Authorised Leave of Absence and Flexible Working

Date Last Updated	Confirmed Current
2nd February 2024	Sept. 24

FOREWORD

This document has been the subject of formal negotiation and consultation with the recognised Trade Unions and Professional Associations

Whilst there has been considerable co-operative development of the document at Schools' Joint Consultative Committee, on this occasion it has not been possible to reach a collective agreement on the whole policy with all the unions.

The NASUWT and NEU withheld agreement to the policy on the grounds that they determined that the guidance provided on the Discretionary Leave of Absence amounts to an unreasonable deterioration in terms of conditions of employment.

It has been necessary to update this policy to include the legislation changes set out in the Flexible Working (Amendment) Regulations 2023 and the Carer's Leave Regulations 2024 which will come into effect on 6th April 2024. The document has been revised to:

- remove the requirement to have 26 weeks service before making an application for flexible working. Employees will have the right to request flexible working from day one of their employment
- remove the requirement for an employee to explain what effect their request will have on their employer or how the impact might be dealt with
- reflect that an employee can make two requests for flexible working in a 12 month period. Currently employees can only make one request.
- Include an employees entitlement to carer's leave to enable them to provide or arrange care for a dependent with a long-term care need. This time off would be without pay.
- include eligibility and notice requirements when an employee requests carer's leave
- include circumstances and responsibilities when carers leave may be postponed.
- include an employee's right to Disability Leave which has become an established right as a result of caselaw.
- make a number of administrative updates

The Trust have adopted the policy, as a fair and comprehensive approach to leave of absence, and to ensure that any previous document is withdrawn. It is important to ensure that all staff are aware of and have easy access to the procedure.

Any school wishing or intending to adopt an alternative procedure or make amendments to the LA recommend document must conduct its own formal consultations.

Local governing committees will be aware that in making decisions on requests for discretionary leave of absence, there is a careful balance to be found between recognising exceptional circumstances and treating all employees equitably. Should you have any queries or need advice in the implementation of the procedure please

do not hesitate to contact the Schools HR Advisory Team on schools.hradvisory@derbyshire.gov.uk

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1. Introduction and Scope

All employees within schools have a basic entitlement to leave of absence within their contracts of employment. These basic entitlements are detailed within their contracts of employment and are supplemented by jointly agreed local arrangements. Subject to both local and national conditions of service, the granting and authorisation of leave is a matter to be determined by the Local Governing Committee. At the commencement of the Autumn Term the Local Governing Committee needs to determine or confirm the level of delegation to the Headteacher in relation to requests for leave of absence. (See Requests for Leave of Absence)

However, in addition to their entitlement to leave of absence under their contract of employment, employees also have a statutory entitlement to leave of absence for other reasons as set out below.

2. Purpose

This document provides guidance to Local Governing Committees on current legislation and local and national conditions affecting leave of absence, and the extent of their discretionary powers. It has been discussed and agreed with all the recognised professional associations and trade unions at Schools' Joint Consultative Committee.

3 Statutory Leave

Public Duties

The Employment Protection (Consolidation) Act 1978 gives statutory rights to reasonable time off for the following purposes:

- Magistrates/Justices of the Peace
- Education body – Chair of school/college governors (other governors see below)
- Statutory tribunal
- Police Authority
- Service Authority for National Criminal Intelligence Service or National Crime Squad
- Board of prison visitors or prison visiting committee
- Probation boards
- Members of court boards
- Health Authority
- Environment Agency
- Youth Offending Panels
- Meetings of SACRE & attendance at Diocesan Education Committee, or equivalent education body, meetings

Time Off for Public Duties

The Time Off For Public Duties Order 2018 extended the right to time off for public duties under Section 50 of the Employment Rights Act 1996 to:-

- Members of a panel of 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.

Although under the Employment Rights Act 1996 the right to time off for these and other public duties is not to be paid, local authorities and associated bodies will be aware that under the Green Book, the right is for such time off to be paid.

Leave arrangements for all staff to carry out recognised public duties have been agreed on the basis of up to 18 days/36 half days paid leave per year.

- Education body – School/College Governors - you may apply for a maximum of 7 days paid leave and 7 days unpaid leave in a leave year to undertake school/college governor duties.
- Chair of Governors – those elected as Chair of Governors elsewhere may apply for a maximum of 18 days paid leave in a leave year to undertake Chair of Governor duties.

Other Special Leave arrangements have also been agreed and should be granted on the following basis:

- Jury Service –time off without financial detriment is allowed for jury service. ~~For Maintained Schools,~~ the employee is issued with a loss of earnings form from the Court, which they receive prior to their attendance. This is sent to HR Services traded payroll team (where the school purchases HR traded payroll services from the authority) to complete with the details and then returned for the employee to claim from the court, once they have attended for jury service. The school notifies HR Services traded payroll team of the dates the employee attended jury service and the necessary amount is deducted from the employee's pay so the relevant sum is not costed to the school's budget. For more information on jury service go to https://www.gov.uk/jury-service/overview .

- Elected member duties with other Local Authorities up to 208 paid hours per year.

- Trade Union Duties – These are set out in the Authority's Facilities Agreement.

Further advice can be sought from the HR Services traded payroll team (where the school purchases HR traded payroll services from the authority) on how to record these types of leave.

Maternity, Paternity, Adoption, Parental and Fostering Leave

(These are covered in the Maternity, Paternity, Adoption, Parental and Fostering Leave Schemes document).

Annual Leave

For employees subject to Derbyshire Package terms and conditions, entitlements are covered in the "Working for us" booklet. For those schools who have not adopted the Derbyshire Package, then existing arrangements will apply. For teachers, reference should be made to the School Teachers' Pay and Conditions Document (STPCD) and statutory entitlement.

Flexitime

Some jobs may be suitable for flexitime working for some staff subject to the Derbyshire Package terms and conditions. A guide to flexitime working can be found in the "Working for us" booklet. For those schools who have not adopted the Derbyshire Package, then existing arrangements will apply.

Sick Leave

Information relating to sick leave and pay can be found in the Management of Sickness Absence policy, in the Burgundy Book for Teachers and the Derbyshire Package for support staff. For those schools who have not adopted the Derbyshire Package, then existing arrangements will apply.

Disability Leave

An employee covered by the Equality Act 2010, can take disability leave if it is specifically for appointments for assessment, treatment, rehabilitation, or training for a condition covered by the Act.

Carers Leave

With effect form 6th April 2024 the Carer's Leave Regulations 2024 will give employees a statutory entitlement to one week's unpaid leave in a 12 month period, (pro rata for part time employees) to provide or arrange care for a dependent who has a long term care need.

Employees can choose to take the leave in blocks from a minimum of half a day to one continuous week.

Employees will be entitled to Carer's Leave from the first day of your employment.

Eligibility

A dependent is defined as:

- A spouse, civil partner, child, or parent of the employee
- Someone who lives in the same household as the employee, other than a boarder, employee, lodger or tenant.
- Someone who reasonably relies on the employee to provide or arrange care.

A person has a long term care need if:

- They have an illness or injury (physical or mental) that requires, or is likely to require care for more than 3 months.
- The have a disability which is covered by the Equality Act 2010.
- They require care for a reason connected with their old age.

Applying for Carer's Leave

Requests should be discussed with the Headteacher before submitting a request for Carer's Leave in writing using the Carer's Leave Application Form. The Headteacher will then need to send the authorised form to HR services at traded@derbyshire.gov.uk (where the school purchases HR traded payroll services from the authority)

- Employees must give notice in writing of their intention to take Carer's Leave, setting out the fact that they are entitled to Carer's Leave and that they have not exhausted their entitlement. They will need to provide the dates and times they wish to take the leave and include any carer's leave previously taken with 12 months.
- This notice must be provided before the relevant date (the date the Carer's Leave commences).
- For leave requests of three days or less, employees are required to give at least three days notice before the start date of the leave they wish to take. For leave of four days or more they are required to give twice the length of the leave they are requesting.
- If the employee doesn't give the required notice, the Headteacher may waive the requirement to Carer's Leave.
- An employee is not required to provide evidence in relation to a request for Carer's Leave before the leave is granted.

Postponing Carer's Leave

An employee is eligible to take Carer's Leave for dependents outlined as above. However, if a Headteacher has reasonable concerns about impact on and disruptions to service delivery, they can consult with the employee and the requested leave can be postponed. The following circumstances apply to Carer's Leave which has been postponed:

- The postponed date of Carer's Leave must be no later than one month after the first day of the leave period originally requested.
- The Headteacher must give the employee notice outlining the reason(s) for the postponement as soon as is practicable, along with the agreed new dates. This notice must be provided no later than whichever is the earlier of seven days after the employee's notice was given to their manager or before the first date in that notice.

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CARER'S LEAVE APPLICATION FORM	
Name	
Employee Number	
School	
Date(s) requested Carers Leave (Unpaid): (pro rata entitlement for part-time employees)	
Date(s) of any previous Carers Leave taken within 12 months	
Day(s) taken (Mon – Fri)	
Hours From and To (HH:MM)	
I confirm that I am entitled to Carer's Leave as defined under the Carers Act 2023 and I have not exhausted my entitlement within the last 12 months. Signature Date	
Headteacher Approved/Not Approved*	
Signature	
Date	

Submit completed form to the Headteacher who will forward to HR Services, Traded Payroll Team where appropriate traded@derbyshire.gov.uk

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Time Off in Lieu (TOIL)

Where it is mutually suitable and agreeable, TOIL may be available for some employees who are subject to Derbyshire Package terms and conditions. TOIL is time off for additional hours not "payment for". TOIL is subject to the Headteacher~~/Principal~~ or Line Manager's approval on an hour-for-hour basis and with the agreement of the employee. For those schools who have not adopted the Derbyshire Package, then existing arrangements will apply.

Similar local arrangements may also apply to teachers and would be subject to agreement between the school and the teacher and reference should be made to the relevant section of the STPCD.

4. Discretionary Leave of Absence

Leave of Absence with Pay

- **Introduction**

The types of leave of absence outlined below provide details of the circumstances where it is considered reasonable for the Local Governing Committee to grant leave of absence with pay. It is also the responsibility of the Headteacher and the Local Governing Committee to ensure that the number and pattern of absences do not individually or collectively adversely affect the smooth-running of the school or the education of its pupils.

For the purposes of leave of absence, with or without pay, the definition of a near relative will be relationships outlined in the kinship regulations i.e. father, mother, step-father, step-mother, husband, wife, civil partner, son, daughter, step-son, step-daughter, adopted son or daughter, sister, brother, father-in-law, mother-in-law, brother-in-law, sister-in-law. In addition, there are occasions when, despite the lack of a direct family relationship, it is clear that the member of staff concerned should be regarded as a near relative. Thus, the term "near relative" shall include any other person with whom the member of staff has a close personal relationship which, in the opinion of governors or managers, justifies leave of absence with pay.

It should be remembered that all requests for leave are at the discretion of the school, and where schools consider that a request is not reasonable in all the circumstances, it should be declined. Headteachers should not hesitate to contact HR for advice if they have any reservations as to the reasonableness of any requests.

Any member of staff, regardless of their working pattern, may find it necessary to apply for leave of absence (paid or unpaid). Each individual case must be considered on its own contributory factors. A high level of consistency is important when reaching a decision if staff are to be treated equitably.

As the agreements for leave of absence with pay cover most contingencies, it is not expected that Local Governing Committees will have to consider many requests of leave of absence without pay.

- **Types of discretionary leave**

When requesting leave of absence members of staff should only apply for the amount of time they genuinely need, bearing in mind the effect on pupils, colleagues and the organisation of the school. The list below is neither prescriptive nor comprehensive. A sympathetic consideration of requests for leave of absence on compassionate grounds, and where staff are not in a position to control or influence the timing of important activities, should be taken. Circumstances should be considered on their own contributory factors and in the context of maintaining effective and efficient smooth running of the school.

The table below outlines examples of leave of absence that are discretionary and should not be seen as an entitlement. Should a staff member experience more than one such situation, the potential durations of leave to be granted exemplified below are not cumulative but are per event.

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Reason for absence	Period of absence	Paid/unpaid
Category 1 – Bereavement/Serious illness		
Death of immediate family i.e. mother, father, husband, wife, partner, civil partner, son, daughter, brother, sister, grandparent, or grandchild.	Up to 5 days (including the day of the funeral) As a principle: Up to 2 days including the day of the funeral (½ or 1 day where only attendance at a funeral is required) 3 days for funeral arrangements and attendance 5 days for funeral arrangements, attendance at a funeral and dealing with affairs of deceased.	Paid
Death of an aunt, uncle, nephew, niece, cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, spouse's/partner's close relative	Up to 2 days including the day of the funeral (½ or 1 day where only attendance at a local funeral is required)	Paid
Appointment as Executor of the will/arrangements	5 days maximum (not in addition to the above)	Paid
Serious illness of near relative *	Up to 5 days	Paid

Where the leave of absence is granted in relation to activities beyond attendance at the funeral the days authorised may not necessarily be continuous.

* 'Serious illness of near relative' – examples could be a life threatening, life changing, terminal illness, or serious accident. This list is neither prescriptive nor comprehensive. As above, a sympathetic consideration of requests for these types of leave of absence should be taken. Circumstances should be considered on their own contributory factors and in the context of maintaining effective and efficient smooth running of the school.

Category 2 - Medical			
Ante-natal care appointments			Paid
Medical appointment or screening where the time or the appointment cannot be chosen to fall out of working hours			Paid
IVF treatment – any medical appointments related to IVF, see above re hospital appointments. Where treatment causes illness, refer to management of absence procedure.			Paid
Emergency dental/medical appointments		Max 1 day	Paid

Routine dental appointments to be made outside of working hours. Routine medical appointments should be made outside of working hours but exceptionally, where particular circumstances prevail (arising either from the condition concerned or the nature of the medical service) consideration will be given to granting paid leave of absence. Where the employee is unsure whether the nature of their appointment would be classified as routine, they should discuss this with the Headteacher. Schools are advised to consult with their HR provider.

FOR CATEGORY 3 DISCRETIONARY LEAVE OF ABSENCE REQUESTS, UP TO A MAXIMUM OF 5 DAYS INCLUSIVE (NOT PER EXAMPLE), IN AN ACADEMIC YEAR, IS THE NORMAL EXPECTATION, FOR ALL EXAMPLES LISTED BELOW.
(See page 10 for details of how to request leave of absence, consideration of circumstances outside of the norm and right of appeal.)

Category 3 – personal & domestic considerations	For all of the examples below, an initial allowance of up to 1 day's paid leave per incident may be granted by the Headteacher. This may be extended to 2 days where it is clear to the Headteacher that particular circumstances require this. Where the nature of the event determines that the staff member needs to request further leave of absence, a case should be submitted to the Local Governing Committee	See page 10 for further details
Urgent, personal & domestic e.g. property damage due to fire, flood, storm, impact, subsidence or burglary.		Paid
To attend to the care of a dependant where no other care is immediately available and to make arrangements for alternative care.		Paid
Inability to reach school, when open, because of weather conditions, transport strike or other such unavoidable crises.		Paid
	Applications for Leave of Absence, where the event is known in advance should be submitted to the Headteacher or Local Governing Committee, as far in advance as possible. This would apply to the examples below. Any leave granted will be based on the particular event and impact on the school.	
Some foreseen events e.g. hospital appointment or planned operation for a child or partner, pre-adoption leave (see Maternity, Paternity, Parental & Fostering leave scheme)		Paid
Attendance at meetings or associated activities of examining bodies where these are not already funded by the school.		Paid

Interviews in connection with an application for another post.		Paid
Attendance at any court as a witness		Paid
Attendance at ceremonies such as graduation, Duke of Edinburgh's award, presentations, investitures etc. where the individual employee or a near relative is involved.		Paid
Sitting examinations to improve qualifications which are not requirements of your school role but could be useful for the role.		Paid
Training and associated activities with any branch of HM Forces		Paid
Participating in County, Regional, National or International sporting or cultural event.		Paid
Attendance at conferences or training courses organised by an approved educational body.		Paid
Absence from last day of Spring term until 30 April (retiring teachers only)		Paid
Moving house	1 day	Paid
Weddings of near relatives	1 day - Closeness of relative/relationship and location of wedding to be taken into consideration	Paid

- **Requests for Leave of Absence**

Applications should be submitted to the Headteacher on the form provided and he/she may have the authority to agree those that fall within the guidelines above or refuse those which fall outside. Particularly in the case of urgent, unforeseen requests the Headteacher should have the ability to make a decision, although this may be in consultation with the Local Governing Committee, where discretion in the application of the policy is required.

The employee will state whether leave is sought with or without pay. Throughout, the Headteacher's, or a committee's, response will make clear their decision both in relation to the leave requested and to pay.

For applications:-

- related to one event, which require a decision beyond that which the Headteacher can determine (as outlined in the table above) or
- for Leave of Absence when the normal cumulative total of days leave in Category 3 has already been utilised, the case outlining the reasons and circumstances must be submitted in writing to the Local Governing Committee. Where the nature of the event is urgent and unplanned then the Headteacher is empowered to initially grant unpaid Leave of Absence, beyond the 2 days paid leave which is at their discretion, and the employee's request for the leave to be paid can subsequently be considered by the Local Governing Committee. The Headteacher may consult with the relevant Committee Chair in deciding whether to grant the unpaid leave.

Where the Headteacher does not authorise leave of absence that is within their remit, reasons should be given. If the employee wishes to challenge the decision, they should first request a meeting with the Headteacher in order to make representations. At this meeting the employee should state the reasons why they believe their leave should be approved. The employee may be represented by their trade union/professional association or other representative.

Where the Headteacher continues to refuse the request, the employee may appeal to the Local Governing Committee. If the employee wishes to appeal they must notify the Committee in writing within 5 working days of receiving the response to their application for leave of absence. The Committee and Clerk will liaise to arrange the meeting. There will be a minimum of 10 days' notice of the appeal meeting date. The application for leave, the Headteacher's reasons for refusal and any additional factors the employee wishes to submit should be provided to all parties 5 working days before the committee meeting.

The employee may choose to present their case to the committee in person and may be accompanied by their representative. In such circumstances the Headteacher will also attend the meeting to explain their decision and answer questions.

If the employee does not wish to present their case in person the committee can consider the request on the basis of the written submissions. The committee's decision will be final and communicated to the employee as soon as possible and confirmed in writing within 5 working days.

Where the employee's request for leave has **first** been considered by the Local Governing Committee (because it fell beyond the Headteacher's remit) and has not been agreed, then there is a right of appeal to the Trust (excluding those already involved in the case). The arrangements and employee entitlements will follow the same pattern as outlined above for appeals to the Local Governing Committee.

- **Leave of Absence Without Pay**

Requests for leave of absence without pay shall be determined by Local Governing Committees.

In considering such requests, Local Governing Committees will wish to take into account the nature of the request and the effect on the effective and efficient smooth running of the school.

Leave of absence without pay should not normally be granted to enable employees to pursue private interests, or to extend periods of holiday.

As well as submitting requests for leave which is all unpaid, employees can request unpaid leave, to follow a period of paid leave of absence, to be authorised. Governors may wish to grant additional unpaid leave following a period of paid leave granted for an urgent personal or domestic situation, which is ongoing.

Reasonable consideration should be given for requests for unpaid leave to undertake religious observance.

Employees should be made aware that where a leave of absence (with or without pay) request has not been authorised and the employee decides to take the leave, this will be classed as unauthorised leave of absence and subject to disciplinary action.

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DISCRETIONARY LEAVE APPLICATION FORM

Name	
Job Title	
Contractual Hours	
Employee Number	
Date(s) requested (paid) (pro rata entitlement for part time employees)	
Date(s) requested (unpaid) (pro rata entitlement for part time employees)	
Date(s) of any previous special leave taken within 12 months	
Reason for the request (please provide full details to enable your request to be fully considered by your manager)	
Employee's Signature	
Date	
Approved/Not Approved* (*delete as appropriate) Please include reasons for the decision.	Approved/Not Approved*
Headteacher/~~Chair of~~ Governor	
Signature	
Date	

5 Flexible Working

The School seeks to support any employee who wishes to work flexibly but this has to be balanced against the needs of the school. Employees wishing to work flexibly should initially discuss their request with the Headteacher/line manager.

With effect from 6th April 2024, every employee will have a statutory right to ask to work flexibly. Employees making a request in relation to a reasonable adjustment under the Equality Act 2010, due to one or more of the protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation) should state this on the form.

In normal circumstances, requests for flexible working should be submitted 3 months before employees would like the change to be implemented.

Each request will be considered on an individual basis. In considering the request the Headteacher/line manager will need to weigh up the benefits to the employee and the school against any adverse business impact of implementing the proposed changes.

The consideration process should be completed within 2 months of receipt of the application but this time limit can be extended if the employee agrees.

Employees can only make two applications under the statutory process for flexible working during a twelve month period.

Please see below a list of examples where flexible working might apply. Please note, this list is neither prescriptive nor exhaustive:

An employee who is returning from maternity, paternity, adoption, shared parental leave who is seeking to return part time due to childcare arrangements.

An employee who may welcome a decrease in their professional responsibilities or workload because of the increased burden of responsibility for a dependent relative or other domestic commitment.

An employee who has had a break from working, for whatever reason, and wishes to return to work but wants to do so on a part time basis.

An employee who wishes to pursue a part time study course alongside their job.

An employee who is nearing retirement and wishes to reduce their hours before they finally finish work.

The section below sets out the process of applying to work flexibly for employees.

- **Applying to Work Flexibly (see Application Form)**

Employees should initially discuss their request with their line manager/Headteacher. Following this discussion, they will need to formally submit this in writing to their line manager.

All applications for flexible working will be dealt with as follows:

The line manager/Headteacher will arrange to discuss the application with the employee as soon as is reasonably practicable. If a meeting is required this will take place within 28 days of receipt of the written request and the employee will have the right to be accompanied by a work colleague or trade union representative. If the employee fails to attend the meeting or a rearranged meeting, their line manager/Headteacher can consider their request as being withdrawn.

The line manager/Headteacher will inform the employee in writing regarding the decision reached within 7 days of the discussion/meeting. If the request is accepted, or accepted with modifications, the line manager/Headteacher will discuss with the employee any required modifications and how and when the changes might best be implemented.

If the decision reached has been to refuse the application, the reasons for the decision will be given to the employee in writing and they will have the right of appeal.

If the application to work flexibly is turned down it could be due to one or more of the following reasons:

- Burden of additional costs
- Detrimental effect to service delivery
- Inability to re-organise work amongst existing employees
- Inability to recruit additional employees
- Detrimental effect on quality
- Detrimental effect on performance
- Insufficiency of work during the periods the employees proposes to work
- Planned structural changes

If the employee wishes to challenge the decision, they should first request a meeting with the Headteacher in order to make representations. At this meeting they should state the reasons why they believe their flexible working request should be approved. The employee may be represented by their trade union/professional association or other representative.

If the employee wishes to appeal against the decision they should write to the Local Governing Committee within 5 days of receiving the notification that the application has been refused. The employee will receive a reply within 5 days, acknowledging the registering of their appeal which will take place as soon as practicable. There will be a minimum of 10 days' notice of the appeal meeting date.

The employee may choose to present their case to the committee in person and may be accompanied by their representative. In such circumstances the Headteacher will also attend the meeting to explain their decision and answer questions.

If the employee does not wish to present their case in person the committee can consider the request on the basis of the written submissions. The committee's decision will be final and communicated to the employee as soon as possible and confirmed in writing within 5 working days.

If the employee states their intention to present their appeal in person but fails to attend the appeal hearing or rearranged appeal, their request will be considered withdrawn.

- **Flexible Working Options**

Part Time Working
The employee's hours of work are less than full time (37 hours).

Annualised Hours
For employees working on a 52 week contract, the number of full time hours in a year is 1924 hours (37 hours per week x 52 weeks per year) which includes their entitlement to annual leave and the statutory bank holidays.

Changing to this method of working still requires the employee to work the hours stated in their contract, but these do not have to be worked in standard 37 hour week blocks, providing the number of contracted hours is not exceeded or under worked over the 12 month period.

This method of working could be suitable for the employee and the service if seasonal variations have an impact on their workload.

Compressed Working Weeks/Fortnights
This form of flexible working follows similar principles to annualised hours, in that the employee's contracted hours still have to be worked, but they are worked over a shorter time period e.g. 4 days per week or 9 days per fortnight. The remaining day would therefore be a non-working day.

Term Time Only
The employee works school term times only. This requires that their contract of employment will be varied from a 52 week contract to a 39 week contract, with their salary and annual leave entitlement being reduced accordingly.

The employee's salary continues to be paid in 12 equal payments.

Further details concerning flexible working for support staff, including flexi-time, can be found in the Derbyshire 'Working for Us' document.

WORKING FLEXIBLY APPLICATION FORM

Name	
Job Title	
Employee Number	
Current hours/location and pattern of work	
New hours/location and pattern of work applied for	
Date you require your new hours/location to start	
Reason for the Request (if applicable, include any reasonable adjustments relating to the Equality Act 2010)	
Have you previously applied to work flexibly	Yes/No* If Yes please state the date (you can only make two statutory applications in any 12 month period)
Employee's Signature	
Date	
Manager Approved/Not Approved* (*delete as appropriate)	
Signature	
Date	

6. Career Break Scheme

The Career Break Scheme provides an opportunity for employees to have an extended period away from work.

If an employee wishes to apply for a career break they would need to discuss this request with their line manager/Headteacher. They would also need to complete the Career Break Application Form (on page 24). The completed form would then need submitting to the Headteacher. The Headteacher may consult with the Local Governing Committee before reaching a decision. Where possible, applications for a planned career break should be made at least 3 months before the proposed start date.

Local Governing Committees retain discretion over the granting of a career break, however, it will normally be taken for such activities as:

- Caring responsibilities
- Extended foreign travel
- Personal development - education or training
- Voluntary/community work

A career break will NOT be granted for employees:

- To take up other paid employment.
- Where a temporary or permanent reduction in contractual hours would be more appropriate
- Where other time off provisions apply e.g. time off to undertake public duties

Headteachers should consider before granting a career break:

- The possible effects on service delivery and team workloads.
- Any anticipated difficulties in the cost-effective temporary replacement for the period of the career break.

If the employee wishes to challenge the decision, they should first request a meeting with the Headteacher in order to make representations. At this meeting they should state the reasons why they believe their request for a career break should be approved. The employee may be accompanied by their trade union/professional association or other representative.

If the employee wishes to appeal against the Headteacher's decision they should write to the Local Governing Committee within 5 days of receiving the notification that the application has been refused. The employee will receive a reply within 5 days, acknowledging the registering of their appeal which will take place as soon as practicable. There will be a minimum of 10 days' notice of the appeal meeting date.

The employee may choose to present their case to the committee in person and may be accompanied by their representative. In such circumstances the Headteacher will also attend the meeting to explain their decision and answer questions.

If the employee does not wish to present their case in person the committee can consider the request on the basis of the written submissions. The committee's decision will be final and communicated to the employee as soon as possible and confirmed in writing within 5 working days.

If the employee states their intention to present their appeal in person but fails to attend the appeal hearing or rearranged appeal, in normal circumstances their request will be considered withdrawn.

During the Career Break

- The maximum duration of a career break will be 12 months.
- Depending on individual circumstances, the employee may be invited to attend regular 'keeping in touch' meetings and should plan regular contact with their manager.

Following the Career Break

- When the employee returns to work the manager will ensure they are suitably inducted back into the workplace and developments and changes that have occurred during the period of absence will be discussed with them.
- An employee has a right to return to their job following an extended career break.

Conditions for Career Break Scheme

During any period of absence when on a career break, employees should be advised to consider the impact on their pensions, Statutory Sick Pay, Statutory Maternity. Statutory Adoption or Statutory Shared Parental Pay, National Insurance related benefits, annual leave entitlement (If applicable), statutory holidays and qualification training. An employee's continuous service will be maintained throughout the career break. For further information on how a career break may affect any of the above, the school should contact the HR Advisory Service

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Career Break Application Form	
Name	
Job Title	
Contractual Hours	
Employee Number	
School	
Grade (Pay Point)	
Requested Dates for Career Break: Number of days requested shown as • Days • Hours and Minutes	
Pensions – I have read the guidance in the 'Pension Contributions During Leave' section of the Employee Leave Schemes document.	
I have read and agree to the conditions relating to the scheme. Employee's Signature: Date:	
To be Completed by Headteacher/Line Manager	
Application Approved/Not Approved* Reason for Decision (if application refused) Signature: Date:	
For Shared Services Centre completion - Details of deductions:	Confirmed number of hours/minutes to be deducted: