

LEAVE OF ABSENCE POLICY

Date Approved by Board:	13 December 2017
Date of Review:	18 July 2020
Responsible Department:	Human Resources
Policy Applies to:	Wellspring Trust and all Academies within the Trust

The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- *eliminate discrimination and other conduct that is prohibited by the Act*
- *advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- *foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.*

In the development of this policy due regard has been given to achieving these objectives.

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Appendix 1 Request for Leave of Absence

1.0 **Scope**

- 1.1 This policy applies to all employees of the Wellspring Academy Trust (the Trust) including those employed by Academies within the Trust. This Policy is not contractual and does not form part of an employee's terms and conditions of employment.

2.0 **Principles**

- 2.1 This policy sets out the approach to be followed to respond to requests for time off work and the circumstances in which paid leave and unpaid leave may be granted for all staff.
- 2.2 Teachers and term time only support employees have contracts of employment which provide for annual holidays to be taken during Academy closures. There is therefore no contractual entitlement to time off during term time.
- 2.3 Employees do have an entitlement in law to time off work in certain circumstances, in some cases with pay and this policy sets out those entitlements.
- 2.3 Requests for leave of absence must be approved in advance by the Line Manager (or nominated person) and must be in writing by completion of the Request for Leave of Absence Form (**Appendix 1**) unless impractical to do so. For example, in the cases of compassionate leave or domestic emergencies where requests to take leave may have to be made at very short notice, or even after the event.
- 2.4 In some circumstances, (excluding sections 4,5,6 below) it may be appropriate for the Line Manager to seek supporting information/documentation when considering a request for leave of absence, for example, an appointment letter, whilst being mindful of the potential sensitive and confidential nature of the appointment.

3.0 **Roles and Responsibilities**

- 3.1 The Line Manager (or nominated person) is responsible for considering requests for leave of absence ensuring decisions are made fairly and consistently, taking into account all the relevant information.
- 3.2 A nominated person in the Academy/Trust is responsible for notifying payroll of any leave granted without pay or where pay will be affected (e.g. jury service).
- 3.3 The Academy/Trust must keep a record of local decisions, including where requests are declined.

4.0 **Bereavement Leave**

- 4.1 Leave of absence with pay will be granted to all employees regardless of length of service. Consideration should be taken regarding the emotional impact and the levels of distress that

bereavement may cause when considering a request.

- 4.2 Bereavement leave includes attendance at a funeral and will be granted to the employee in accordance with the following guidelines:
- Paid leave will be granted to the employee in circumstances of the death of a close relative (a close relative is defined as the employee's mother, father, sister, brother, wife, husband, civil partner, daughter, son, grandparent, grandchild, parent-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step parent, step child, step sister, step brother, foster child, legal guardian, domestic partner), or of someone who has been a significant part in the employee's life.
- 4.3 It is at the Line Manager's discretion to decide the number of days granted with pay and all individual circumstances will be taken on merit. This will not normally exceed a total of 5 days. In exceptional circumstances, the Line Manager may extend paid leave. The Line Manager may also agree an additional number of days leave without pay, not normally to exceed 5 days.
- 4.4 In certain circumstances consideration should be given to the travel time needed to attend the funeral.
- 4.5 The leave agreed does not have to be taken all in one go, for example if there is a funeral followed on a different day by an interment of ashes.

5.0 Compassionate Leave

- 5.1 Compassionate leave may be granted in circumstances whereby:
- a close relative or someone who has a significant part in the life of the employee is terminally or seriously ill;
 - where an employee is suffering stress or hardship beyond their control or a personal crisis (examples being but not exhaustive), the breakdown of marriage or long-term relationship; serious damage to their home due to flood/fire; a serious emergency involving a close relative or partner, (as defined in 4.2).
- 5.2 The employee must notify their Line Manager at the earliest opportunity of the reason for the absence or a need to leave the workplace if they are already at work. The employee where possible, must discuss with their Line Manager how much leave they may need to take.
- 5.3 It is the Line Manager's discretion to decide the number of days granted with pay. If there is likelihood that the circumstances will persist, every effort should be made to support the employee. Managers/employees could consider amending the working arrangements e.g. temporary reduction in working hours/temporary change in working pattern/work break.

6.0 Time Off for Dependants

- 6.1 Employees have a statutory right to reasonable unpaid time off work to deal with emergencies involving a dependant or to make any necessary longer-term arrangements. Discretion will be exercised by Line Managers in determining whether such leave is unpaid or paid.
- 6.2 A dependant is a spouse, significant partner, child or parent of the employee (or anyone living in the employee's house as a member of the family but who doesn't pay rent) or someone who reasonably relies on the employee for help in an emergency.
- 6.3 Time off for dependants only applies to emergency situations and not events known in advance, for example:
- a dependant falls ill/ is injured or assaulted, including time to make the necessary care arrangements;
 - unexpected disruption or breakdown in care arrangements, e.g. childminder/carer not turning up to care for the dependant, or a nursing home/nursery unexpectedly closing down;
 - a dependant having a baby who goes into unexpected labour;
 - a child involved in an incident at school e.g. injured/excluded.
- 6.4 Where an employee needs to take time off for a dependant then they should discuss with their Line Manager how much time they may need to take as soon as possible.
- 6.5 Employees requiring longer term arrangements should refer to other policies and procedures such as Parental Leave Policy/Flexible Working Policy/Work Break.

7.0 Time Off for Hospital, Medical Screening, Doctor and Dental Appointments

- 7.1 Employees are expected to arrange medical/dental appointments in their own time. Where it is not possible for an appointment to be arranged within an employee's own time, arrangements should be made with minimal disruption to the Academy/Trust such as at the beginning or end of the working day or during lunch breaks. In such instances, time will be permitted without pay unless the employee is able to work flexibly to make the time back.
- 7.2 In exceptional circumstances, paid leave may be granted. This may be appropriate where the employee is receiving ongoing medical treatment for a diagnosed condition where course of treatment are involved or have an ongoing or chronic condition that is covered by the Equality Act and treatment is required such as chemotherapy, radiotherapy, dialysis (this list is not exhaustive). This includes the employee seeing a specialist consultant, and it is therefore difficult for the employee to make the appointment (s) outside of working hours. Time off may be granted for some or all of the appointments, depending on the circumstances of the case. An

appointment card or other documentary evidence should be provided and attached to the request for leave.

- 7.3. All non-elective hospitalisation (this is hospitalisation that takes place to maintain life and gross quality of life e.g. hospitalisation for cardiac bypass surgery) will be treated as sickness and medical certificates must be provided in accordance with sickness procedures. This would also include gender-reassignment. Paid time off for elective surgery (surgery scheduled in advance) for cosmetic purposes will not be granted. Consideration will however be given for paid time off should such surgery result in unforeseen or unpredicted sickness absence.
- 7.4. Paid time off will be given for the purpose of medical screening (including routine breast screening), when the condition is covered by the Equalities Act 2010. This is not classed as sickness absence and will be recorded as authorised special leave.

8.0 Time Off for Religious Observance

- 8.1. Requests for time off for religious observance should be considered sympathetically and accommodated wherever possible, although extended absences will need to be balanced with the operational needs of the Academy/Trust.
- 8.2. Where time off for religious observance is authorised, the employee will receive a maximum of 1 days' pay. The remaining time off will be unpaid. Flexible arrangements can also be agreed to accommodate reasonable time during the day/week for prayer.
- 8.3. As some religious/belief festivals are aligned with lunar cycles, dates can change from year to year, therefore the dates for some festivals do not become clear until quite close to the actual day. Discussion and flexibility are essential to reach a mutually acceptable compromise.

9.0 Members of Reserved Forces (formerly known as Territorial Army).

- 9.1. Volunteer reserve forces consist of the Royal Naval Reserves, Royal Marine Reserves, the Army Reserves and the Reserve Air Forces.
- 9.2. Employees who serve in a volunteer reserve force should inform their Line Manager. The Ministry of Defence is also required to notify the employer.
- 9.3. In most cases, time off must be granted to the employee if they are called up to carry out military duties. In exceptional cases, it may be possible to obtain an exemption if the absence of the employee will cause serious disruption to the Academy/Trust.
- 9.4. Reservists will receive pay from the Services, so the Academy/Trust will not pay the employee during their absence. The Academy/Trust must ensure Payroll are informed when the employee

commences military service, so that salary payments are stopped. Employers are also entitled to claim an 'employer's award' in respect of replacement costs incurred during the period of call-out that exceed the reservists earnings. Further information can be obtained from the following website link: <https://www.gov.uk/government/publications/reservist-employers-toolkit/reservist-employer-toolkit#rights-and-responsibilities>

- 9.5 Employees will be expected to do their training at weekends or in the evenings or holidays as the Reserved Forces has this facility.
- 9.6 The period of absence will count for continuous service and the employee has the right to return to their job on demobilisation, or to be offered suitable alternative work if their substantive role is not available. The employee is entitled to remain in the Occupational Pension scheme during their absence and the **MOD will** pay the employers contributions.
- 9.7 Where an employee has a spouse/partner in HM Forces, in cases where the employee's spouse is required to take his or her main annual holiday during term time, leave may be approved.

10.0 Public Offices

- 10.1 Some public duties entitle an employee to time off work to carry out the role. Recognised public duties include:
 - 10.1.1 Justice of the Peace (Magistrate).

A magistrate is required to be in court for at least 13 days (26 half days) per year. This must be balanced with commitments to the Academy/Trust.
 - 10.1.2 Member of a local authority, police or health authority.
 - 10.1.3 Governor of a school or college.
 - 10.1.4 Member of any statutory tribunal, (e.g. employment tribunal).
- 10.2 There is no statutory entitlement for leave to be with pay. However, the Line Manager has discretion to allow up to 5 days paid leave per annum (on the provision that the employee does not claim for loss of earnings).
- 10.3 Time off must be agreed in advance with the Line Manager and the employee must provide adequate notice. Additional leave may be granted if considered reasonable by the Line Manager but this will be taken as unpaid leave. Where unpaid leave is granted, the Line Manager must ensure Payroll is notified.

11.0 Witness in Court

- 11.1 An employee receiving a summons to appear as a witness must report the fact to their Line Manager as soon as possible.

- 11.2 Witness to a crime. Where an employee is called as a witness to a crime, they will be released from work to fulfil that duty. The time off will be unpaid and claims for loss of earnings and/or travel and subsistence expenses will be made through the court system (see Jury Service below).
- 11.3 Character witness. Employees will be given reasonable time off to act as a character witness during a court hearing. The time off will be unpaid and claims for loss of earnings and/or travel and subsistence expenses will be submitted via the relevant solicitor.
- 11.4 Court appearance by employee. Employees are required to use annual leave and/or, work flexibly to make the time back (where applicable). Authorised unpaid leave will be granted where employees have insufficient annual leave (or have no leave entitlement due to term time working arrangements) or if the time cannot be worked back.
- 11.5 In the event of the employee not being required on a particular day, the employee must report for work if more than four hours of the working day remains.

12.0 Jury Service

- 12.1 An employee receiving a summons to serve on a jury must report the fact to their Line Manager as soon as possible.
- 12.2 On receiving a summons to serve on a jury the employee must:
- report the fact to the Academy/Trust as soon as the summons is received;
 - notify the Academy/Trust of:
 - the date they are required to attend;
 - where known, the duration of the jury service;
 - the court they are required to report to;
 - provide a copy of:
 - the Confirmation of Jury Service letter;
 - the Certificate of Loss of Earnings;
 - a request for leave of absence form to their Line Manager.
- 12.3 Leave will be granted unless exemption or deferral from jury service has been secured.
- The Academy/Trust will cease to pay salary during jury service. The employee is able to claim an allowance for loss of earnings from the Courts and Tribunals Service and will be given a Certificate of Loss of Earnings by the Court, which must be forwarded, to their Line Manager for completion.
- 12.4 The Academy/Trust will make a top-up payment to ensure the employee continues to receive their usual take-home pay for the period of jury service. On completion of jury service, the employee must provide their Line Manager with a statement or other evidence of the sum they have received from the Courts and Tribunals Service for loss of earnings to ensure that salary adjustments are accurate.

- 12.5 The employee should claim for any travel or subsistence expenses directly from the Court.
- 12.6 In the event of the employee not being required to serve on a particular day, the employee must report to work if more than four hours of the working day remains.
- 12.7 If the employee is not required to appear on a particular day or part day, they must report for work as normal.
- 12.8 If jury service is cancelled or completed earlier than expected the employee must:
- inform the Academy/Trust and return to work immediately. Failure to do so will render the employee absent without permission and disciplinary action may be taken;
 - ensure that the leave request is cancelled.

13.0 Time Off for Union Duties

Employees who are Trade Union Representatives within unions recognised for the purposes of collective bargaining have the right to paid time off to undertake their union activities, including representing the trade union at external meetings and annual/policy-making conferences. In addition, employees who are Trade Union Representatives have the right to paid time off to receive training to help them carry out their trade union duties.

- 13.1 Trade Union Representatives will be expected to arrange these duties so as to cause minimum interference to the Academy/Trust and should ensure that their Line Manager is informed of the need for the absence as far in advance as possible.

14.0 Time Off to Attend Interviews

- 14.1 At the discretion of the Line Manager, reasonable time off may be granted, usually with pay for attending job interviews as identified by the Redundancy Modification Order.
- 14.2 Where the Line Manager determines leave should be without pay they must ensure Payroll is informed.

15.0 Time Off to Attend a Graduation or Wedding

- 15.1 At the discretion of the Line Manager, an employee may work flexibly and work time back, or receive paid time off (not normally more than 1 day) for attending the wedding of an immediate member of family i.e. child, brother, sister, parent or the graduation ceremony of self, or immediate family member receiving a degree/award/prize.
- 15.2 The Line Manager must ensure Payroll is informed.

16.0 Time off to Move House

16.1 Wherever possible, moving house should be done in an employees own time, however, where this is not possible flexibility to make the time back may be given or a maximum of 1 days paid leave may be granted.

17.0 Inability to get to Normal Place of Work/Emergency Academy/Trust Closure

17.1 It is recognised that academies remain open wherever possible, however, in the event of disruption to normal travel to work arrangements, for example, because of exceptionally extreme weather conditions, employees should make every effort to get to work where it is safe to do so.

17.2 Where the Line Manager considers it was not safe/possible for the employee(s) to travel to work, or they instructed employees not to attend work, and it was not considered possible for an individual to work from home, time off with pay will be granted for the duration of the disturbance.

17.3 Where the Academy/Trust is unexpectedly closed for some other reason (e.g. flooding, fire, breakdown of essential equipment), employees will be expected to work from home, where the job role allows. Where this is not possible, employees will be granted absence with pay for the duration of the disturbance or until alternative arrangements are put in place.

18.0 Study Time

18.1 Employees will be released from work to attend college/training in respect of courses the Academy/Trust are supporting the employee to undertake. For example, Supporting Teaching and Learning in Schools qualification, or Level 2 in Maths/English.

18.2 Paid time will be approved for the employee to undertake any examinations in respect of the course/training. In addition, the employee will be approved the equivalent study time with pay.

19.0 Examination Duties

19.1 Teaching staff undertaking professional duties in connection with external examinations may take paid leave under the arrangements contained in Appendix 2 of the Conditions of Service for School Teachers in England and Wales.

20.0 Monitoring and Review

20.1 The policy will be monitored to ensure consistency of application and adherence to Equalities legislation.

20.2 The policy will be reviewed every three years.

This policy has been consulted and agreed with the following Trade Unions: NEU (ATL Section), NEU (NUT Section), ASCL, Unison, GMB and NAHT. Consultation has taken place with NASUWT.

Appendix 1: Request for Leave of Absence

Part A – For completion by employee

Forename:		Job Title:	
Surname:		Location:	
Type of Leave Requested: <input type="checkbox"/> Bereavement Leave <input type="checkbox"/> Compassionate Leave <input type="checkbox"/> Dependants Leave <input type="checkbox"/> Hospital/Medical appointments/Screening (please specify) <input type="checkbox"/> Religious Observance <input type="checkbox"/> Reserved Forces <input type="checkbox"/> Public Office <input type="checkbox"/> Witness in Court/Jury service (please specify) <input type="checkbox"/> Union Activities <input type="checkbox"/> Job Interview <input type="checkbox"/> Graduation/Wedding <input type="checkbox"/> Inability to travel to work/Emergency closure <input type="checkbox"/> Study Leave <input type="checkbox"/> Duties in connection with external examinations <input type="checkbox"/> Other (please detail)			
Date for Requested Time Off: From: To:		Times of Absence if Part-Day: From (Time): To (Time):	
Actual number of working days requesting absent: days			
Reason for request (please give details of circumstances): 			
Signed:		Date:	

Cont'd

Part B – For completion by the Line Manager

<input type="checkbox"/> Time off approved	
<input type="checkbox"/> With pay <input type="checkbox"/> Without pay	
<input type="checkbox"/> Time off approved but employee working time back	
<input type="checkbox"/> Time off not approved	
Signed:	Date:
Date decision conveyed to employee:	

Completed form to be held on personal file and Payroll should be notified.