

Statutory Annual Leave Entitlement and Long Term Sickness Absence

1. Introduction

- 1.1** The Working Time (Amendment) Regulations 2007 provide that all workers who work a 5 day week have a right to statutory annual leave (SAL) of 28 days (5.6 weeks) (pro rata for part time workers).
- 1.2** Teachers are contractually required to be available to work during term time, and their SAL forms part of normal holidays during school closure periods. This document, which has been agreed by the Management and Teachers' Sides of the Teachers' Negotiating Committee, explains how SAL entitlement is to apply when a teacher is absent as a result of long term sickness.
- 1.3** The "leave year" is defined as 1 September – 31 August.

2. How this will apply

- A teacher's entitlement to SAL is not affected by either paid or unpaid long term sickness absence.
- The entitlement to 28 days SAL will be offset by any period of school closure that has taken place in the leave year in question, i.e. both before and after the sickness leave period. The May Day bank holiday is classed as a school closure day and will count against the SAL entitlement.
- On return from sickness leave a teacher must be allowed to take any of the outstanding 28 days SAL during term time during that leave year if there are insufficient school closures to accommodate the SAL in that leave year.
- Where the return from sick leave is so close to the end of the leave year that there is not enough time to take all the SAL entitlement or, where the sickness absence has extended beyond 52 weeks, a teacher must be allowed to carry over any balance of the SAL to the following leave year. A teacher will be required to take this during the remaining periods of school closure after the 28 days' SAL for that leave year has been accommodated.
- It is not possible for either the teacher or the Board of Governors to decide to carry over the SAL into the next leave year, if there is time to take the SAL in the current leave year i.e. in school closures or in term time.
- A teacher cannot receive payment in lieu of untaken SAL unless he/she does not return to work following a period of long term sickness absence and the contract of employment ends.

3. Further Advice

Further advice may be obtained from [Employing Authority].