

Human Resources

Leave of Absence Policy

Academy level contribution:	All Academies	
CEO approval:	Sean Kelly	Date: February 2023
Education Group consultation (where applicable):	All members	Date: February 2023
LGB Cluster consultation (where applicable):	n/a	Date:
Joint Negotiating Council (JNC) consultation (where applicable):		Date:
Board ratification:	Spring Board	Date: March 2023
Last reviewed on:	February 2023	
Next review due by:	February 2025	

Contents

1. Introduction	2
2. Scope and purpose of this policy	3
3. Process for making requests	3
4. Parental bereavement leave, other bereavement leave and compassionate leave	4
5. Dependants (Time off for)	5
6. Domestic, personal and family Reasons	5
Moving house	6
7. Health and Welfare	6
8. Interviews	7
9. Time off for public duties	7
Parliamentary elections	7
10. Jury service or witness	7
Voluntary public service	8
11. Reserve forces duties	9
Professional examination duties	9
Examination leave	9
Revision leave	9
Study leave	10
Sporting events	10
12. Redundancy – support for job seeking	10
13. Religious Festivals	10
14. Retention and data protection	10
15. Review of policy	10

1. Introduction

1.1 Leave of absence is not an entitlement to a number of days off per year. The purpose of leave of absence is to ensure that employees are able to manage particular circumstances that may occur in their lives where it is not possible to arrange these during school holiday periods and time off may be required. It is expected that requests will only be made for leave of absence in term time once all other possible alternatives have been considered.

- 1.2 Employees should ensure that other than in emergency situations they make their request for leave in advance to enable the Academy / Trust to consider the request carefully and to ensure that cover can be implemented where required.
- 1.3 All periods of leave of absence will be recorded and considered on a rolling 12-month basis.
- 1.4 Any employee who is suspected to have abused the provision for time off may be subject to disciplinary proceedings in line with the Trust's Disciplinary Procedure.
- 1.5 This procedure does not form part of any employee's contract of employment, and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.
- 1.6 This policy is contractual and has been agreed following consultation with the recognised trade unions.

2. Scope and purpose of this policy

- 2.1 The purpose of this policy is to ensure that employees within the Trust understand how requests for leave will be considered. It will also ensure that staff across the Trust are treated in a fair and consistent way when requesting time away from work.
- 2.2 The procedure applies to all employees regardless of length of service. It does not apply to agency workers.
- 2.3 This procedure is used to deal with requests for absence from work for the reasons contained within this policy. It does not cover requests for flexible working, maternity, paternity, parental or adoption leave or sickness absence. Information on these can be found in the relevant policy.

3. Process for making requests

- 3.1 The Trust recognises that it may not always be possible to request certain types of leave in advance, for example, bereavement leave, compassionate leave, and leave in emergency situations. Where it is not possible to request leave in advance employees should contact the Principal / Manager as soon as possible to tell them the reason for the absence and the number of days leave that they anticipate being absent. The Principal / Manager will then discuss the situation with you and agree next steps.
- 3.2 Employees should ensure that other than in emergency situations they make their request for leave in advance to enable the Academy / Trust to consider the request carefully and to ensure that cover can be implemented where required.
- 3.3 Employees should make a request by accessing their MySAM account within the SAM People system. A request for leave will be reviewed by the Principal / Manager and approved or otherwise. The employee is notified of the Principal's / Manager's decision by e-mail. Please note that in all cases the decision to agree to a request will be at the absolute discretion of the Principal / Manager. Where a request is refused, the e-mail response will include the reasons for the refusal and if you are dissatisfied with the decision, you may make a complaint under the Trust's Grievance Procedure.
- 3.4 Where it is possible to do so in advance or when you return to work after taking time off under this policy, we might ask you to provide evidence for your reasons for taking the time off.

4. Parental bereavement leave, other bereavement leave and compassionate leave

Parental bereavement leave

- 4.1 Up to 2 weeks parental bereavement leave (PBL) for parents with parental responsibility to help them cope with the death of a child under the age of 18 years will be granted. This includes birth parents, adoptive parents, individuals who are fostering to adopt, legal guardians, most foster parents (excluding short term and emergency foster care), intended parents under a surrogacy arrangement, looks after the child in your home other than a paid carer and have done so for at least 4 weeks and parents who suffer a still birth after 24 weeks or more into the pregnancy. There is no minimum service requirement for eligibility to take this leave.
- 4.2 Employees may be entitled to statutory parental bereavement pay (SPBP) for parental bereavement leave if they meet the criteria below:
- Have 26 weeks continuous service with the Trust ending on the Saturday before the child died
 - Have normal weekly earnings in the 8 weeks up to the week before the child's death that are not less than the lower earnings limit for NI contributions.
- 4.3 Parental bereavement leave will be granted as a single block of 2 weeks or 2 separate blocks of 1 week at different times. This leave must be taken within 56 weeks of the loss of the child.
- 4.4 If parental bereavement leave is taken straight away and during the first 8 weeks after the child has died, there is no requirement to give advance notice of PBL, however, employees should make contact with the Academy / Trust to inform of the reason for their absence.
- 4.5 Any parental bereavement leave taken after the initial period will be subject to at least 1 weeks' notice to the Academy / Trust.
- 4.6 Employees taking parental bereavement leave may be asked to provide a written declaration to confirm their entitlement.
- 4.7 Entitlement to maternity leave and pay is not affected if a child has died or been stillborn. Maternity leave can be taken in addition to parental bereavement leave.

Other bereavement leave and compassionate leave

- 4.8 Leave may be granted to help employees cope with the death of a close relative, to deal with necessary arrangements and attend their funeral.
- 4.9 Compassionate leave may be granted to help employees where they need to deal with necessary arrangements for or assist a close relative who is seriously or critically ill. This does not apply in the case of domestic emergencies, or where normal caring arrangements have been disrupted.
- 4.10 Bereavement leave and compassionate leave of up to 5 days with pay (inclusive of the day of the funeral) may be granted in relation to a spouse, civil partner or partner, grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, or brother or sister-in-law. The Principal / Manager may exercise their discretion to approving 1 day's leave of absence with pay in relation to any other relative or close friend, depending on the circumstances. When agreeing the

amount of leave, the Trust will take into account the circumstances and relationship of the employee to the deceased.

5. Dependants (Time off for)

5.1 The law recognises and the Trust respects that there will be occasions when you will need to take time off work to deal with unexpected events involving one of your dependants. All employees have the right to take a reasonable amount of unpaid time off work when it is necessary to:

- provide assistance when a dependant falls ill, gives birth, is injured or assaulted;
- make longer-term care arrangements for a dependant who is ill or injured;
- take action required in consequence of the death of a dependant;
- deal with the unexpected disruption, termination, or breakdown of arrangements for the care of a dependant; and/or
- deal with an unexpected incident involving their child during school hours (or those of another educational establishment).

Paid time off will be considered by the Principal / Manager up to a maximum of five days in total.

5.2 A dependant for the purposes of this policy is:

- an employee's spouse, civil partner, parent or child;
- a person who lives in the same household as the 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 paragraph 5.1.

5.3 Employees are only entitled to take reasonable time off under this policy where there is an immediate crisis, and it is necessary to take action in relation to a dependent. This will depend on the nature of the problem, the closeness of the relationship between you, and whether someone else is available to assist. Reasonable time off will not normally be more than 1 or possibly 2 days, however, the set of circumstances and their facts will always be considered.

5.4 If you know well in advance that a problem might arise or you wish to take time off to care for a dependant yourself, rather than make alternative arrangements, this policy will not apply. You should make other arrangements to deal with such situations.

5.5 You will only be entitled to time off under this policy if your request is approved and, as soon as is reasonably practicable, you tell the Principal / Manager:

- the reason for your absence; and
- how long you expect to be away from work.

5.6 If you fail to notify the Academy / Trust, you may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off. Suspected abuse of this policy will be dealt with as a disciplinary issue under our Disciplinary Procedure.

6. Domestic, personal and family Reasons

- 6.1 Leave of absence with pay may be granted for urgent or otherwise domestic reasons up to a maximum of 5 days. In terms of how much leave may be granted, the urgency of the matter, the duration of the length of absence and the impact on the Academy / Trust will be taken into consideration.
- 6.2 Leave under this provision may include the following, however, the Principal / Manager will consider each set of circumstances on the facts, the nature of the request, the relationship of the employee to the person the request relates to, where applicable and whether the event is an exceptional circumstance that would not be arranged outside of normal working hours.

Moving house

- 6.3 Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, up to 2 days leave may be granted with or without pay.

Wedding or civil partnership ceremony

- 6.4 Employees should make their own wedding / civil partnership arrangements outside normal working days. Leave may be granted by the Academy / Trust to enable employees to attend a close relative's or close friend's wedding or civil partnership ceremony where this is held during normal working hours.

Other special events

- 6.5 The Academy / Trust recognizes that in exceptional circumstances there will be special events in an employee's family life that cannot be arranged outside normal working days, e.g. graduation ceremonies, school productions, sports day. The Academy / Trust will consider requests for time off for these purposes.

Urgent domestic business

- 6.6 This would enable employees to deal with emergencies of a domestic nature, e.g. flooding, structural damage, burglary, etc.
- 6.7 Special absence for other or personal or family reasons, e.g. to visit relatives who live abroad or to nurse a sick person may also be considered in exceptional circumstances. A holiday will not be considered as an exceptional circumstance.
- 6.8 Plans or arrangements for the time off should not be made by the employee until they have received a decision in relation to their request and it has been approved.

7. Health and Welfare

- 7.1 Employees are expected to make all routine medical appointments on their non-working days or outside working hours. Where it can be demonstrated that it is not possible to obtain appointments outside of working hours the Academy / Trust may grant paid time off for reasons of the personal health and welfare of an employee. For example, visits to a clinic or hospital. The Academy / Trust will expect employees to provide evidence of their requirement to attend any medical appointments during work time.

- 7.2 All employees are encouraged to attend medical appointments for preventative screening, such as smear tests, mammograms, prostate examinations. These appointments are covered by this policy and should be made outside of working hours, wherever possible.
- 7.3 Employees who donate blood or other medical tissue should do this outside of working hours. Where this is not possible requests for time off to attend these appointments will be considered under this policy.
- 7.4 Requests for time off for medical appointments in relation to adoption, pregnancy or disability will be considered under the relevant policy that covers these circumstances.
- 7.5 Employees who are planning to undergo a course of fertility treatment or are planning to become a surrogate should discuss with the Principal / Manager their treatment plan and requirements for time off. The Academy / Trust will consider these cases based on the individual circumstances.

8. Interviews

- 8.1 The Trust accepts that employees will have little or no control over when an interview will take place and therefore may grant up to 3 occasions off for interviews with pay.
- 8.2 Employees must inform their Principal / Manager of the time, date and duration of the interview as soon as they have this information so that the request can be considered promptly to avoid disappointment.

9. Time off for public duties

- 9.1 The Trust supports employees to perform certain public duties that they may be committed to undertake and will give them time off to do so where it does not conflict with operational needs. The Trust is not obliged to grant employees paid leave for these purposes. The circumstances in which we are prepared to do so are set out below.

Parliamentary elections

- 9.2 Employees selected to stand for election at local authority or Parliamentary level will need to inform their Principal / Manager in writing at the earliest possible opportunity.
- 9.3 Candidates of the recognised political parties will be granted up to 5 days leave of absence with pay for Parliamentary elections.
- 9.4 In respect of elections at local level candidates will be granted up to 2 days leave of absence with pay.

10. Jury service or witness

- 10.1 Employees should tell the Principal / Manager as soon as they are summoned for jury service or to formally attend as a witness at a court hearing and provide a copy of the summons, if requested.

10.2 Depending on the demands of the Academy / Trust, we may request that the employee applies to be excused from or have the jury service deferred.

10.3 Leave of absence with pay will be paid in respect of jury service and formal attendance as a witness at a court hearing.

10.4 Employees will be able to claim for any loss of earnings from the court. The employee must forward the form that they receive from the court for completion to the Trust's HR.

Voluntary public service

10.5 Employees are entitled to a reasonable amount of unpaid time off work to carry out certain public duties. Employees may be granted paid leave to perform voluntary public service duties subject to the number of days taken in the 12-month rolling period and the needs of the Academy / Trust.

10.6 Public service duties include service as a:

- Tribunal member
- Magistrate – where sessions, including training are during normal working hours, the employee will be entitled to paid leave up to a maximum of 18 days / 36 half days per annum, subject to adequate provision of notice to the Principal / Manager
- Local councillor – leave with pay to attend meetings plus up to 12 days per annum for other duties
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School/Academy/Trust governor – paid leave will be granted to attend meetings where these are held during working hours, including training, inspection, and recruitment, subject to a maximum of 30 hours for a governor and 40 hours for a chair of governing bodies. The maximums apply irrespective of the number of governing bodies the employee is a member of.

10.7 If you are unsure whether a public service that you perform is covered by this policy, you should speak to the Principal / Manager.

10.8 As soon as you are aware that you will require time off for performance of a public service you should notify the Principal / Manager in writing, providing full details of the time off that is being requested and the reasons for your request.

10.9 The Academy / Trust will agree to requests for time off to undertake public duties wherever reasonably possible. If it is not possible to accept a request, you will be given written reasons for our decision.

10.10 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

- How your absence will affect the Academy and / or the Trust

11. Reserve forces duties

- 11.1 We are aware that employees who are members of the Reserve Forces (the Territorial Army, Royal Navy Reserve, Royal Marines Reserve or Royal Auxiliary Air Force) may be called-up at any time to be used on full-time operations and will be expected to attend regular training.
- 11.2 Employees who need time off for reservist commitments can consider using existing holiday entitlement, however, the Trust view holiday entitlement as a crucial time for employees to relax and wind down. Leave of absence with pay, less any payments received from the Reserved Forces, to attend an annual summer training camp will be granted.
- 11.3 In exceptional circumstances where volunteers may be required to attend for further training in working hours, if such training cannot be arranged outside working hours leave of absence with pay will be granted.
- 11.4 Whilst we will do everything possible to meet your request for leave it may not always be possible for operational reasons. If we receive notice that you have been called-up, there may be occasions when we need to apply to an adjudication officer for the notice to be deferred or revoked if your absence would cause serious harm to the Academy / Trust (which could not be prevented by the grant of financial assistance).
- 11.5 Once your military service has ended, you may submit a written application for reinstatement to your employment. This should be made by the third Monday following the end of your military service and you should notify us of the date on which you will be available to restart work.
- 11.6 If it is not reasonable and practicable to reinstate you into your former employment, we will offer you the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable

Professional examination duties

- 11.7 The Trust will authorise leave for teachers to undertake professional duties in connection with GCSE, GCE A Level, and other public examinations in line with the provisions of the Burgundy Book (Section 6). This also gives details of how the Academy / Trust may be reimbursed when a teacher has to be released.

Examination leave

- 11.8 Leave of absence with pay will be granted to employees for the purpose of sitting approved examinations.

Revision leave

- 11.9 Employees may be granted up to 5 days paid pre-examination leave. Such leave is discretionary and dependent on the type and number of examinations to be taken.

Study leave

11.10 Where is deemed appropriate, employees undertaking distance learning or on-line course / qualifications may be entitled to 3 days study leave with pay to be taken throughout the academic year.

Sporting events

11.11 Employees selected to participate in sporting events organised by recognised amateur sports associations shall be considered for up to 5 days leave of absence per year with pay to attend events and training. Each request will be at the discretion of the Principal / Manager.

12. Redundancy – support for job seeking

12.1 Employees who have been identified by the Academy / Trust as redundant will be allowed reasonable time off to support them with securing alternative employment.

13. Religious Festivals

13.1 Employees whose religious beliefs require the observance of festivals which fall on days upon which they would normally work, may be granted up to 4 days discretionary leave each year with pay.

13.2 Employees must inform the Principal / Manager at the start of each academic year of any date that they may need to request time off for. Where this is not possible, employees should provide this information as soon as they are able to and no later than 10 working days before the date of the requested leave.

13.3 For religious festivals only, the day of the festival will be considered and /or granted. The expectation is that travel takes place outside of working hours.

14. Retention and data protection

14.1 Through the application of this policy, the Academy / Trust may collect, process, and store personal data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulation ((EU) 2016/679) and any national implementing laws, regulations, and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 2018). Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of the Data Protection Legislation.

15. Review of policy

15.1 This policy is reviewed every 2 years in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

