



Tudhoe Learning Trust

Leave of Absence

Policy and Procedure

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Introduction

The Trust recognises the importance of making provisions for staff to take leave outside of the normal annual leave entitlements in certain circumstances. This Policy will enable the Trust to ensure, where possible, that support is given to staff when balancing the demands of domestic, professional and work responsibilities through the provision of family-related leave, annual leave and special leave.

This document combines the Trust's Family Leave, Special Leave and Annual Leave policies and procedures, consolidating guidance on the following types of leave:

- Carer Leave
- Compassionate Leave
- Annual Leave
- Time off For Public and Civic Duties
- Time off for Training
- Domestic Leave

For the purpose of providing a practical guide for management and employees, the above leave provisions are categorised under three main sections;

- Section A: Domestic Leave
- Section B: Annual Leave
- Section C: Special Leave

The Trust recognises its obligations under the relevant employment legislation to provide eligible employees with the appropriate time off for annual leave where applicable, family and parental responsibilities, and reasonable time off to deal with unforeseen and immediate emergencies involving dependents.

The provisions outlined in this document may be amended from time to time, to reflect changes in legislation, relevant Terms and Conditions for Staff or to reflect organisational needs.

Purpose

The overall purpose of the Trust's Leave of Absence policy is to:

- provide staff with clear and consistent information on the various types of leave they may be entitled to, within and outside the normal annual leave provision. ensure a fair approach to supporting staff in balancing their domestic and work responsibilities.
- To provide information and guidance for Head Teachers dealing with requests for leave
- To ensure the Trust is aware of its statutory obligations under the relevant employment legislation.

Responsibilities

The Trust Board is responsible for ensuring that appropriate policies and procedures are in place to manage the provision of special leave for employees, and ensure a consistent framework is in place for Head Teachers.

The Chief Executive Officer has principal responsibility for ensuring the content of this policy is applied consistently and fairly across the Trust. The Chief Executive Officer will approve any leave of absence requests for periods of 4 weeks or more, oversee the operation and monitoring of this policy and reporting to the Trust Board.

The Head Teacher is responsible for:-

- ensuring leave of absence that is approved does not disrupt school business
- approving leave of absence requests for periods of up to 4 weeks
- the dissemination and implementation of this policy within their schools
- liaising with the Trust HR Manager to seek professional advice and guidance on the implementation of the policy, whether to grant leave of absence **WITH** or **WITHOUT PAY** and providing copies of any leave of absence requests
- ensuring that employees are aware of their responsibilities in relation to the policy and understand what is expected of them
- recording all leave granted within the scope of this policy on personal records and monthly absence reports to payroll (e-timesheet)

Employees are responsible for:-

- seeking approval from the Head Teacher for any leave of absence, giving reasonable advance notice
- submitting applications for leave using the Leave of Absence Request Form (Appendix 1)
- adhering to the terms of their individual leave agreement
- following the guidelines at Appendix 2 and 3.

This policy does not cover leave of absence relating to Maternity, Adoption, Paternity, Parental or Shared Parental Leave. Information relating to these absences can be found in the Trust Maternity, Adoption, Paternity and Shared Parental Leave Policy on the Trust Website at www.tudhoelearningtrust.co.uk

In applying this policy, the Trust will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act and specified below:

- Age
- Disability
- Gender reassignment
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

The operation of this Policy will be kept under review and changes will be made as deemed appropriate.

Section A: Domestic Leave

All employees have a statutory right to take a reasonable period of time off work to deal with an emergency involving a dependant, and not to be dismissed or victimised for doing so.

A dependant is defined as the partner, child or parent of the employee or someone who lives with the employee as part of their family e.g. a close relative.

The Trust makes provision for time off which may be granted either **WITH or WITHOUT PAY** at the discretion of the Head Teacher for domestic reasons which enables employees to deal with an unexpected or sudden problem and make any necessary arrangements:

Employees need to tell their Head Teacher as soon as possible about their absence, the reason for it and how long they expect to be off. As the arrangements are intended to cover emergencies, where employees know in advance that they are going to need time off it may be possible for them to arrange to take annual leave if appropriate or time off in lieu (unless they are entitled to parental leave in the case of a child).

Bereavement Leave

The Trust understands the deep impact that death can have on an individual or a family and that it is a sensitive and often very distressing time for employees.

All employees of the Trust are entitled to take a reasonable amount of time off work to deal with the death of a dependant.

In the event of a death of a close family member, upto 5 working days leave **WITH PAY** (pro-rata for part-time employees) will be granted. A close family member can be a husband, wife, partner, parent (including step-parent), brother, sister or child (including step-children). This entitlement includes time off to attend the funeral.

In the event of any other close relative not listed above i.e. grandparent, grandchild, in-law, uncle, aunt, cousin, the employee will be granted one day of leave **WITH PAY** in order to attend the funeral (pro-rata for part-time employees).

Each request for leave of absence will be granted according to the circumstances and the nature of the employees' relationship with the deceased or if the employee is the only relative to make the funeral arrangements will be taken into account and in these circumstances additional leave may be granted **WITH or WITHOUT PAY** at the discretion of the Head Teacher.

The Head Teacher should ensure that they meet with the employee, either prior to their return or immediately upon their return, to aid their return to the workplace and discuss any support that may be considered or wishes they may have.

Carer Leave

Carer leave for domestic, personal and family reasons is intended to enable employees to cope with disruption of, or changes to, normal caring responsibilities.

Employees have a statutory right to take a reasonable amount (usually up to one day) of (unpaid) time off work to deal with emergencies involving dependants. A "dependant" is defined as a spouse, civil partner, a child or parent of the employee, a person who lives in the same household (except tenants, lodgers, boarders and employees), or those who reasonably rely on the employee in an emergency/to make arrangements for the provision of care.

Carer leave may be granted to assist the employee in coping with urgent, immediate and unforeseen domestic situations. The aim of such leave is to provide a compassionate response to immediate needs.

It is impossible to be completely prescriptive about all the circumstances in which carer leave may be granted, however examples of situations in which carer leave may be appropriate include:

- To deal with the unexpected breakdown of arrangements for care of a dependant
- To provide assistance if a dependant unexpectedly falls ill, is injured or assaulted
- To provide assistance if a dependant gives birth
- To deal with an incident involving the employee's child during school hours.

Examples of situations in which carer leave is likely to not be appropriate include:

- To accompany a relative to a planned hospital appointment
- To deal with a situation the employee could reasonably have planned for in advance
- To stay at home to look after a sick child (once any immediate crisis has been addressed)

There is no statutory entitlement to paid time off to care for a dependant. However, time off may be approved **WITH** or **WITHOUT** pay at the discretion of the Head Teacher. Each request will be considered separately, taking into account the needs of the school. Alternatives to carer leave might include asking the employee to take annual leave, or where there is no annual leave entitlement or when annual leave entitlement has been exhausted, using time of in lieu or granting authorised unpaid leave.

It is important to remember that carer leave is intended to support the individual in dealing with immediate, unforeseen needs, therefore, in most cases, one days' paid leave will be sufficient.

Head Teachers may use their discretion to extend this period in particularly difficult situations.

- Employees wishing to apply for carer leave are required to inform their Head Teacher as soon as is practically possible.
- Head Teachers are required to record the leave on the employee's personal file, keeping a record of the amount of Carer Leave taken over a rolling 12-month period. If the absence has been approved **WITHOUT PAY**, Head Teachers must ensure the absence is recorded on the monthly e-timesheets to payroll.

Compassionate Leave

All employees of the Trust are entitled to take a reasonable amount of time off work to deal with emergencies involving a dependant or for unforeseen circumstances. Where the employee knows in advance of a problem, serious consideration should be given by the employee to make alternative arrangements rather than requesting compassionate leave.

Employees can request up to a maximum of 5 working days compassionate leave **WITH PAY**. Each request for leave will be granted according to the circumstances and is at the discretion of the Head Teacher.

Elective Surgery or Dentistry

This is treatment that is not considered to be medically necessary and there is no statutory entitlement to time off to attend these types of medical appointments. Time off will be granted at the discretion of the Head Teacher **WITHOUT PAY**.

Fostering

There is no statutory entitlement to time off to attend appointments associated with fostering children. However, time off may be approved **WITH** or **WITHOUT** Pay at the discretion of the Head Teacher

Graduation Ceremonies

There is no statutory entitlement to time off to attend graduation events. However, time off may be approved **WITHOUT** Pay at the discretion of the Head Teacher

Medical Appointments

There is no statutory entitlement to time off to attend medical appointments. Appointments are available on an evening and in some cases weekends. As such leave of absence for medical appointments will not be approved.

Where the arrangements for medical appointments are outside of the employees control e.g. the appointments are with a consultant at a hospital time off may be approved **WITH** or **WITHOUT** Pay at the discretion of the Head Teacher.

Where the appointment relates to a disability and the employee provides supporting medical evidence, time off to attend medical appointments will be granted **WITH PAY**.

There is no statutory entitlement to time off to attend medical appointments with a dependant. However, time off may be approved **WITH** or **WITHOUT** Pay at the discretion of the Head Teacher.

Religious Events

There is no statutory entitlement to time off to attend religious events or ceremonies. However, time off may be approved **WITHOUT** Pay at the discretion of the Head Teacher

Section B: Annual Leave

The annual leave period for support staff is from 1 April to 31 March

Staff are entitled to 26 days holiday per year rising to 31 days after 5 years service (pro-rata for part-time/term-time employees). Annual leave is pro-rata for fixed term appointments (in terms of completed calendar months).

Annual leave must be taken to coincide with school holidays as defined by the academy in which support staff work.

Carry Over of Annual Leave

It is important that staff are enabled to take their leave during the leave year. Only in exceptional circumstances and with the approval of the Head Teacher can annual leave be carried over into the next year. In this event a maximum of 5 days basic contracted hours may be carried over to the following year. Any leave that is to be carried over, must be requested by the employee, in the annual leave year in which it has accrued, and must be taken before the end of April in the new leave year.

Where staff have exceptionally been prevented from taking their leave due to service demands then, again, the amount carried forward will be expressed in contracted hours and this should not normally exceed one week.

The carry-over of annual leave accrued whilst on long-term sick leave will be managed on a case-by-case basis. An important factor to be taken into account is whether or not the employee has been prevented from taking their statutory entitlement to annual leave (for example, due to long-term sickness absence) in the annual leave year in which the leave has accrued. So as not to lose any accrued annual leave, employees may request to use annual leave whilst on long-term sick leave (for example, they may feel this is appropriate where their sick pay has been reduced to half or nil pay).

Continuous Service

The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 referred to in the 'Green Book' and Statement of Particulars (Employment Contract) is used for the purposes of linking continuous service with certain conditions of service including annual leave entitlements. Therefore continuous service with other local government establishments will be considered when calculating holiday entitlement. There are also provisions for employees returning to work following a break for maternity reasons.

Disciplinary Suspension

During periods of disciplinary suspension the employment contract continues and an employee must be available to their employer to attend meetings and hearings where appropriate.

Therefore, should an employee wish to take annual leave during suspension they are required to seek approval for the leave with their Head Teacher and take it within the relevant leave year as appropriate.

General Public Holidays ('Bank Holidays')

In addition to annual leave staff are entitled to bank holidays that fall within the annual leave year. In this Trust all leave entitlement is calculated and included in monthly salary payments.

Resignation

All staff are required to take any outstanding **statutory** annual leave prior to their last date of employment.

Where this is not practicable, staff may be paid for any outstanding leave as appropriate. This must be authorised by the Head Teacher. Staff who leave the Trust will be eligible for 1/12th of their annual leave entitlement for each complete calendar month worked in the current leave year, less any annual leave taken plus the benefit of any outstanding Bank Holiday hours for Bank Holidays that have occurred in the leave year prior to the date of leaving.

Where an employee has resigned from their post and the total leave taken exceeds the earned total leave entitlement the Trust reserves the right to make an appropriate deduction from final salary payment.

Sickness Occurring During Annual Leave or Bank Holidays

If an employee falls sick whilst on annual leave, then the period covered will be treated as sick leave, providing the employee follows the Trust procedures for reporting sickness absence, and a Fit Note is provided to cover the period of absence. This will enable the employee to take their annual leave another time if applicable and appropriate.

Where an employee has been unable to take their annual leave entitlement as a result of long term sickness absence and the employee does not have their leave entitlement included in their salary calculation, will still be entitled to their **statutory** annual leave entitlement in accordance with the Working Time Regulations 1998, even if their absence goes beyond the end of the leave year. Statutory annual leave enables full time employees to be entitled to at least 28 days (5.6 weeks) including bank holidays of statutory paid leave.

Employees are permitted to take annual leave during a period of sick leave but must advise their Head Teacher providing appropriate notice that they intend to take a holiday during a period of sickness. The employee must provide supportive medical evidence to confirm that the holiday would not be detrimental to their recovery.

If the employee carries out activities inconsistent with their reasons for sickness absence or engages in an activity that worsens their illness or prolongs their absence, the Trust reserves the right to stop statutory sick pay and/or occupational sick pay and consider disciplinary action.

Section C: Special Leave

Attendance at Court

- Where employees have received a summons and are required to give evidence in court - leave should be granted **WITH PAY** less attendance allowance from court if appropriate.
- Where employees are acting as defendants in criminal cases - leave of absence should be granted **WITH OR WITHOUT PAY**, depending upon whether the charge is proven.
- Where employees are involved directly in a court case - leave of absence should be granted **WITHOUT PAY**.

Elections

Leave of absence **WITH PAY** is granted to staff employed on Polling Day and at the count, in connection with County Council, Parliamentary and European Elections.

Examiners/Moderators GCSE

Head Teachers are empowered to grant leave of absence, **WITH PAY** (up to a maximum of 22 half days per annum) for both purposes, to employees who are appointed as examiners or moderators for examinations in connection with GCSE for the purpose of:

- attending meetings of examiners and moderators called by the appropriate Examining Boards;
- making such visits to schools in connection with these duties as may be required by the appropriate examining boards.

Leave of absence for the purpose of marking scripts is not granted. (The NEA/NREB and other examining boards now issue vouchers, either for full or half days to enable supply cover to be funded for teachers who are undertaking approved duties. Such vouchers are to be submitted to the Finance Manager and the school's budget will be credited accordingly).

Examiners for Boards

- Leave of absence for employees appointed as Examiners for University, Physical Training and similar examination Boards, or occasional lectures can be granted, **WITHOUT PAY**

Jury Service

There is no statutory provision entitling an employee to time off for jury service. However, preventing a person from attending as a juror is both a crime and contempt of court. Trust policy is to allow leave of absence and to deduct from the employee's pay either the whole or half days salary as appropriate or the maximum loss of earnings figure that is recoverable by the employee from the Court.

Inclement Weather

- An employee is expected to make a genuine attempt to get to work, e.g. where a bus service is operating. The fact that an employee could not get to work by car should not be accepted as an excuse for absence.
- Where the Head Teacher considers it appropriate, employees unable to reach their normal places of work are expected to report to their nearest Trust Educational establishment

- In all cases where an employee is unable to get to their normal place of work, the employee is required to notify their school of all the circumstances as soon as possible.

Employees should be granted special leave **WITH PAY** as a result of inclement weather, only if the above conditions have been satisfied.

Guidelines for staff are outlined in **APPENDICES 2 AND 3**.

Interviews for Posts

- Leave of absence can be granted to allow employees to attend interviews with other Local Government Organisations **WITH PAY**.
- Leave of absence can be granted to attend interviews with other bodies **WITHOUT PAY**.

Moving House

There is no statutory entitlement to time off work for moving house but the Trust recognises that moving dates are led by legal obligations are often subject to office hours. Therefore consideration will be given to requests for absence to assist with moving house and reasonable time off will be granted **WITH or WITHOUT PAY** at the discretion of the Head Teacher.

Non-political Organisation

- Members of organisations whose principal objectives include the improvement of the standard of local government services (but whose objects do not include the improvement of the status and conditions of employment of employees) may be granted up to 48 half days leave, **WITH PAY**, to attend meetings at which any question affecting local government services is to be discussed.

Public Duties

These provisions apply to employees who are:

- Justices of the Peace;
- Members of a Local Authority;
- Members of a Statutory Tribunal;
- Members of a Regional or Area Health Authority

Trust policy is to grant up to a maximum of 48 half days, **WITH PAY**, per academic year to employees who are in the first four categories listed above.

Leave of absence to attend meetings of school governing bodies is dealt with on the following basis:

Primary Schools (inc. Nursery Schools)	Up to 6 half days per annum
Comprehensive Schools	Up to 8 half days per annum

These amounts of time off being subject to an overall maximum of 26 half days per annum, with pay, where employees are members of several governing bodies.

In those cases where an employee has the option of taking leave with either attendance or financial loss allowance (e.g. in the case of Members of Local Authorities or Magistrates) or of taking leave with salary the following rules shall apply:

- Where an employee elects to take leave with salary the total number of half days would, save in the most exceptional circumstances, be restricted to 48, and
- Where an employee elects to take leave without salary they may be permitted to take unlimited leave.

Redundancy

An employee who has been put at risk of redundancy is entitled to reasonable time off work **WITH PAY DURING WORKING HOURS** to look for another job or to make arrangements for training.

Religious Bodies

Leave of absence, **WITH PAY**, can be granted up to a maximum of 11 half days per annum, for employees who represent religious bodies at local and national meetings of such bodies.

Religious Education

Appointees to organisations whose objectives include the advancement of religious education in primary and secondary schools may be granted leave of absence, **WITH PAY**, for up to 48 half days per annum.

Safety Representatives and Safety Committee Regulations 1979

These regulations provide for recognised trade unions to appoint safety representatives from among the employees at an establishment. The employer must permit safety representatives to **TAKE TIME OFF WITH PAY**, when they carry out inspections of the workplace, either on a regular basis or following an accident complaint or dangerous occurrence; and must make relevant information available to them.

It is Trust policy that **PAID LEAVE** be granted to safety representatives attending the 10 day TUC training courses up to a maximum of 12 persons per year. It being the responsibility of the trade unions to agree amongst themselves the nominees for such courses.

Territorial Army or Volunteer Reserves

Staff attending summer camps or Territorial Army or Volunteer Reserves, a maximum of two weeks per financial or academic year **WITH PAY**.

Time Off for Medical Screening

Time off **WITH PAY** as necessary to non-teaching staff for the purposes of being screened for breast and cervical cancer.

Trade Union Duties and Activities

An employee of the Trust who is an official of a Trade Union that is recognised by the Trust will be allowed reasonable time off **WITH PAY**, during working hours as follows:

- Collective bargaining with an appropriate level of management
- informing members about negotiations or consultations with management (assistance can be given with this for normal day to day business, e.g. by making internal mail systems which could minimise time off);

- meetings with other lay officials or with full-time union officers on matters which are concerned with employee relations between their employer and any associated employer and their employees (this would normally apply to meetings held prior to or after joint meetings with management);
- interviews with and on behalf of members on grievance and discipline matters concerning them and their employer;
- explanations to new employees whom they will represent, of the role of the union in the workplace industrial relations structure (this refers to induction of new members, not recruitment);
- training in aspects of employee relations.

These rights apply only to officials of trade unions recognised by the Trust, those currently recognised by the Trust are:

Non-teaching Staff

UNISON
GMB
UNITE

Teaching Staff

NASUWT
NAHT
ASCL
NEU
VOICE

It is the Trust's policy to grant up to 22 half days leave with pay, for the aforementioned purposes in any academic year. This can be approved by the Head Teacher. For leave beyond 22 half days, approval must be sought from the Trust Chief Executive Officer. This can be reviewed if necessary, but normally any time beyond 48 half days leave would be granted without pay, and any such leave would only be granted in the most exceptional circumstances.

An employee who is a member of an appropriate trade union, which is recognised by the employer, is entitled to reasonable time off for certain trade union activities, for which the employer **IS NOT OBLIGED TO PAY**. Examples of time off that might be granted under this provision include branch meetings, political or annual TUC conferences or national meetings to which the TUC appoint representatives.

Weddings and other special occasions

There is no statutory entitlement to time off work to attend a wedding or other ceremony/special occasion and therefore employees must organise their own events during periods of school closure.

Where an employee wishes to attend an event that has not been organised by the employee, consideration will be given to requests for absence and reasonable time off will be granted **WITH** or **WITHOUT PAY** at the discretion of the Head Teacher.

SALARY COSTS

- Where teachers are granted leave of absence **WITHOUT PAY** and are replaced by a supply teacher, there will still be a cost to the school, since the divisor for supply teacher salary is 195, rather than 365.

It should be noted that for teachers:

- the minimum deduction made from the payroll is half a day's pay, i.e. one session
- payment of salary is made up to the end of the notional term and this needs to be noted for costing purposes
- leave of absence without salary occurring on a Friday and the following Monday will result in 4 days pay being deducted.

Further Information

If you would like any further information or advice in relation this Policy please contact the Trust HR Manager on 01388 811 765 or office@tudhoelearningtrust.co.uk



Tudhoe Learning Trust Leave of Absent Request Form

To: The Head Teacher

Name: _____

School: _____

Job title: _____

Date(s) of intended absence: _____
(if half day state am or pm)

Purpose:

Date of application: _____ Signed: _____

Decision of Head Teacher: PAID/UNPAID (Delete)

Reason: _____

Signed: _____ (Head Teacher)

Date: _____

Please ensure that this absence is recorded on the schools absence system indicating if the leave has been granted with or without salary

N.B. Requests for leave of absence from Head Teachers must be authorised by the Chief Executive Officer.



Tudhoe Learning Trust Guidelines - Inclement Weather

- It is acknowledged that members of staff do make genuine attempts to get to school during inclement weather. It is expected of every member of staff that they should do so and that for instance, where a bus service is operating, the fact that you could not get to work by car will not be an acceptable excuse for absence.
- If, however, after all alternative methods of transport (including public transport) have been investigated and you are unable to get to work, then you are required to notify the School as soon as possible after 8.45 a.m. and in any case within 2 hours of the time at which work was due to start. Where the Head Teacher considers it appropriate, employees unable to reach their normal place of work are expected to report to their nearest Trust Educational establishment.
- Notification should include details of attempts made to get to work and if appropriate, what arrangements can be made at the School for work to be done by pupils and/or other staff if necessary.
- In cases which satisfy the above conditions and you are genuinely unable to get to work, leave of absence **WITH PAY** may be granted.



Tudhoe Learning Trust Guidelines - Leave of Absence

- All staff are expected to present themselves for work as required. Staff must make every effort to obtain personal and medical appointments outside of contractual hours and during school holidays before requesting leave of absence.
- **LEAVE OF ABSENCE IS NOT AN AUTOMATIC RIGHT**, each request will be considered on its individual merits taking into account notice, reasonableness and the school's needs and commitments at the time. It is a condition of the granting of leave of absence, whether or not it falls under statutory, national or local arrangements, that it will not, in the opinion of the Head Teacher, disorganise the work of the school. Similarly, the granting of leave of absence should not be detrimental to the running of the school. The only exception to this is leave to deal with domestic incidents. As the purpose of this is to deal with emergencies there is no provision for postponing/refusing leave. However, Head Teachers will need to be satisfied that the reason for the request is a genuine one and is in accordance with the statutory requirements.
- Leave requests should be directed in writing to the Head Teacher as soon as practicable, whereby a decision will be made by the Head Teacher or in the absence of the Head Teacher, the Executive Head Teacher.
- There are no definitive guidelines covering the granting of leave of absence for reasons outside the statutory, national and local agreements other than that there is **NO ENTITLEMENT** to such leave. It is solely for the Head Teacher to decide whether or not leave should be granted and in doing so will consider:
 - the amount of notice given
 - the reasonableness of the request
 - individual circumstances
 - the school's commitments
 - whether or not it is work-related

Leave of absence in such situations, if granted, would usually be **WITHOUT PAY**. If the event or appointment would in some way be beneficial to the school or the employee's work leave of absence, if granted, may well be **WITH PAY**.

- Leave granted without salary on a Friday and the following Monday will result in 4 days pay being deducted.
- It should be noted that a request for leave of absence without pay may still result in a cost to the school since the divisor for supply staff used for cover purposes is 195 days, rather than 365 days.