



Leave of Absence

Status
Consulted – Not agreed

Schools serving their communities through excellence, exploration and encouragement within the love of God.

The Diocese of Lincoln is called to faithful worship, confident discipleship and joyful service and our church schools bear witness to our belief that every child is made in the image of God and loved by Him. They were founded for the good of their local communities so that children can be educated through the values and stories of Christianity.

Policy Owner: CEO LAAT
Policy Date: September 2019
Policy Review Date: September 2021

Excellence

Exploration

Encouragement

1. Introduction

- 1.1. In this Trust, we recognise that the success of the organisation depends upon the contribution of all employees and gives full acknowledgement that an equitable and transparent policy on leave of absence contributes to the maintenance of employee morale and thereby our success.
- 1.2. This policy sets out the leave of absence provisions to make sure requests for leave of absence are dealt with in an equitable and transparent way. The operational needs of each School are the priority and therefore there will be times when the Headteacher/line manager has to refuse a request for leave. Requests will not be unreasonably declined. The examples of leave given are non-exhaustive and where circumstances arise which are not identified in this policy the Headteacher/line manager has authority to make the decision on whether or not leave is granted, and whether it is with or without pay.
- 1.3. 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.
- 1.4. This policy does not cover leave which is included in the policies and procedures listed below:
 - (a) Annual leave
 - (b) Maternity/paternity/parental/adoption leave
 - (c) Flexible working
 - (d) Sickness absence
 - (e) Redundancy
 - (f) Training and study leave
- 1.5. This policy applies to all teaching and support staff. This policy is non-contractual and may be amended at any time in consultation with the recognised trade unions.

2. Procedure and Decision Making

- 2.1. Except in emergencies, authorisation to take leave of absence must be requested from the Headteacher/Line Manager as soon as the need for the leave is known using the form at Appendix 1. Where the leave of absence request is made by the Head Teacher, the request should be made to the CEO.

2.2. Requests for leave of absence will be dealt with in a transparent and equitable manner.

Consideration will be given 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.

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.

2.3 Where a leave of absence request is refused there is 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 the Headteacher and a panel of 2 members of the Local Board. An appeal will be held within 5 days and the decision will be communicated within 5 days.

2.4. A confidential record of requests for leave of absence and whether or not the request was granted will be maintained. Where a period of unpaid leave may impact on pensionable service then the Trust will inform the employee of this.

3. Leave of Absence

3.1. Examples of time off work that may be granted with pay:

Summary non exhaustive examples of leave normally granted with pay	Working Days per annum
Compassionate leave - illness or injury of a significant other person giving rise to serious domestic difficulties	Period reasonably necessary but not normally more than 3 working days
Bereavement leave - death (including funeral) of a significant other person	Period reasonably necessary but not normally more than 5 working days
Moving house where it cannot be arranged for a non-working time	1 working day
Personal events or emergencies i.e. an event which, if response were to be delayed, would result in significant personal loss to the employee such as fire or flood	1 working day
Accepted impossible travel because of weather or other public crisis	Period reasonably necessary but not normally more than 2 working days
Interviews for jobs in the education service	Period reasonably necessary but not normally more than 3 working days
Dependent care leave - employees may only take paid time off to provide	In normal circumstances not more than 1 day on each occasion.

personal care for a dependent where there is an immediate crisis (There is a statutory right to take unpaid leave see 6.1 below)	Up to 3 working days
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3.2. Examples of discretionary leave 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 (excluding hospital appointments, see below), 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. See separate section which details Jury Service.	Period of attendance necessary
Leave of absence for religious observance	Reasonable time off

3.2.1. 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, unless there are exceptional circumstances.) where it has proved impractical to attend outside normal working hours. You should liaise with your line manager to agree a mutually convenient time where possible, so that the operational requirements of the school are met and then request leave from the Headteacher/Line Manager using the form at Appendix 1.

3.2.2 Occupational Health

Attendance at OH appointments, and the support services offered through OH (e.g. counselling) that is managed by the school and offered to staff that need additional support as detailed in the sickness absence policy will be paid where an appointment cannot be arranged outside of the normal working day and the person is not already absent from work.

3.2.3. 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/academy then, on production of proof of required attendance, you must request leave from the Headteacher/Line Manager using the form at Appendix 1 and you may be granted paid 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/Line Manager 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.

3.2.4. Leave of absence for religious observance

You may request unpaid time off work to attend religious festivals, pilgrimages, time off for prayer or may request an adjustment to your working time to accommodate periods of fasting or requirements to cease work by a particular time using the form at Appendix 1. Requests for time off will be considered sympathetically and on a case by case basis, taking into account the needs of the school/academy pupils and surrounding circumstances. You should request time off at the beginning of the school/academy year if possible, otherwise as soon as possible, so that plans for covering your absence can be made in good time. All requests will be treated fairly and equitably.

4. Statutory Leave of Absence for Public Duties

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

- (a) Tribunal member
- (b) Magistrate
- (c) Local councillor
- (d) Member of an NHS Trust
- (e) Prison visitor
- (f) Lay visitor to police stations
- (g) School governor
- (h) 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;
- (i) 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;
- (j) Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports; and

(k) Independent prison monitors in Scotland appointed under section 7B(2) of the Prisons (Scotland) Act 1991.

(l) Voluntary services

- 4.2. 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/Line Manager using the form at Appendix 1.
- 4.3. The school/academy will agree to requests for time off to undertake public duties wherever reasonably possible having regard to the criteria set out in this policy. Employees have an entitlement to unpaid time off however, the Trust will agree to reasonable paid time off where possible.

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

- (a) Whether the activity is reasonable in relation to your employment
- (b) How much time off is reasonably required for the duty in question
- (c) How much time off you have already taken for the public duty in question
- (d) How your absence will affect the school/academy.

5. Jury Service

- 5.1. 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.
- 5.2. 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.
- 5.3. 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 School Business Manager/Administrator within 3 days of your return to work.
- 5.4. 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/academy for the same days.
- 5.5. 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.

- 5.6. 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.

6. Statutory Dependent Care Leave

- 6.1. Employees have a right to take a reasonable amount of unpaid time off work when it is necessary to:
- (a) provide assistance when a dependent falls ill, gives birth, is injured or assaulted;
 - (b) make longer-term care arrangements for a dependent who is ill or injured;
 - (c) take action required in consequence of the death of a dependent;
 - (d) deal with the unexpected disruption, termination or breakdown of arrangements for the care of a dependent; and/or
 - (e) deal with an unexpected incident involving their child during school hours (or those of another educational establishment).
- 6.2. A dependent for the purposes of this paragraph 6.1 is:
- (a) an employee's spouse, civil partner, parent or child;
 - (b) a person who lives in the same household as an employee, but who is not their tenant, lodger, boarder or employee; or
 - (c) anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to in 6.1 above.

7. Time off for trade union duties and activities

- 7.1 The Trust wishes to support employees with time off for trade union activities.
- 7.2 Trade union representatives are entitled to reasonable paid time off to carry out trade union duties and activities, to undergo training and to accompany a worker to a grievance or disciplinary hearing. A trade union representative means an officer of the union or an employee elected or appointed in accordance with the union's rules to be a representative of union members in the workplace.
- 7.3 Union learning representatives have a right to reasonable paid time off to perform their duties and undergo training.
- 7.4 Union members have a right to reasonable unpaid time off when taking part in trade union activities.
- 7.5 The Trust will endeavour to agree all reasonable request's but employees should be aware that there will be occasions where, for operational reasons, or where the Trust believe the time off to not be reasonable, requests can be declined. Each application for time off will be assessed on its merits and the determination will ultimately depend on the needs of the Trust at the time of the request and consideration will be given to:
- the nature and timing of the request;

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

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

Time off for union representatives - duties

7.7 Employees who are representatives of an independent trade union recognised by the Trust for collective bargaining are permitted reasonable paid time off to:

- carry out their duties in connection with:
 - negotiations in relation to collective bargaining
 - the performance of other permitted functions related to collective bargaining;
 - information and consultation over collective redundancies or TUPE transfers and
 - agreeing new terms for the workforce following a TUPE transfer in an insolvency situation
- undergo training in aspects of industrial relations relevant to those duties which has been approved by the Trades Union Congress or by the trade union.
- accompany a fellow worker to a disciplinary or grievance hearing or any other appropriate meeting falling within their role.

Time off for union members - activities and learning

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

Time off for union learning representatives

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

Requesting time off - trade union representatives and learning representatives

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

7.11 The Headteacher will meet with the employee to discuss their union role and the amount of time and facilities that the Trust believes to be reasonable to enable the

employee to carry out their union duties. The Trust will endeavour to agree reasonable time off to cover union duties.

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

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

Requesting time off - trade union members

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

Appendix 1: Leave of Absence Request

Part 1

Name:	
Job title:	

Date/time from:	Date/time to:
I have read and understood the Leave of absence 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:	<input type="checkbox"/>
Approved without pay:	<input type="checkbox"/>
Time to be made up:	<input type="checkbox"/>
Not approved for the following reasons:	
Operational difficulties in covering absence:	<input type="checkbox"/>
Loss of entitlement/continuity of educational provision for pupils/students:	<input type="checkbox"/>
Leave of absence limits already reached:	<input type="checkbox"/>
The request is outside the policy framework	<input type="checkbox"/>
Other. Explanation of reason(s) for non-approval	<input type="checkbox"/>
Signed: _____	Job title: _____ Date: _____

Part 3: Appeal against Leave of Absence Decision

If you wish to appeal against a refusal to grant leave of absence then you must explain your reasons below and return this form to your line manager within 5 days of the date of the decision as recorded above.

Signed:

Date: