



## Trinity Multi Academy Trust

<b>Policy:</b>	Leave of Absence Policy
<b>Date of review:</b>	September 2018
<b>Date of next review:</b>	September 2021
<b>Lead professional:</b>	HR Manager
<b>Status:</b>	Non-Statutory

## **1. Purpose of policy and guiding principles**

- 1.1. The purpose of this document is to provide the trust with a policy and procedures that the Directors have approved to promote a clear and consistent approach for managing requests from staff for leave of absence.
- 1.2. The purpose of this policy is:
  - 1.2.1. to comply with statutory entitlements to leave of absence.
  - 1.2.2. to clarify the conditions under which other leave of absence may be requested and agreed.
  - 1.2.3. to enable a consistent and transparent approach to requests for leave of absence.
  - 1.2.4. to establish a system which is fair to all employees.
- 1.3. There may be occasions when a situation arises that is not identified in this policy. In these circumstances, the decision to agree the leave of absence request is within the discretion of the Principal.
- 1.4. Any leave of absence taken by school employees may cause disruption to students learning; incur additional staffing costs for an academy and involves additional organisation or administration. All staff should be mindful of this and, as far as is reasonably practical should make arrangements to minimise requests for leave of absence. The trust does however recognise that situations will arise from time-to-time, where leave of absence requests are unavoidable.
- 1.5. This policy recognises the statutory entitlement to **unpaid** time off to attend urgent matters related to dependants, best practice in seeking to maintain good working relationships between staff and management and the operational needs of the academy. Wherever possible, the trust has gone beyond its statutory requirements and has provided provision for paid time off, in certain circumstances.
- 1.6. Granting of special leave is not an automatic entitlement and the operational needs of students and the academy are a priority, which may mean there may be times when a request for leave is refused. Leave request forms are usually available from the staff room or in the staff handbook, however, please contact a member of the administration team at your place of work for information on how to request leave.

## **2. Links with other policies or legislation**

- 2.1. This policy links with terms and conditions of employment for all staff.
- 2.2. Trinity Multi-Academy Trust will treat all employees equally and consistently when dealing with requests for leave of absence, in accordance with the trust's Equality Policy.

## **3. Consultation**

- 3.1. This policy has been developed in consultation with recognised Trade Unions.
- 3.2. The policy was approved by Directors after consultation and agreement with the recognised Trade Unions.

## **4. Procedure**

- 4.1. All requests will be based on individual circumstances and the trust will be mindful of consistency and fairness.
- 4.2. All specific time off provisions detailed in this policy relate to full-time staff, and will be pro-rata for part-time employees.
- 4.3. For the purposes of annual leave the leave year is September – August for support staff.
- 4.4. For the purpose of compassionate leave:
  - 'child' refers to a child under the age of 18 and parent refers to an individual with parental responsibility and includes step parents, adopters, foster parents and legal guardians.
  - 'Still birth' refers to a loss after 24 weeks of pregnancy.
  - 'Immediate family' is defined as spouse, partner, parents, children (aged 18 and over), brother, sister, grandparents, dependent relatives, of the employee or their

- partner/spouse. This includes step-children, foster and adopted family members.
  - 'Close relative' is defined as uncle/aunt, niece/nephew, first cousin, mother/father-in-law, son/daughter-in-law of the employee or their spouse/partner. Consideration may be given to family members not listed, on a case by case basis.
- 4.5. Guidance on Maternity/Adoption/Paternity and Parental Leave is documented in the Family Friendly policies.
- 4.6. When considering requests for leave of absence, each academy will also look flexibly at the alternatives to unpaid leave. These include:
- Time in lieu (with prior authorisation)
  - Annual Leave
  - Temporary change in hours
  - Temporary changes to non-teaching timetabled periods
- 4.7. Employees will appreciate that any abuse of these provisions may lead to disciplinary action being taken.
- 4.8. Annual Leave provisions are outlined in **Appendix 1**.
- 4.9. Specific Leave of Absence provisions are outlined in **Appendix 2**.

## **5. Roles and responsibilities**

- 5.1. The role of the Principal/CEO
- 5.1.1. Whilst each request has a different set of circumstances and each Principal can apply their own discretion it the responsibility of the CEO, with advice from HR, to ensure that this policy is applied fairly and consistently across the trust.
- 5.1.2. The role of the Principal is to ensure that the policy is applied fairly and consistently across an academy.
- 5.1.3. The Principal may exercise discretion to agree paid or unpaid leave outside the parameters of this policy, on a case-by-case basis.
- 5.2. The role of the Directors/Governors
- 5.2.1. The Board of Directors will approve this policy and is committed to ensuring that this policy is applied consistently and fairly.
- 5.2.2. Governors will inform all staff of this policy and will monitor and review its effectiveness, ensuring that it is applied properly.
- 5.3. The role of the employee/other staff
- 5.3.1. The line manager will sign and authorise any requests.
- 5.3.2. HR will consider requests and advise the employee if the leave is in line with the policy, sending an email to agree or decline a request.
- 5.3.3. The HR team will monitor leave requests and record leave of absence and annual leave requests.
- 5.3.4. Employees are responsible for requesting leave, within the reasonable timeframes, on the appropriate form.

## **6. Monitoring and Evaluation**

- 6.1. Leave requests will be recorded and monitored to ensure compliance to the policy and to ensure that the policy is not abused.
- 6.2. Any concerns will be brought to the Principal in the first instance.
- 6.3. Whilst each request has a different set of circumstances and each Principal can apply their own discretion it is the responsibility of the Directors, with advice from the HR shared service to monitor leave.

## Appendix 1

This appendix details annual leave entitlement and provisions.

### 1. Annual Leave

- a) Teachers – teaching staff do not have annual leave in the same way as other professionals and do not, therefore, have the flexibility to arrange time off during term time.
- b) Support staff employed Term Time Only (TTO) are not entitled to any additional leave in term time.
- c) Support staff employed All Year Round (AYR) are entitled to book their contractual annual leave, as defined in their employment contract. Requests should be made to the individual's line manager and recorded on their annual leave card by a member of the administration team. Leave cards are available from HR.
- d) It is expected that no more than one week of annual leave is taken in term time for those staff employed all year round. Line Managers have the discretion to agree more than one week, subject to business need within their team.
- e) Generally, at least one week's notice is required for annual leave requests.
- f) Annual Leave entitlement is documented below.

### 2. Annual Leave carry over

- a) To ensure work/life balance employees are expected to use their full annual leave entitlement and, as such, employees will not normally be able to carry over any unused annual leave to the following year.
- b) In exceptional cases, the individual's line manager has the discretion to agree up to 5 days annual leave to be carried over to the following leave year. Any carried over leave must be taken by 30 September or the carried over leave will be lost.
- c) Any employees who find it difficult to take their annual leave must discuss the matter with HR to ensure healthy working practices are maintained.

#### Annual Leave entitlements – with effect from 1 April 2011

Pay Scale	Annual Leave	After 5 years
Points 6-21	26	31
Points 22-28	28	33
Points 29 +	30	35

Five or more years' service – this additional annual leave will be granted from the date of the fifth anniversary of appointment; on a pro-rata basis during the leave year in which that anniversary falls.

At least three days annual leave MUST be taken during the Christmas academy closure period. These dates are circulated annually.

## Appendix 2

This appendix details occasions and circumstances where an employee can request leave of absence. With the exception of compassionate leave and impairment leave, all the leave combinations below are based on a 12 month period and not over an academic year.

### 1. Personal Leave

- a) Personal Leave encompasses carers and home life; domestic emergencies and religious leave.
- b) Up to three days (within the period) can be authorised for **religious leave**, of which one day will be paid. This will be agreed where the employee's religion or faith requires them to attend an event of particular importance to their religion, or cultural group, on a day when they would normally be working at the academy.
- c) Up to five separate instances of leave can be authorised to deal with a **domestic emergency/urgent family business**. This includes illness of a dependant, partner, or immediate family, breakdown in child care, dealing with domestic emergencies (i.e. burst pipes, damage to property that requires urgent attention). On each occasion one day will be paid leave. If an employee is absent for a second consecutive day due to domestic emergency/urgent family business leave, this day, and any further consecutive days, will be unpaid.
- d) Only one employee per household will be granted in the case of domestic emergencies.
- e) It is intended that in situations when usual childcare provision breaks down, time off should be limited to one day, to make alternative provision. There is also an expectation that child care should be shared between an employee's partner/spouse or family.
- f) In cases where an employee exceeds the five instances of leave then consideration will be given to further occasions of unpaid leave. Alternatively, the employee may wish to consider a discussion about alternative working patterns.

### 2. Compassionate Leave

- a) Compassionate leave is intended to allow an employee to deal with both the personal distress and practical arrangements in the event of the death or serious illness of a member of their immediate family or a close relative.
- b) Child and still birth – for all employees, two working weeks paid leave will be agreed in the case of the death of a child or still birth. Leave can be taken in either one block of two weeks, or two blocks of one week, to be taken within the first year of the child's death. For female employees experiencing a still birth, usual maternity provisions will apply.
- c) Next of kin – the trust recognises that where a member of the employee's immediate family has died there are additional responsibilities placed on the closest family member ('the next of kin'). In order to deal with both the distress and practical arrangements, up to five days paid leave will be agreed. Further unpaid leave may be agreed, by the Principal, depending on the circumstances.
- d) Immediate family – The Principal can agree up to three days paid leave on compassionate grounds (inclusive of travelling time). Depending on the circumstances and nature of the deceased, this may be extended by a further two unpaid days leave, with the agreement of the Principal/SLG or HR. The decision to agree the number of paid days leave is the Principals.
- e) Close relatives - The Principal can agree a day's paid leave on compassionate grounds (inclusive of travelling time).
- f) Any further leave will need to be discussed on a case-by-case basis with the Principal, who may seek advice from HR.
- g) For any other funeral, usually a maximum of one day unpaid leave would be agreed.
- h) For staff working AYR, consideration should be given to alternatives outlined in 4.7, in the main policy.

### 3. Medical Leave

- a) Wherever possible, all medical appointments (Doctors/Hospital/Dentist etc.) should be made in an employee's own time.
- b) Routine visits to the dentist (i.e. all non-emergency appointments) should be arranged during

**Appendix 3**

an employee's own time. Urgent dental treatment will be treated as sickness absence and as such no leave request is required.

- c) Employees should be aware that if they are required to work an evening event (e.g. parents evening, Open Evening) then this is considered to be within their working time and appointments should be avoided, and made at an alternative time.
- d) Where an employee cannot determine if the appointment is in their own time then an appointment may be made in working time, and time off with pay will be granted up to a maximum of three paid days.
- e) If appointments are made in normal working hours then an employee will be asked to produce an appointment card/letter to confirm the details of the appointment. This is also the case when appointments are made during 'directed time' for evening events. (See above).
- f) It is appreciated that some medical appointments may be unavoidably within working time, however and wherever possible, every effort should be made to arrange appointments at the beginning or end of the academy day, to minimise disruption to students.
- g) All non-elective hospitalisation will be treated as sickness absence. Please refer to the Attendance Management Policy for further information.
- h) If a medical appointment requires the employee to undergo further treatment this will be treated as sickness absence.
- i) The trust recognises that often an employee has a number of medical appointments for exploratory, diagnostic or pre or post-treatment reasons. Each academy reserves the right to discuss the reasons for medical appointments with the employee to ensure appropriate support can be agreed (e.g. temporary alternative working arrangements), to minimise any impact on teaching and learning.

#### **4. Medical Leave for dependants**

- a) Medical appointments for a dependant (child, dependent parent) are expected to be made outside normal working hours. In situations where this is not possible, reasonable requests to attend hospital or emergency appointments with dependants will normally be granted and paid.
- b) Requests to attend hospital or emergency appointments with (non-dependant) adult relatives must be made in advance and leave granted may be unpaid.

#### **5. Fertility Treatment**

- a) Wherever possible, appointments related to fertility treatment should be arranged outside of working hours. Where this is not possible, a member of staff may be granted up to two working days of paid leave in any 12 month period for the purpose of receiving and recovering from IVF treatment and to attend appointments specifically associated with the IVF process (i.e. pre-booked interventions for consultant appointments, collection and delivery of eggs, monitoring tests, etc.).
- b) Should this time allowed be exhausted, there should be a discussion with the individual to help establish whether annual leave, sickness absence or flexible working arrangements would be most appropriate to use.
- c) Should the member of staff require time off because of the side effects of the treatment, this will be subject to the academy's normal sickness absence provisions. Sickness absence associated with IVF treatment will not be regarded as 'pregnancy-related'.

#### **6. Impairment Leave**

- a) This leave applies to trust employees when an absence is unavoidable, is related to a disability, occurs as a result of external circumstances, but is not due to sickness or illness.
- b) Reasonable impairment leave with pay will be granted to ensure that absences directly related to a disability will not be inappropriately classified as sickness absence.
- c) Examples of this type of leave include:
  - breakdown of usual arrangements, sickness of carer, breakdown of transport equipment
  - malfunction of aids or equipment
  - alteration to academy premises (where working from home is not suitable)
  - unfavourable travel conditions

This list is not exhaustive and individual cases should be discussed with HR.

- d) This element of the policy is intended to support disabled employees and employees who care for a disabled dependent, however the academy will still manage proactively and supportively absences to minimise disruption.
- e) The academy reserves the right to ask for a reasonable level of proof from employees who request impairment leave.
- f) Employees must make every effort to discuss situations that might necessitate impairment related leave, with a view to discussing reasonable ways of overcoming them and reducing the need to take impairment related leave through flexible working and the use of technological developments.

## 7. Public Duties

- a) Under current legislation, employees who perform specific official (or public) duties outside their regular employment are allowed a reasonable amount of unpaid time off to carry out these duties. The trust has extended this provision to allow reasonable paid leave of absence to undertake these duties. However, where an allowance is claimable for loss of earnings then the employee must claim and pay the allowance back to the academy.
- b) Duties include:
  - Jury duty
  - Justice of the Peace (Magistrate)
  - A member of a Local Authority
  - A co-opted member of a local authority committee
  - A member of a statutory tribunal
  - A member of a Regional or District Health Authority
  - A member of a National Health Service Trust
  - A member of a Family Practitioner Committee
  - A Governor of a school, higher education corporation or educational establishment maintained by a local authority
  - A member of a Board of Visitors to prisons, remand centres and young offender institutions
- c) Employees **Serving on Outside Bodies** will be granted a maximum four days paid leave to attend meetings of Professional Bodies, Associations, National Committees, etc. The employee is entitled to any attendance allowances/expenses in addition to normal pay. Where loss of earnings can be claimed this must be paid to the academy.
- d) Trust employees who undertake **Election Duties** will be granted time off, with pay, for the time involved. Recognised roles include Presiding Officer, Polling Clerk. This provision does not extend to employees assisting candidates or canvassing.
- e) Employees who are required to attend court as a **Witness** in a civil or criminal case, where a witness summons or subpoena is issued, will be granted time off with pay. Where loss of earnings can be claimed this must be paid to the academy.
- f) In instances where an employee requests leave to attend a court hearing and no witness summons or subpoena has been issued, (i.e. they are not legally required to attend court) requests will be considered and any leave agreed will be on an unpaid basis.

## 8. Other

- a) The trust recognises that occasionally staff have the opportunity to attend significant events that take place in term time.
- b) No combination of other leave provisions (outlined in this section) must exceed five days paid leave of absence in any 12 month period (not an academic year).
- c) One day's paid leave will be agreed for an employee's own **Graduation** ceremony. One day's paid leave will be agreed for the employee to attend the Graduation ceremony of a member of their immediate family. A day's unpaid leave will be agreed for attendance at any other close relatives Graduation ceremony.
- d) For time off to attend the wedding of the employees' or employee's partner's immediate family, one day's paid leave will be agreed. A day's unpaid leave will be agreed for attendance at a close relatives or friend's **wedding**. Please note that employees are not entitled to leave for their own wedding.

- e) Leave for interviews for internal posts or with a body that has a formal partnership arrangement with the academy (e.g. Trinity Teaching School Alliance), will be granted with pay. One day's paid leave will be agreed for **interviews** for posts at other schools, academies or Local Government Employers. Any other requests to attend interviews will usually be without pay. The Principal will apply discretion when agreeing leave for interviews.
- f) Staff who request leave to attend an induction or pre-employment meetings with their new employer will usually have one day's leave agreed, without pay.
- g) Reasonable leave, with pay, will be granted where an employee is required to attend special events and functions. This includes attendance at national or international events as a competitor or supporting a dependant.
- h) Requests for **Study Leave** or leave to sit **Exams** will be considered in relation to the individual's role and professional development.
- i) Employees may take one day's unpaid leave for **moving house**.

## 9. Delays

- a) If employees returning from holiday or foreign trips are delayed in returning to work for reasons outside their control (e.g. flight delays, transport strikes) then it is the employee's responsibility to maintain communication with the academy and keep any delays to an absolute minimum.
- b) If there is no provision to use annual leave, then usually any additional leave taken will be without pay.
- c) Employees are reminded that in the first instance they should seek compensation from their travel company/insurance provision.

## 10. Poor Weather/Academy Closures

- a) The decision to close an academy for exceptional circumstances, including weather conditions, is the Principal's. If a decision has been made to close the academy then staff will be advised if they should attend work. Where staff have been informed that they are not required to attend work, they will be paid their normal salary.
- b) When the academy is open as usual, then all members of staff must make every effort to get to work, this includes using public transport links. It is accepted that the health and safety of colleagues is paramount, and so wherever possible public transport should be used when driving conditions are unsuitable.
- c) The academy has in place procedures for dealing with staff arriving late and in exceptional circumstances any arrival time up to **10am** is considered to be a full day.
- d) In the event that staff are not able to attend work because public transport to the academy is unavailable (e.g. rail and bus route closures) and they have exhausted every reasonable alternative route of transport, this will be recorded as an authorised leave, with pay.
- e) If, based on an employee's own concerns about their health and safety, they make the decision not to attempt the journey to work then this absence maybe considered as unauthorised leave, without pay.
- f) In all cases, a number of factors influence the decision as to whether leave is agreed or unauthorised, they include;
  - The number of staff who have been able to attend work
  - Where the employee lives
  - Travel advice from external sources e.g. public transport websites, local BBC travel advice g)
- g) If a school closure creates a child care issue, then it may be possible to bring your child into work with you, as this would be considered an exceptional circumstance. Generally this would not be permissible for unplanned closures of other schools/child care facilities, however each case will be considered on an individual basis. Please discuss this with a Senior Leader prior to making your journey to work.

## 11. Leave of absence with or without pay

- a) In addition to the provisions above, the Principal has the discretion to agree leave of absence, without pay. Each case will be considered on an individual basis.

- b) Requests would normally be on the basis of educational, development or compassionate grounds. Any requests for leave of absence to undertake other paid work will not usually be considered