



# The LETTA Trust

## Leave of Absence Policy

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<b>Reviewed by:</b>	TB Resources Committee	<b>Signed:</b>	

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## **1. Aims**

The LETTA Trust recognises that the success of its schools depends upon the contribution of all employees and gives full acknowledgement that a fair and effective policy on discretionary leave of absence contributes to employee morale and thereby our success.

## **2. Introduction**

This policy sets out the discretionary leave of absence provisions to make sure requests for leave of absence are dealt with in a fair and consistent way. The operational needs of the schools are the priority and therefore there will be times when leaders have to refuse a request for leave. The examples of discretionary leave given are non-exhaustive and where circumstances arise which are not identified in this policy leaders have authority to make the decision on whether or not leave is granted, and whether it is with or without pay.

This policy also sets out what you must do in the event that you must take leave of absence because you have a personal emergency.

The statutory (required by law) leave of absence provisions are generally outside the scope of this policy though they are noted where they bear a relationship to discretionary leave of absence. If you need clarification on whether the leave of absence that you want to take is statutory or discretionary then you must speak to your line manager.

This policy does not cover leave which is included in the policies/procedures listed below:

- Annual leave
- Maternity/paternity/parental/adoption leave
- Flexible working
- Sickness absence
- Redundancy
- Training and study leave

This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time.

## **3. Procedure and decision making**

Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher as soon as the need for the leave is known, and at least two weeks in advance of the proposed date(s) of absence, using the form at Appendix 1, in order to allow the Headteacher adequate time for consideration and to assess the impact of granting the

leave. Where the leave of absence request is made by the Head Teacher, the request should be made to the CEO.

Requests for leave of absence and approval or refusal of such will be dealt with in a fair and consistent manner, having regard to the nature of the request, statutory obligations, pupil/student educational provision, service needs, eligibility, any previous requests and the degree of flexibility that you already have in your current working arrangements. Non-emergency leave of absence must not be taken unless and until it has been approved on the form at Appendix 1.

Where an **emergency** arises you must notify your line manager by telephone as soon as is reasonably practicable, giving the reason for the absence and how long you expect to be absent from work to deal personally with the emergency which cannot be dealt with by anyone else. A Headteacher, however, may decide that a member of staff is absent from work without authorisation if the reason for absence cannot be evidenced afterwards. Any members of staff who take leave, which has not been previously approved, may be subject to disciplinary action.

Where a leave of absence request is refused there is a right of appeal. Any appeal must be made on the form at Appendix 1 within 5 days of receipt of the leave of absence decision. The appeal will be considered by a panel of two trustees whose decision is final.

A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. Members of the LGPS scheme will be informed about the impact of taking unpaid leave on their pensionable service

#### 4. Discretionary leave of absence

Examples of discretionary time off work that may be granted *without* pay:

Summary non exhaustive examples of absence normally granted without pay	Days per annum - all employees
Any personal reason other than those above which it was not possible to schedule for a non-working day or time or within annual leave e.g. dentist, optician, medical appointment, driving test, important one-off family occasions	Maximum of [3] days
Attendance as witness either on subpoena or other direction from a court or at the direction of the police, or voluntary attendance at an inquest as witness not representing the school	Period of attendance necessary
Leave of absence for religious observance	Reasonable time off

Examples of discretionary leave that may be granted *with* pay:

Summary non-exhaustive examples of leave normally granted with pay	Days per [annum] [rolling 12 month period]
<b>Compassionate leave</b> - illness or injury of a significant other person giving rise to serious domestic difficulties	Period reasonably necessary but not normally more than [3 days]
<b>Bereavement leave</b> - death (including funeral) of a significant other person	Period reasonably necessary but not normally more than [5 days]
<b>Parental bereavement leave</b> - Parents and primary carers who have suffered the loss of a child under the age of 18.	see point 6 below.
<b>Moving house</b> where it cannot be arranged for a non-working time	[1 day]
<b>Personal events or emergencies</b> i.e. an event which, if response were to be delayed,	[1 day]

would result in significant personal loss to the employee such as fire or flood	
<b>Accepted impossible travel</b> because of weather or other public crisis	Period reasonably necessary but not normally more than [2 days]
<b>Interviews</b> for jobs in the education service	period reasonably necessary but not normally more than [3 days]
<b>Dependent care leave</b> - employees may only take paid time off to provide personal care for a dependent where there is an immediate crisis  (There is a statutory right to take <b>unpaid</b> leave)	In normal circumstances not more than [1 day] on each occasion.  Up to [3 days]

Leave in excess may be granted in exceptional circumstances dependent on the particular circumstances of the request e.g., where an employee has family abroad/the funeral requires travel abroad. In these situations, a combination of paid special leave, annual leave, and unpaid leave may be used to cover the period of absence. Any requests made for holiday for personal reasons are limited to once every 3 years. Requests will be considered at the discretion of the headteacher.

## 5. Medical appointments

Upon production of a medical appointment letter/card up to half a day paid leave may be granted to attend an appointment at hospital (to include medical screening and blood donation but excluding any appointment associated with elective surgery) where it has proved impractical to attend outside normal working hours. You should liaise with your line manager to agree a mutually convenient time so that the operational requirements of the school are met and then request leave from the Headteacher using the form at Appendix 1.

## 6. Parental Bereavement Leave

Parents and primary carers, who have been employed for a continuous period of at least 26 weeks prior to when the child dies and have received pay above the lower earnings limit for the previous eight weeks, are entitled to at least two weeks' statutory paid leave. Workers who have not been employed for a continuous period of at least 26 weeks are entitled to two weeks' unpaid leave.

The two weeks' leave can be taken either in one block of two weeks, or as two separate blocks of one week each. It must be taken within 56 weeks of the date of the child's death. This is to allow for time to be taken off for difficult events such as birthdays or anniversaries.

## **7. Gender reassignment**

Trans staff members have the same sickness absence entitlements and pay as other staff. In regards to gender reassignment, the Headteacher or manager will discuss with the member of staff what type of appointments or time off they will require associated with gender reassignment. As with other medical appointments, if possible, employees will try and arrange for appointments outside of school hours. Where this is not possible, other working arrangements will be considered at the discretion of the Headteacher.

## **8. Attendance in court as a witness**

If you are subpoenaed or summonsed to attend a Court (including an Employment Tribunal), as a witness and you are not representing the school then, on production of proof of required attendance, you must request leave from the Headteacher using the form at Appendix 1 and you will be granted unpaid leave to attend. If you wish to attend Court as a witness on a voluntary basis, then you should request leave of absence from [the Headteacher] as soon as the need for the leave is known using the form at Appendix 1 and a decision will be made on a case by case basis.

## **9. Leave of absence for religious reasons**

### **9.1 Leave for Religious Pilgrimages**

The school will give consideration to those members of staff who wish to apply for special leave to attend a religious pilgrimage. The Headteacher must be given adequate notice of such leave and this will be subject to the needs of the school and its pupils. The maximum leave that will be granted will be 3 weeks in total over a five-year period & this will be special unpaid leave. You should request time off at the beginning of the school year if possible, and give at least 1 term's notice, so that plans for covering your absence can be made in good time.

### **9.2 Leave for Religious Observance**

The school recognises and respects its multi-cultural staff and as such will endeavour to grant time off for religious observance wherever possible subject to the needs of the school and its pupils. Requests for time off will be considered on a case by case basis. Staff who wish to take days off for religious observance should normally make an application in advance for unpaid special leave using the form at Appendix 1.

## 10. Statutory leave of absence for public duties

Employees are entitled to a reasonable amount of unpaid time off work by law to carry out certain public duties. Public duties include service as a:

- Tribunal member
- Magistrate
- Local councillor
- Member of an NHS Trust
- Prison visitor
- Lay visitor to police stations
- School governor
- Lay observers, appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody
- Members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999. These committees monitor the immigration detention estate
- Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports
- Independent prison monitors in Scotland appointed under section 7B(2) of the Prisons (Scotland) Act 1991

As soon as you are aware that you will require time off for performance of a public service you should request leave of absence from the Headteacher using the form at Appendix 1.

The school will agree to requests for **paid** time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy.

Each request for time off will be considered on its merits, in the circumstances in which it is made including:

- Whether the activity is reasonable in relation to your employment
- How much time off is reasonably required for the duty in question
- How much time off you have already taken for the public duty in question
- How your absence will affect the school

## 11. Jury service

You must inform your line manager as soon as you are summonsed for jury service and provide a copy of your Jury Service Summons and the accompanying Loss of Earnings form. Where, in our view, the release of an employee for jury service raises significant teaching or

operational problems, assistance will be provided to the employee in order to appeal to the court to re-arrange or cancel the dates of service.

Employees attending Jury Service are usually able to claim compensation from the court for loss of earnings. We will make up the Loss of Earnings allowances to your normal level of earnings. We must complete the Loss of Earnings form and you must give the completed form to the Clerk of the Court on your first day of Jury Service.

Upon completion of Jury Service, the Court will pay an employee for travel, subsistence and Loss of Earnings and provide a remittance advice. This advice **must** be forwarded to the office manager within 3 days of your return to work.

Your salary will be reduced by the "Juror's Loss" paid by the Court. Pension contributions are not affected. An employee cannot be paid twice by the Court and the school for the same days.

Where jury service lasts for less than half a day you must return to work for the remainder of the day wherever practicable. You must keep your line manager regularly informed about how long you are likely to be away from work.

Employees are protected from being subjected to a detriment or being dismissed, as a result of being summoned to attend for service as a juror or being absent from work on jury service.

## **12. Statutory dependent care leave**

Employees are entitled to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as defined in the equality act)
- care needs because of their old age

A dependent doesn't need to be a family member; it can be anyone who relies on the employee for care. Employees are entitled to carer's leave starting from their first day of work with their employer, and their employment rights remain protected during this leave. If an employee needs to care for multiple dependents, they cannot take a separate week of carer's leave for each individual. Instead, they are allowed one week of carer's leave every 12 months, which can be used to care for more than one dependent. Employees are not required to provide evidence of their dependent's care needs.

Employees are entitled to up to one week of leave every 12 months. A 'week' is defined by the number of days they typically work within a 7-day period. For instance, if an employee normally works 3 days a week, they can take 3 days of carer's leave. This leave can be taken as a full week, individual days, or half days spread throughout the year.

Employees must provide 3 days' notice when requesting half a day or a full day of leave. For leave requests exceeding one day, the notice period must be at least twice the length of the requested leave, counted in full days even if the request includes half days. While a written request is not mandatory, it is preferable to use the special needs application form. Employees should specify on the form that they are applying for statutory carer's leave.

### **13. Time off for family planning/antenatal appointments**

Pregnant employees are entitled to reasonable time off with pay for antenatal care made on the advice of a registered medical practitioner. The time off is capped at six and a half hours for each appointment. There is no legal right to paid time off for fathers/partners to attend ante natal appointments.

There is no legal right for time off work for IVF treatment or related sickness. Time off for IVF/fertility appointments should be treated in the same way as other medical appointments. If the treatment causes pain, sickness, or illness then any resulting absence will be treated as sick leave in the normal way. In these circumstances, the usual sickness absence reporting, and certification procedures are followed.

## Leave of Absence Request Form

### Part 1

Name:	
Job title:	

Date/time from:	Date/time to:
I have read and understood the discretionary leave policy. Please attach a copy of any relevant appointment card. Reason for request:	
<p>I understand and accept that if leave of absence is granted without pay it will affect my pension entitlement.</p> <p>Signed: _____ Date: _____</p>	

### Part 2: Leave of absence decision

Your request for leave is:	
Approved with pay:	
Approved without pay:	
Time to be made up:	
Not approved for the following reasons:	
Operational difficulties in covering absence:	
Loss of entitlement/continuity of educational provision for pupils/students:	
Leave of absence limits already reached:	
The request is outside the policy framework	

Other. Explanation of reason(s) for non-approval

Signed:

Job title:

Date:

**Part 3: Appeal against leave of absence decision**

If you wish to appeal against a refusal to grant discretionary leave of absence, then you must explain your reasons below and return this form to the Headteacher within 5 days of the date of the decision as recorded above. Your appeal will be heard by a panel of two trustees.

Signed:

Date: