

EQUITAS ACADEMIES TRUST



LEAVE OF ABSENCE POLICY

Review Date: **May 2020**

To be Reviewed: **May 2021**

Agreed: **Policy Lead**

Policy Lead: **HR Manager**

Leave of Absence Policy

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LEAVE OF ABSENCE POLICY

1. INTRODUCTION

- 1.1 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 exceptional circumstances in term time and once all other possible alternatives have been considered. Therefore, leave of absence is not an entitlement to a number of days off per year.
- 1.2 Employees should ensure that, other than in emergency situations, they make their request for leave in advance to enable the Trust to consider the request carefully and to ensure that cover can be implemented where required.
- 1.3 The amount of leave of absence granted and reasons for doing so can differ from one employee to another. It is also important to bear in mind that such entitlements must be considered against the overall working arrangements of the different categories of staff and in particular, the need for arrangements to be made to cover such absences. The main factors that will influence the decision on whether to grant leave of absence or not will be the disruption to students learning or the workload of other members of staff within the department. An employees' attendance and disciplinary record may also be taken into consideration, where appropriate.
- 1.4 All periods of leave of absence will be recorded and considered on a rolling 12 month basis.
- 1.5 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.
- 1.6 This procedure does not form part of any employee's contract of employment and it may be amended at any time. It is the discretion of the Headteacher to vary this procedure, including any time limits, as appropriate in any case.

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 during term time, will be considered by the Headteacher (for teaching staff) or Chief Operations Officer (for support staff). 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 agencies 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, and parental or adoption leave. Information on these can be found in the relevant policy located on each academies websites.

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 Head Teacher or Chief Operations Officer as soon as possible to tell them the reason for the absence and the number of days leave that they anticipate being absent. The Headteacher or Chief Operations Officer 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 to consider the request carefully and to ensure that cover can be implemented where required.
- 3.3 Employees should make a request by completing the Request for Leave of Absence Form see Appendix 1 and giving to the Headteacher or Chief Operations Officer. The form will be completed and returned to you when a decision has been made. Please note that in all cases the decision to agree to a request will be at the absolute discretion of the Headteacher or Chief Operations Officer. Where a request is refused, the form will include written reasons for the refusal and if you are dissatisfied with the decision, you may make a complaint under our 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. BEREAVEMENT LEAVE AND COMPASSIONATE LEAVE

- 4.1 A number of day's bereavement leave may be granted to help employees cope with the death of a close relative, to deal with necessary arrangements and attend their funeral.
- 4.2 Also a number of day's 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 where normal caring arrangements have been disrupted.
- 4.3 Bereavement leave and compassionate leave may be granted in relation to a spouse, civil partner or partner, step child (children are covered separately in the new Parental Bereavement Leave section below), grandchild, parent, step-parent, parent-in-law, grandparent, brother or sister, stepbrother or stepsister, or brother or sister-in-law. The Headteacher or Chief Operations Officer may exercise their discretion 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.
- 4.4 The Trust recognises that it may not always be possible to request bereavement leave or compassionate leave in advance. However, where it is possible, employees should make a request to the Headteacher or Chief Operations Officer, giving them the reasons for the request and the number of days leave that are required.
- 4.5 Where it is not possible to request leave in advance employees should contact the Headteacher or Chief Operations Officer as soon as possible to tell them the reason for the absence and the number of days leave that are required. Employees will then be requested to

complete a retrospective leave of absence form upon their return to work. All request forms whether approved or declined should be submitted to the HR department for your records.

5. PARENTAL BEREAVEMENT LEAVE

5.1 Up to two 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) and parents who suffer a still birth after 24 weeks or more into pregnancy. There is no minimum service requirement for eligibility to take this leave.

- a) Employees may be entitled to normal pay for parental bereavement leave if they meet the below criteria:
- b) Have 26 weeks continuous service with the Trust ending on the Saturday before the child died;
- c) Have normal weekly earnings in the eight weeks up to the week before the child death that are not less than the lower earnings limit for NI contributions
- d) Parental bereavement leave will be granted as a single block of 2 weeks or two separate blocks of 1 week at different times. This leave must be taken within 56 weeks of the loss of the child
- e) If parental bereavement leave is taken straight away and during the first seven weeks after the child has died, there is no requirement to give advance notice of PBL. However, employees should make contact with the Trust to inform of the reason for their absence.
- f) Any parental bereavement leave taken after the initial period will be subject to one weeks' notice to the employer
- g) Employees taking parental bereavement will be asked to produce a written declaration confirm they are entitled to the leave.
- h) 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.

6. DEPENDANTS (TIME OFF FOR)

6.1 The law recognises and the Trust respects that there will be occasions when employees will need to take time off work to deal with unexpected events involving one of their dependants OR someone close to them. 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.

6.2 On occasion paid leave may be granted at the Headteacher or Chief Operations Officers' discretion.

6.3 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.

6.4 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 the two parties, and whether someone else is available to assist. Reasonable time off will not normally be more than one day and in most cases will be less than a day. However, the Headteacher or Chief Operations Officer will always consider each set of circumstances on their facts.

6.5 If the employee knows well in advance that a problem might arise or they wish to take time off to care for a dependant themselves, rather than make alternative arrangements, this policy will not apply. The employee should make other arrangements to deal with such situations. The employee will only be entitled to time off under this policy if, as soon as is reasonably practicable, you tell the Headteacher:

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

6.6 If an employee fails to notify the Headteacher as required, they may be subject to disciplinary proceedings under the Trust's Disciplinary Procedure for taking unauthorised time off.

6.7 Where it is possible to do so in advance or when an employee returns to work after taking time off under this policy, they may be asked to provide evidence. Suspected abuse of this policy will be dealt with as a disciplinary issue under the Trust's Disciplinary Procedure.

7. DOMESTIC REASONS

7.1 One day's leave of absence with or without pay may be granted for domestic reasons (urgent or otherwise) at the discretion of the Headteacher or Chief Operations Officer. It is expected that those employees who have the option to choose when to take their leave will use their annual leave entitlement if applicable before making a request for domestic reasons. Leave to be granted under this provision may include:

7.2 Moving house

Employees should normally make arrangements for moving house outside normal working days. Where this is not possible, up to 1 days leave may be granted by the Headteacher.

7.3 Wedding or civil partnership ceremony

Employees should make their own wedding/civil partnership arrangements outside normal working days. Leave may be granted by the Headteacher to enable employees to attend a

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relative's or close friend's wedding or civil partnership ceremony where this is held during normal working hours.

7.4 Other special events

The Trust recognises 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. The Trust will consider requests for time off for these purposes and may require proof of the event.

7.5 Urgent domestic business

This would enable employees to deal with emergencies of a domestic nature e.g. flooding, structural damage, burglary etc.

7.6 The Trust recognises that it may not always be possible to request leave of absence in advance. However, where it is possible, employees should make a request to the Headteacher, giving them the reasons for the request and the number of days leave that they would like to take. Where it is not possible, employees should contact the Headteacher, Chief Operating Officer or HR Manager as soon as possible to tell them the reason for their absence and the number of days they expect to be absent.

8. HEALTH AND WELFARE

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

8.2 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.

8.3 Employees who donate blood or other medical tissue are encouraged to 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.

8.4 Requests for time off for medical appointments in relation to adoption, pregnancy or disability will be considered under the Maternity, Paternity, Adoption and Shared Parental Leave Policy. Employees who are planning to undergo a course of fertility treatment or are planning to become a surrogate should discuss with the Headteacher, Chief Operating Officer or HR Manager their treatment plan and requirements for time off. The Headteacher will consider these cases based on the individual circumstances.

9. INTERVIEWS

- 9.1 The Trust accepts that employees will have little or no control over when an interview will take place and therefore may grant up to one day off for interviews with pay within the academic year.
- 9.2 Employees must inform their Headteacher or Chief Operations Officer 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. The Employees must be expected to provide evidence of interview.

10. TIME OFF FOR PUBLIC DUTIES

- 10.1 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 the operational needs of the Academy. The Headteacher not obliged to grant employees paid leave for these purposes. The circumstances in which employees may be paid are we are set out below.

10.2 Jury service

Employees should tell the Chief Operating Officer / HR Manager as soon as they are summoned for jury service and provide a copy of the summons if requested.

Depending on the demands of the Trust and the employee's role within the Academy in which they work they may be asked to be excused from or have the jury service deferred.

The Trust is not required to pay employees while they are absent on jury service. They will be advised at court of the expenses and loss of earnings that they can claim. The trust will pay basic pay to employees who are doing jury service less any amounts they can claim from the court for lost earnings for up to a specified number of working days.

10.3 Voluntary public service

- 10.3.1 Employees are entitled to a reasonable amount of unpaid time off work to carry out certain public duties.

Public service duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Lay visitor to police stations
- School/Academy/Trust Governor

- 10.3.2 As soon as an employee is aware that they will require time off for performance of a public service they should complete a leave of absence form providing full details of the time off that is being requested and the reasons for the request.

- 10.3.3 The Headteacher or Chief Operations Officer will agree to requests for time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy.

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10.3.4 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 the employee's employment.
- How much time off is reasonably required for the duty in question.
- How much time off the employee has already taken for the public duty in question.
- How the employee's absence will affect the Academy in which they work.

10.4 Reserve forces duties

10.4.1 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.

10.4.2 Employees who need time off for reservist commitments are expected to use existing holiday entitlement. If applicable in exceptional circumstances Headteacher may grant additional leave (either paid or unpaid) in order for these commitments to be met.

10.4.3 Whilst the Trust will do everything possible to meet the request for leave it may not always be possible for operational reasons. If employees receive notice that they have been called-up there may be occasions when they need to apply to an adjudication other for the notice to be deferred or revoked if their absence would cause serious harm to the Trust (which could not be prevented by the grant of financial assistance).

10.4.4 Once the employee's military service has ended they may submit a written application for reinstatement to their employment. This should be made by the third Monday following the end of your military service and the employee should notify us of the date on which they will be available to restart work.

10.4.5 If it is not reasonable and practicable to reinstate the employee into their former employment the Trust may offer the employee the most favourable occupation on the most favourable terms and conditions which are reasonable and practicable.

11. PROFESSIONAL EXAMINATION DUTIES

11.1 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 trust may be reimbursed when a teacher has to be released.

12. REDUNDANCY – SUPPORT FOR JOB SEEKING

12.1 Employees who have been identified by the Trust as redundant will be allowed reasonable time off to support them with securing alternative employment. The amount of time-off is at the discretion of the Headteacher or Chief Operations Officer. Each case will be considered on its merits.

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 one day's leave with pay.

13.2 Employees must inform the Headteacher at the start of each academic year of any dates 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.

14. TIME OFF FOR TRADE UNION DUTIES AND ACTIVITIES

14.1 The Trust wishes to support employees with time off for trade union activities.

14.2 Trade union representatives are entitled to reasonable paid time off to carry out trade union duties and activities, to undergo training and to accompany a worker to a grievance or disciplinary hearing. A trade union representative means an officer of the union or an employee elected or appointed in accordance with the union's rules to be a representative of union members in the workplace.

14.3 Union learning representatives have a right to reasonable paid time off to perform their duties and undergo training.

14.4 Union members have a right to reasonable unpaid time off when taking part in trade union activities.

14.5 Employees should be aware that there will be occasions where, for operational reasons, or where the Trust believe the time off not to be reasonable, requests can be declined. Each application for time off will be assessed on its merits and the determination will ultimately depend on the needs of the Trust at the time of the request and consideration will be given to:

- The nature and timing of the request;
- The amount of time off previously granted or planned for the future;
- The number of representatives or members seeking time off within a given period, and
- The legitimate need of the union representative or union learning representative to discharge their functions.

14.6 If a union representative, union learning representative or union member is aggrieved by a decision to refuse time off to undertake their duties, training or activities, they should raise the matter in accordance with the Trust's grievance procedure.

14.7 Time off for union representatives – duties

Employees who are representatives of an independent trade union recognised by the Trust for collective bargaining are permitted reasonable paid time off to carry out their duties in connection with:

- Negotiations in relation to collective bargaining;
- The performance of other permitted functions related to collective bargaining;
- Information and consultation over collective redundancies or TUPE transfers;
- Agreeing new terms for the workforce following a TUPE transfer in an insolvency situation;
- Undergoing training in aspects of industrial relations relevant to those duties which have been approved by the Trades Union Congress or by the trade union, or
- Accompanying a fellow worker to a disciplinary or grievance hearing.

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14.7.1 Time off for union members - activities and learning

An employee who is a member of an independent trade union recognised by the Trust in relation to their position is permitted reasonable unpaid time off to take part in a trade union activity or to consult a union learning representative. Examples of trade union activities include voting in union elections and attending relevant workplace union meetings, but not participating in industrial action.

14.7.2 Time off for union learning representatives

Employees who are members of an independent trade union recognised by the Trust can take reasonable time off to perform duties as a union learning representative, providing that the union has given the Trust notice in writing that the employee is a learning representative of the trade union and that the representative is, or will be, sufficiently trained to carry out the learning representative duties. The purpose of a learning representative includes arranging training, promoting the value of training and analysing training needs.

14.7.3 Requesting time off - trade union representatives and learning representatives

Employees that are trade union representatives or trade union learning representatives should ensure that their trade union has provided written confirmation of this to the Trust.

The HR Manager / Chief Operating Officer will meet with the employee to discuss their union role and the amount of time and facilities that the Trust believes to be reasonable to enable the employee to carry out their union duties.

When making a request for time off the employee should provide as much notice as possible and give further details, such as the location, timing, duration and purpose of the time off. The HR Manager / Chief Operating Officer will look at each request and the circumstances before deciding what is reasonable.

Both parties accept the need to be flexible within this process and recognise their duties and obligations to the Trust. The parties will seek to agree a mutually convenient time for the duties or activities, with minimum disruption to the teaching and learning at the Trust. Where possible, the recognised trade union(s) will arrange workplace meetings towards the end of the working day or near break times.

14.7.4 Requesting time off - trade union members

Employees who want to request time off for trade union activities during working hours should make a request to the Headteacher giving as much notice as possible and provide further details, such as the location, timing, duration and purpose of the time off. The Headteacher will look at each request and the circumstances before deciding what is reasonable.

15. UNPAID SPECIAL LEAVE

The following is intended to complement the paid leave provisions, particularly in relation to compassionate leave. The following covers special absence for personal or family reasons, e.g. to visit relatives who live abroad or to nurse a sick person. The guidelines apply:

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- For types of unpaid leave not covered elsewhere by specific agreement e.g. in national or local conditions of service;
- Only in exceptional circumstances e.g. of a personal or domestic nature;
- Where the employee has a minimum of one year's service at the date of commencement of the leave.

The employee should submit the request in writing giving details of the absence required and the reasons.

16. REVIEW OF POLICY

This policy is reviewed annually by Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Date of next Review: May 2021

Signed by

Member of Trust Board: Wadim Wesolek Date: 11th May 2020

Review Date: May 2021

Appendix 1 - Leave of Absence forms:



Aston Manor Academy

LEAVE OF ABSENCE FORM

This form should be completed by the employee wishing to request leave of absence. Once completed, your line manager (LM) should approve and sign. The LM approved form should be submitted to the HR Department for monitoring purposes and final approval will be at the Headteacher's or Chief Operations Officers' discretion.

Employee Name:	Position:	
Reason for Special Leave of Absence:	From:	To:
Please state if this special leave of absence will impact on your role and if so please outline plans / cover to be arranged during your absence:		
Employee: Print name Signature Date		
For completion by authorisers		
Line Manager (LM) Approved: Yes/No		
LM Print Name..... Signature.....Date:.....		
Headteacher to complete section below		
Leave of Absence Request (please tick)		
Approved with pay	Refused	
Approved without pay	Reason for refusal	
Comments		
Special Leave of Absence approved by: Print name Signature Date		

Chilwell Croft Academy



REQUEST FOR LEAVE OF ABSENCE

NB: Please attach copies of appointments, letters etc to this form

Employee Name:	
Position:	

Reason for Leave of Absence:	Date From:	Date To:
	Time From:	Time To:

Please state if this special leave of absence will impact on your role and if so please outline plans/cover to be arranged during your absence:

Authorised	Rejected	For Retrospective Requests
Approved With Pay	Rejected	Authorised & Approved with Pay
Approved Without Pay	Reason for not supporting the LOA	Authorised & Approved Without Pay

Employee: _____ (print)	Date: _____
Signature: _____	
Signature: _____ Headteacher	Date: _____