



## Carlton Academy Trust Staff Leave of Absence Policy

<b>Ratified Date:</b>	<b>Sept 2020</b>
<b>Signed on behalf of the Trustees:</b>	<b>G Logan</b>
<b>Signed on behalf of the CEO:</b>	<b>A Kneeshaw</b>
<b>Review Date:</b>	<b>Sept 2023</b>

## Policy Statement

Staff absence serves to compromise the efficient operation of the trust and schools within the trust. Therefore, requests from any member of staff to be taken during term time must be regarded as the **exception**. Requests for leave of absence for the purpose of taking holidays and/or contributing to holidays will be considered on an individual basis without precedent.

The Trust expects that teachers and term time support staff will arrange their holidays during school closure periods. It is also expected that staff will make consideration in all absences for how these may be organised to cause the least inconvenience for the school/trust. All requests for leave of absence will be considered in a fair and objective manner, but other than in exceptional circumstances or on compassionate grounds, will not normally be approved except for specific circumstances mentioned in conditions of service agreements or statute.

## Requesting leave of absence

Requests must be made on a Leave of Absence Request Form. This should be submitted to the Head of School and should include the full reasons for the request and why the leave cannot be taken during a normal school closure period. The same process will be used by the Head of School or centrally employed trust staff, with requests submitted to the Chief Executive Officer (CEO). The CEO will make requests for leave of absence to the Chair of Trustees.

Requests should be made **with as much notice as possible** so that proper consideration can be given to the request and to enable appropriate cover to be arranged in the event of the absence being approved. Other than in emergencies, a minimum of two weeks' notice should be given for any requests of up to five working days. For requests greater than five days, there should be a notice period equivalent to at least twice the length of the period of leave being requested. Prior notice of more than three months is not required but would be helpful to the school/trust.

**Staff should not under any circumstances make an arrangement associated with leaves of absence such as flight or accommodation bookings until approval has been given granted.**

## Deciding Leave of Absence Requests

Requests will consider:

- The principles of this policy
- The best interests of the children in the school
- Treating staff in a fair, reasonable and consistent way
- National and local terms and conditions of employment

Requests may be granted on a paid or unpaid basis. In the case of extended leave and other exceptional circumstances the Head of School will make the decision under the guidance of the CEO.

The trust will approve all requests for non-discretionary absence such as paternity leave in accordance with legislative guidelines and conditions of service requirements. Where a non-discretionary absence amounts to more than five days the Head of School will inform the trust HR Director and CEO of the absence and the reason for it.

All decisions will be confirmed in writing.

If leave is refused, an appeal may be made. The appeal should be made in writing within 10 working days of the original decision being given, stating the grounds for the appeal. The school grievance procedures will be used, after which there is no further level of appeal.

All parties need to be mindful of the time that may be required for the decision-making process, including any potential appeal.

### **Unpaid Leave**

Calculations of adjustments to pay during periods of leave of absence without pay are contained in the relevant conditions of service. Employees are not covered by the sickness absence scheme if ill whilst on unpaid leave and will not be covered by the Trust sick pay policy.

### **Unauthorised leave of absence**

The taking of unauthorised leave of absence is automatically unpaid and may lead to disciplinary action resulting in a formal warning being issued, or dismissal where the circumstances would justify such action. Overstaying and late returns will be considered as unauthorised leave of absence. Staff must preserve any documentary evidence which shows that a late return was unavoidable such as tickets or sick notes.

### **Guidance on Contractual and Statutory Entitlements to Leave of Absence**

#### **1. Time off to accompany a colleague to a discipline, grievance or flexible working hearing**

Employees have the legal right to take paid time off work to accompany fellow employees of the same employer to certain disciplinary and grievance hearings.

#### **2. Time off for job hunting or to arrange training when facing redundancy**

An employee who is being made redundant is entitled to take reasonable time off with pay to look for another job, or to arrange training for future employment. The employee, who must have at least one year's continuous service (at the date the redundancy will take effect), can take time off within working hours while under notice.

#### **3. Time off for Trade Union duties (including Union Learning Representatives) and for Safety Representatives**

Employees carrying out these roles are entitled to reasonable paid time off work to undertake those duties and to undergo training. See Local Conditions of Service for further details.

#### **4. Study leave and attendance for examinations (discretionary and non-discretionary)**

For courses of training and study that are not directly related to the employee's job or have not been specifically approved by the school/trust, leave may be granted at the school's discretion with or without pay. For courses of training and study approved by the governors leave with pay will be granted, as necessary.

Conditions of Service for support staff additionally allow half a day's leave to prepare for each examination. Any leave agreed to prepare for examinations will be approved subject to any practical and organisational constraints affecting the school.

#### **5. Attendance at court proceedings**

Staff required to attend jury service should arrange for the loss of earnings certificate to be forwarded to the trusts' payroll team. The certificate will be returned to the member of staff indicating to what extent their salary will be reduced or stopped during their absence. The amount will then be claimed from the court.

Staff subject to a witness summons or subpoena should be allowed paid time off work to attend court.

#### **6. Time off for Medical Appointments**

Where possible, trust employees are expected to make appointments out of school time or as close to the start or end of the school day as possible. Routine GP or dentist appointments will be unpaid. Any time off for hospital appointments and blood donor sessions will be paid. All time off for appointments should be requested as far in advance as possible. An appointment letter/card or some other document showing that an appointment has been made should be shown to the Head of School or school HR representative as proof of the appointment.

#### **7. Time off for Dependents**

Employees have a right to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies, and to make any necessary longer-term arrangements. The emergency must involve a dependent of the employee. A dependent is the husband, wife, child or parent of the employee. It also includes someone who lives in the same household as the employee. For example, this could be a partner or an elderly aunt or grandparent who lives in the household.

In cases of illness or injury, or where care arrangements break down, a dependent may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only one who can help in an emergency. For example, this could be an aunt who lives nearby who the employee looks who falls unexpectedly, or an elderly neighbour living alone who falls and breaks a leg, where the employee is closest on hand at the time of the fall.

The right to time off does not extend to time off for domestic emergencies such as a breakdown of a heating boiler. Unpaid time off for these incidents is at the discretion of the Head of School or CEO.

The regulations do not give the right to paid time off for dependants. However, Teachers' conditions of service provide for up to two days, per year, per family discretionary paid leave to care for members of the immediate family in the case of sickness. This is applied to all staff within the Trust. Before requesting leave, staff are asked to consider whether there are any alternatives to taking time off work, including whether the need for time off to care for children is being shared by any partner.

## **8. Time off for Religious Observance**

The Trust follows recommendations that teachers and support staff on term time contracts may take up to three days leave with pay for this purpose in each academic year. This is a special arrangement for those staff who do not have a holiday entitlement other than during the school closure periods. The days can be taken only for the purpose of attendance at a religious ceremony or for observation of a religious festival which the member of staff is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a faith or religious order.

The Trust's arrangements do not provide for paid time off to prepare for festivities or days which may be used as family celebrations which are not the specified dates for the religious event. If the religious ceremony or festival falls at a weekend the time off is not transferable to the following working day.

Staff who are on all year-round contracts must use their normal holiday entitlement for the purpose of religious observance.

## **9. Time off for Public Duties and Activities**

Subject to the needs of the school/trust, employees are entitled to reasonable time off in order to carry out public duties and activities. For teachers, the time off is on a paid basis to a maximum of 20 days or 40 half days. Full-time support staff are entitled to 208 hours (approximately 28 days) paid leave for public duties each financial, with entitlement for part-timers calculated on a pro-rata basis.

## **10. Bereavement Leave**

All requests for bereavement leave will be treated sympathetically and, although granted at the discretion of the Head of School or CEO, will not normally be refused without good reason.

All staff are allowed up to two days with pay for immediate family for each bereavement (with extra travelling time of up to three days if necessary) see Appendix 1.

The leave need not be taken continuously and can be taken in accordance with the practical needs and circumstances of each case.

## **11. Appeals**

Appeals will be considered under the school's grievance procedure.

## Appendix 1 – Leave of absence schedule (all staff)

Discretion lies with the Headteacher/CEO or Trust Board.

	Reason for Absence	Maximum period of absence (per rolling 12 months)	With or without pay
1	Death of member of immediate family (defined below)	2 days  (and any additional days)	With pay  without pay
2	Wedding of any member of immediate family*	1 day	With pay
3	Wedding of member of family (other than immediate family)	1 day	Without pay
4	Jury service	Dependent on case	With pay  (employee must claim an allowance from court)
5	Attendance at interviews – posts connected with education	Headteacher's discretion	With pay
6	Attendance at interviews – college or university	Up to two colleges with a maximum of 3 days in total	With pay
7	Attendance at interviews – others	Headteacher's discretion	Without pay
8	Attendance at meetings of examiners for GCSE or other approved examinations	Headteacher's discretion	With pay
9	Attendance at courses (and for examination study and for examination) approved by the Headteacher (or relevant manager for centrally employed teachers)	Headteacher's discretion	With pay
	Other examination leave and study where not directly related to the teacher's job	Headteacher's discretion	With or without pay

11	Attendance at annual camp as volunteer member of TAVR and the like where this is clearly unavoidable	Up to five days and remainder	With pay or without pay
12	Attendance at a religious ceremony or observation of religious festival which the teacher is under a moral obligation to attend or observe by reason of his/her membership of, or office in, a church or religious order	Up to three days per year	With pay
13	Moving to A New House	One day	With pay
14	Representative of trade unions attending annual conferences and taking part in formal consultations at national or provincial level	See conditions of service	With pay
15	Illness of member of immediate family	3 separate occasions Additional days if needed to arrange alternative care	With pay Without pay
16	Hospital attendance of self and immediate member of family	3 occasions	With pay
17	Attendance at University Graduation Ceremony etc. where self or member of immediate family is receiving a degree, diploma or certificate	1 day	With pay
18	Attendance of husband/civil partner/co-parent at birth of child	Up to 2 days at the discretion of the headteacher	With pay

Notes:

Definitions of "immediate family"

For the purpose of this scheme "immediate family" shall include:

Wife Father Mother-in-law Stepchildren Partner Husband Mother Father-in-Law Stepmother Civil partner  
Son Sister Grandmother Stepfather Daughter Brother Grandfather

## Appendix 2 - Leave of Absence Request Form

TO BE COMPLETED BY THE EMPLOYEE

You are advised to read the Trust's policy on leave of absence before making your request for leave of absence.

Your name: .....

Post held: .....

Date of commencement of leave:.....

Time of commencement of leave:.....

Date of return to work:.....

Time of return to work:.....

I request that leave is granted WITH PAY / WITHOUT PAY (*delete as appropriate*)

**Reason for requesting leave making clear why term time leave is necessary:**

Confirmation seen by Line Manager: YES / NO Line Manager Initials: .....

Employee Signature:..... Date:.....

Line Manager Signature:..... Date:.....