

LEAVE OF ABSENCE POLICY

Learning Academies Trust

Version: Version 1

Approved by: Finance & Personnel Committee

Last review date: N/A

Ratified date: 12 July 2022

Next review date: 01 July 2024



LEARNING
ACADEMIES TRUST

CONTENTS

1. Introduction	2
2. Annual Leave	3
3. Parental Leave	4
4. Maternity/Paternity Leave	4
5. Family Support Leave	4
6. Weddings	4
7. Religious Observance Days	5
8. Funerals	5
9. Graduation Ceremony	5
10. Optician, Doctor and Dental Appointments	5
11. Hospital Appointments	5
12. IVF Fertility Treatment	5
13. Fostering	5
14. Election Duties	6
15. Moving House	6
16. Jury Service	6
17. Attendance at Court	6
18. Paid Absence for Other Public Duties	6
19. Interviews	7
20. Approved Union/Professional Association Activities for Accredited Representative	7
21. Severe Weather Conditions	7
22. Unexplained/Unauthorised Absence	8
23. Refused Requests	8
24. Unique Leave Requests not Covered by this Policy	8

CHANGES

Policy date	Summary of change	Author	Version	Review date
12/07/2022	Policy has been created.	Amy Bosworth HR Lead & Business Partner	1.0	01/07/2024

1. INTRODUCTION

This policy provides information regarding the entitlements of all staff to annual leave and to leave of absence, both paid and unpaid.

- All specific time off provisions (in days) detailed in this document will be provided on a pro-rata basis for part-time/job-share employees.

- ‘Close relatives’ or ‘immediate family’ are **normally** defined as husband/wife, permanent partner, children, parents, grandparents, sister/brother, parents-in-law or nominated next of kin. This also includes stepchildren, foster and adopted children/parents. The Headteacher/Central Team Leads with support from the LGB/Trust Board have discretion to include people not defined in the above list, in the right circumstances.
- Definition of dependant: a dependant is the partner, child or parent of the employee, or someone who lives as part of their family. For example, this could be a grandparent. It does not include tenants or boarders living in the family home or someone who lives in the household as an employee.
- Authorised paid and unpaid leave of absence from work for the reasons in this policy requires prior approval.
- Requests for paid or unpaid leave must be made in writing to the Headteacher/Central Team Lead with full reasons for the request. Requests by the Headteacher should be sent to the Chair of Governors. Requests by Central Team Leads should be made to the CEO. The request should be made as soon as it is known that it will be required and in any case not less than 4 full weeks in advance of the proposed absence, except in exceptional circumstances such as the illness or death of a family member.
- Leave of absence for other reasons not outlined in this policy should be made in writing to the Headteacher / Central Team Lead and they will be considered.
- Appeals regarding refusal of requests for leave of absence will be heard by the Governors Appeals Panel.

Requests for leave of absence will be considered taking into account

- The principles of this policy
- The best interests of the children and the school(s)
- Treating employees in a fair, reasonable and consistent way

2. ANNUAL LEAVE

Teaching staff

- Teaching staff are not entitled to annual leave. Teaching staff are contracted to work 195 days per annum (pro rata for part-time staff).
- Requests for leave of absence on the defined working days will not normally be approved, except in accordance with the provisions of this document and under exceptional circumstances.
- Teachers will not be granted leave of absence for holidays in term time.

Term time Support staff

- Support staff employed on a term time only basis are not entitled to annual leave.
- School support staff employed on a term time only basis will normally work for the 190 or 195 days of the agreed school calendar for the academic year (pro rata for part-time staff).
- Requests for leave of absence on the defined working days will not normally be approved, except in accordance with the provisions of this document and under exceptional circumstances.

Support Staff employed on a 52-week contract

Support staff employed to work throughout the year are entitled to annual leave. The annual leave year for each employee will be in line with the academic year (September – August). Should a member of staff join part way through the year, the holiday allowance will be calculated on a pro rata basis.

- On commencement: 25 days (plus bank holidays)
- After 5 years’ service: an additional 5 days is added to the initial leave entitlement
- Employees can request up to 2 consecutive weeks annual leave in term time per academic year, with prior discussion with your line manager
- Requests for leave lasting more than 2 weeks in holiday periods would require consultation with your line manager and HR

- No more than 50% of your annual leave allowance can be taken during term time, to ensure we can meet the needs of our schools
- For annual leave related to a significant life event, allowances outside of the parameters above will be considered on a case-by-case basis.

All annual leave entitlement including public holidays are pro-rata for part-time employees. Requests to take annual leave should be made using the Leave Request form (available from HR), to the Headteacher/Central Team Lead with as much notice as possible. For longer periods of absence, requests need to be made with a minimum of 4 weeks notice. Whilst the school will endeavour to support requests to take annual leave on the days requested, the needs of the school will be taken into consideration and there can be no guarantee that a request for time off will be supported. For this reason, staff are advised not to book and pre-pay for holidays in advance of receiving confirmation that a request for annual leave has been granted.

Employees will not normally be able to carry over unused annual leave from one year to the next. In exceptional work related circumstances, Headteachers//Central Team Lead have the discretion to allow employees to carry over up to five days leave.

In line with changes in legislation the carryover of unused annual leave will be considered on a case by case basis.

3. PARENTAL LEAVE

Please see our Family Leave Policy

4. MATERNITY/PATERNITY LEAVE

Please see our Family Leave Policy

5. PARENTAL BEREAVEMENT LEAVE

Please see our Family Leave Policy

6. FAMILY SUPPORT LEAVE

Compassionate/Bereavement Leave

Upon the death or critical illness of a member of the employee's immediate family up to 5 days compassionate leave **with pay** will be granted.

- For the purposes of this policy critical illness means: non routine hospitalisation, terminal illness or sudden illness which makes it necessary for the employee to make urgent and special arrangements for the care of the relative and where there is no other reasonable alternative. This provision is to apply per occasion except when calculated over the school year, no more than 10 days leave with pay will be granted.

Dependant Leave

- Time off to deal with emergencies where there is no other reasonable alternative: in the case of emergencies where there is no other person to look after the employee's sick child (or dependant) time off with pay will be granted for emergencies and sickness of a child/dependant. Employees will be granted 5 days paid leave of absence in any academic year to deal with emergencies, regardless of the number of children or dependants the employee has, and an additional 5 days leave without pay may be taken in either of the instances above. When the 10 days are exhausted, a meeting to discuss supportive measures will be arranged. This will renew at the beginning of each new academic year.

7. WEDDINGS

Employees will be granted one day **with pay** to attend their own wedding or the wedding of a close friend or relative (refer to definition of in section 1). This is limited to one paid day in the academic year.

8. RELIGIOUS OBERVANCE DAYS

In respect of the observance of religious festivals for which there is no public holiday, up to 3 school days per year will be granted **without pay**. Leave will be granted only for those days when the requirements of the festival make it impossible for the employee to work. Absence for religious festivals should be planned ahead at the beginning of each academic year.

9. FUNERALS

Requests for time off for funerals of close friends or relatives (refer to definition of in section 1) would need to be put in writing to the Headteacher//Central Team Lead for consideration. If approved, it would be **with pay**.

10 GRADUATION CEREMONY

Employees will be granted one day **with pay** to attend their graduation ceremony or that of a member of the employee's immediate family. Addition days within the same academic year would be considered on a case-by-case basis.

11. OPTICIAN, DOCTOR AND DENTAL APPOINTMENTS

These should be arranged outside of school hours or during school holidays except in an emergency. Urgent dental treatment should be treated as sickness and there will be no need for leave of absence to be requested. If, however, the treatment could reasonably have been dealt with outside working hours, formal application for leave of absence should be made and documentation to support the appointment will be required. Should there be frequent absence (more than 1 instance per half term) due to appointments of this nature, a meeting will be arranged to discuss.

If such an emergency requires the employee to continue to be absent from work for a period longer than that necessary to gain treatment, the absence will be treated as being due to ill health and the normal sickness procedures will be followed.

For more information for Display Screen Equipment (DSE) users, please refer to the DSE Policy.

12. HOSPITAL APPOINTMENTS

Medical appointments are **unpaid** and should wherever possible, be taken in the employee's own time. The opportunity to 'make up' hours lost through medical appointments will be offered to all staff, subject to prior notification to and approval of the Headteacher//Central Team Lead. Time off for medical appointments will not be unreasonably withheld. Evidence to confirm the appointment will be required.

Medical appointments at the request of the employer or related to industrial injury will be paid.

Payment in respect of medical appointments related to a disability as defined by the Equalities Act 2010 will be considered in line with the duty to make reasonable adjustments.

Paid time off will be given to pregnant employees to attend ante-natal appointments, on production of proof of the appointment.

Expectant parent of pregnant women have an entitlement to unpaid leave to attend antenatal appointments. The entitlement is limited to two antenatal appointments. Headteacher//Central Team Lead's discretion can be used to grant unpaid leave to persons outside of expectant partners.

13. IVF FERTILITY TREATMENT

Please see our Family Leave Policy

14. FOSTERING

Please see our Family Leave Policy

15. ELECTION DUTIES

Leave of absence, **without pay**, will be granted to employees to assist at European, National, Regional or Local elections, or official referendums. A formal letter of appointment from the returning officer must be provided in advance, with a minimum of 1 weeks' notice where possible.

16. MOVING HOUSE

Employees will be granted one day **with pay** in one academic year if the day of the move is unavoidably on a weekday in term time. This would need to be taken on the day of the move itself or within 3 days of the move. Evidence will be requested to support this.

17. JURY SERVICE

Time off **with pay** will be granted for jury service. Where loss of earnings can be claimed this must be reclaimed and paid to Learning Academies Trust.

18. ATTENDANCE AT COURT

Employees who are required to attend court as a witness either in a criminal case or a civil case where a witness summons or subpoena is issued, or for custody of children, will be granted time off **with pay**. Where loss of earnings are paid, the employee must claim and pay the allowance to the Learning Academies Trust.

For court proceedings other than those above, where the employee is defendant or involved in non-criminal proceedings, one day will be granted **without pay**, except where the employee is entitled to annual leave.

The Headteacher/Central Team Lead has discretion where the attendance lasts more than one day to award additional days with or without pay.

19. PAID ABSENCE FOR OTHER PUBLIC DUTIES

Governors have discretion to recognise public duties other than those listed below. Requests for paid absence to fulfil other public duties should be referred to the Governing Body. Paid absence for public duties/bodies should be taken only where necessary to undertake the role(s)

Where an allowance is paid, the school will reclaim costs incurred by their absence from work, from the employee, up to the full allowance received e.g. jury service and armed forces, this will not apply to election duties.

- TA and Auxiliary Forces - Absence of up to 10 days a year. An employee absent from work due to service with the Reserve Forces should claim payment for the period away from work from the Reserve Forces in the usual manner. The employee should repay to the School a sum of money equivalent to their normal earnings for the period of their absence. Any Reserve Forces earnings over and above the employee's normal earnings, are unaffected and kept by the employee.
- Attendance as elected members at local authority meetings and properly established committees up to 20 days per year.
- Governor's duties: for members of another school's governing body up to a maximum of 20 hours per annum depending on the reasonableness of the request.
- Magisterial duties: leave of absence will be granted to employees appointed as magistrates to make the minimum attendance required by the appointment, including training.
- Candidates for parliamentary elections: maximum of 5 working days.
- Voluntary Lifeboat Persons and Retained Fire Fighters: leave of absence for emergency call out and up to three days training.

20. INTERVIEWS

Paid absence will be granted to employees who are invited for a recruitment interview up to a maximum of 6 days in any one academic year. Evidence to support the request will be required.

Paid absence will also be granted to any employee who has been identified as being at risk of redundancy, for interviews with any organisation.

21. APPROVED UNION/PROFESSIONAL ASSOCIATION ACTIVITIES FOR ACCREDITED REPRESENTATIVE

Please see separate guidance contained in the LAT Facilities Agreement and the Plymouth Book.

22. SEVERE WEATHER CONDITIONS

These arrangements will be applied when there are severe weather conditions. For the avoidance of doubt, communication from the Learning Academies Trust central team will be sent. The criterion which will be used is the extent to which most means of transportation cease or are seriously disrupted.

If a decision has been made that the school is closed to pupils due to severe weather conditions, the Headteacher/Central Team Lead and Senior Leadership Team need to decide if staff are required to attend. Where staff have been informed that they are not required to attend they should be paid normal salary. This decision should only be taken in exceptional circumstances.

If the school is open, the Headteacher/Central Team Lead should determine whether a member of staff has made reasonable attempts to get to school. If a reasonable attempt to attend has been made, then the absence should be **with pay**. The extent to which most means of transportation cease or are seriously disrupted will need to be taken into account.

If weather conditions are not severe and staff do not turn up to school, the Headteacher/Central Team Lead may upon review ask those staff to make up the time, or alternatively the period will be **without pay**. In the case of support staff employed throughout the year they will be expected to take annual leave. An explanation in writing will be required to explain the absence.

Staff who arrive late and who remain at school until the end of the day should not suffer loss of pay.

If the school releases staff early, they should not suffer loss of pay. If the member of staff will be absent or late, they must make every effort to telephone the school to report the circumstances.

Note: in applying the above procedures, Headteachers//Central Team Leads should look flexibly at the alternatives to unpaid leave which are available to them. For example:

- Working from home
- Flexi time
- Time in lieu
- Temporary adjustment to hours
- Annual leave

This list is obviously not exhaustive and further guidance is available from the LAT HR Team.

If the member of staff is ill on the day or days when there are severe weather conditions, the school's normal sickness reporting and recording procedures will apply. Employees who are on training courses and are unable to attend the training venue should if possible, report to school. If they are unable to attend school, then the above will apply.

23. UNEXPLAINED/UNAUTHORISED ABSENCE

As soon as it becomes apparent that an employee is absent without an acceptable explanation or medical certificate, HR should be informed and will send a letter to the employee. The letter should note the date from which the employee was absent and that no medical certificate or satisfactory explanation has been received. It should remind the employee of their obligations and say they will not be paid beyond the last date at which they were either present at work, or absent with an explanation. It should state that contact needs to be made with HR within 5 working days of the date of the letter. The letter should also invite the employee to a meeting and give the date and time. Following this, the below timeline should be followed:

5 working days after date of letter

If there has been no response, a further letter should be sent by recorded delivery to the employee (and also by ordinary post in case the person does not accept delivery of the recorded item). It should refer to the earlier letter, state the lack of response and explain that unless the employee returns by a specified date (a week later), or unless a medical certificate or acceptable explanation covering the whole period of absence is received by that date, a hearing will be convened to consider the employee's dismissal. The letter should state that if the employee fails to attend the hearing on the date and time provided, a decision will be considered in their absence which is likely to result in dismissal for breach of contract of employment.

If no response by the specified date (a week later)

If there has been no acceptable response by the specified date, the Headteacher/Central Team Lead should convene a panel where the employee's dismissal is considered. The employee should be notified in writing of the hearing and include in the letter the fact that if the employee does not attend the hearing a decision may be taken in their absence.

If the employee is dismissed at the hearing (irrespective of whether they attended the hearing), they have the right of appeal to the Governors Appeals Panel. The employee will be informed of this in writing.

Employees returning to work within the above time periods, who are unable to provide satisfactory reasons for their absence, will be subject to disciplinary action in accordance with the disciplinary procedure and will not be paid for the period of unauthorised absence. Employees who return to work and provide medical confirmation of their absence may also be subject to disciplinary procedure for failing to follow the school's procedure for the reporting of sickness.

24. REFUSED REQUESTS

Please note, the above process would **not apply** to requested absences that have been refused. In this case, the absence would be treated as an unauthorised absence and will trigger disciplinary action upon the return of the employee.

25. UNIQUE LEAVE REQUESTS NOT COVERED BY THIS POLICY

Should an instance arise that is not covered in this policy, a request would need to be made in writing to the Headteacher/Central Team Lead and will be considered by a representative of the LGB and HR. Please contact HR for further guidance and advice.

I can confirm that the Trust Board of the Learning Academies Trust have adopted this policy as their own.