in the policies and procedures listed below:

- Annual leave
- Maternity/paternity/parental/adoption leave
- Flexible working
- Sickness absence
- Redundancy
- Training and study leave

1.6. This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.

2. Procedure and Decision Making

2.1. Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher as soon as the need for the leave is known using the form at Appendix 1. Where the leave of absence request is made by the Head Teacher, the request should be made to the Chair of Governors.

2.2. Requests for leave of absence and approval/refusal of such will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, pupil/student educational provision, service needs, eligibility, any previous requests and the degree of flexibility that you already have in your current working arrangements. Non-emergency leave of absence must not be taken unless and until it has been approved on the form at Appendix 1.

2.3. Where an **emergency** arises you must notify the Headteacher by telephone and also confirmed in writing as soon as is reasonably practicable, giving the reason for the absence and how long you expect to be absent from work to deal personally with the emergency which cannot be dealt with by anyone else.

2.4. Where a leave of absence request is refused there is right of appeal. Any appeal must be made on the form at Appendix 1 within 5 days of receipt of the leave of absence decision. The appeal will be considered by the a panel of two governors whose decision is final.

2.5. A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. Members of the LGPS scheme will be informed about the impact of taking unpaid leave on their pensionable service.

3. Discretionary Leave of Absence

3.1. Examples of discretionary time off work that may be granted with pay:

Summary non exhaustive examples of leave normally granted with pay	Days per annum
Compassionate leave - illness or injury of a significant other person giving rise to serious domestic difficulties	Period reasonably necessary but not normally more than 3 days
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

Dependent 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 6.1 below)	In normal circumstances not more than 1 day on each occasion. Up to 3 days

3.2. Examples of discretionary leave that may be granted without pay:

Summary non exhaustive examples of absence normally granted without pay	Days per annum - all employees
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	Reasonable time off

3.2.1. Medical appointments:

Upon production of a medical appointment letter/card up to half a day paid leave may be granted to attend an appointment at hospital (to include medical screening and blood donation but excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. You should liaise with Headteacher to agree a mutually convenient time so that the operational requirements of the school are met and then request leave from the Headteacher using the form at Appendix 1.

3.2.2. Attendance in court as a witness

If you are is subpoenaed or summonsed to attend a Court (including an Employment Tribunal), as a witness and you are not representing the Castle Camps then, on production of proof of required attendance, you must request leave from the Headteacher using the form at Appendix 1 and you will be granted unpaid leave to attend. If you wish to attend Court as a witness on a voluntary basis then you should request leave of absence from the Headteacher as soon as the need for the leave is known using the form at Appendix 1 and a decision will be made on a case by case basis.

3.2.3. Leave of absence for religious observance

You may request unpaid time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the Castle Camps pupils and surrounding circumstances. You should request time off at the beginning of the school year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time.

4. Statutory Leave of Absence for Public Duties

4.1. Employees are entitled to a reasonable amount of unpaid time off work by law to carry out certain public duties. Public duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School governor
- Lay observers, appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody;
- Members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999. These committees monitor the immigration detention estate;
- Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports; and
- Independent prison monitors in Scotland appointed under section 7B(2) of the Prisons (Scotland) Act 1991.

4.2. As soon as you are aware that you will require time off for performance of a public service you should request leave of absence from the Headteacher using the form at Appendix 1.

4.3. The school will agree to requests for **paid** time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy.

4.4. Each request for time off will be considered on its merits, in the circumstances in which it is made including:

- Whether the activity is reasonable in relation to your employment
- How much time off is reasonably required for the duty in question
- How much time off you have already taken for the public duty in question
- How your absence will affect the school.

5. Jury Service

5.1. You must inform the Headteacher as soon as you are summonsed for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for jury service raises significant teaching or operational problems, assistance will be provided to the employee in order to appeal to the court to re-arrange or cancel the dates of service.

5.2. Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. We will make up the Loss of Earnings allowances to your normal level of earnings. We must complete the Loss of Earnings form and you must give the completed form to the Clerk of the Court on your first day of Jury Service.

5.3. Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide a remittance advice. This advice **must** be forwarded to the school secretary 3 days of your return to work.

5.4. Your salary will be reduced by the "Juror's Loss" paid by the Court. Pension contributions are not affected. An employee cannot be paid twice by the Court and the school for the same days.

5.5. Where jury service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your line manager regularly informed about how long you are likely to be away from work.

5.6. Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

6. Statutory Dependent Care Leave

6.1. Employees have a right to take a reasonable amount of **unpaid** time off work when it is necessary to:

- provide assistance when a dependent falls ill, gives birth, is injured or assaulted;
- make longer-term care arrangements for a dependent who is ill or injured;
- take action required in consequence of the death of a dependent;

- deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependent; and/or
- deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

6.2. A **dependent** for the purposes of this paragraph 6.1 is:

- an employee's spouse, civil partner, parent or child;
- a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or
- anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

Appendix 1: Leave of Absence Request

Part 1

Name:	
Job title:	

Date/time from:	Date/time to:
I have read and understood the discretionary leave policy. Please attach a copy of any relevant appointment card. Reason for request: I understand and accept that if leave of absence is granted without pay it will affect my pension entitlement. Signed: Date:	

Part 2: Leave of Absence Decision

Your request for leave is:	
Approved with pay:	☐
Approved without pay:	☐
Time to be made up:	☐
Not approved for the following reasons:	
Operational difficulties in covering absence:	☐
Loss of entitlement/continuity of educational provision for pupils/students:	☐
Leave of absence limits already reached:	☐
The request is outside the policy framework	☐
Other. Explanation of reason(s) for non-approval	☐
Signed: Job title: Date:	

Part 3: Appeal against Leave of Absence Decision

If you wish to appeal against a refusal to grant discretionary leave of absence then you must explain your reasons below and return this form to the Headteacher within 5 days of the date of the decision as recorded above. Your appeal will be heard by [a panel of two governors].

Signed: Date: