



# Leave of Absence Policy

Version	3.0
Approved By	Trustee Board
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Review Date	September 2024

VERSION NO.	DATE OF CHANGE	CHANGE SUMMARY	PAGE NO.
1.0	24.6.20		
2.0	12.9.22	<p>Updated in new brand.</p> <p>Checked to Scheme of Delegation.</p> <p>Updated following recommendations from employment lawyer.</p>	
3.0	03.10.23	Updates to emergency leave (page 4) and religious observance (page 6)	

**This policy applies to all staff employed by the Trust.**

**In accordance with the Trust's Scheme of Delegation and Articles of Association, application of this policy is devolved to individual schools within The Trust, unless otherwise stated.**

**The constitution of formal panels will be determined by the Trust's Scheme of Delegation.**

**Data will be processed to be in line with the requirements and protections set out in the UK General Data Protection Regulation.**

## **1. PURPOSE**

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- 1.1 The Board of Trustees recognises the diverse workforce it employs which includes a high percentage of people with caring responsibilities as well as those with other personal commitments, interests and beliefs and who, at some point within their working lives, may require leave of absence to deal with matters that fall outside of the Attendance Management Policy.
- 1.2 This policy sets out the Trust's approach for dealing with requests for leave of absence and employees' entitlements to paid or unpaid leave. It does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Board.
- 1.3 The Board will, wherever possible, seek to achieve for its employees a balance between home and work-life and whilst every effort will be made to grant leave in line with this policy, it is recognised that due to the structured nature of the school timetable some requests for leave may not be approved. Any decisions on the granting of leave must be made in a fair and consistent way and take into consideration the impact of the request on the delivery of teaching and learning within the school.
- 1.4 For everything, other than an emergency, we would expect staff to give reasonable notice.

## **2. THE LAW**

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- 2.1 Under the Employment Rights Act 1996, as amended, employees are entitled by Law to take reasonable unpaid time off work to deal with unexpected or sudden emergencies involving dependents and to make any longer-term arrangements.

This right to time off arises in circumstances such as death, sudden illness/hospitalisation, injury or assault of a dependent or the unexpected disruption of a dependent’s care arrangements. A dependent could be a spouse, partner, child, grandchild, parent, or someone who depends on an employee for care.

2.2 Other types of leave requested by employees may include statutory leave (such as maternity leave) which the school must adhere to, unless the necessary exemptions can be obtained by the employee and the school.

2.3 In the interests of equality, fairness and consistency the granting of leave of absence in the school will be made within the framework of this policy which adheres to specific legislation and relevant conditions of service. For teachers these can be found in the Conditions of Service for School Teachers in England and Wales (Burgundy Book) and for support staff in the National Joint Council (NJC) for Local Government Services (Green Book).

### 3. LEAVE OF ABSENCE TABLE

3.1 The table below reflects the Trust’s position in relations to all aspects of leave falling within this policy. It has been produced to ensure that the Trust adopts a consistent approach to dealing with all requests for leave and in addition the decisions on pay.

3.2 This policy will use a rolling 12-month period for calculation purposes.

Leave	Duration	Paid/Unpaid
Rolling 12-month period used for calculation purposes		
1. Emergency and Compassionate Leave		
a. Emergency leave: <i>(Unforeseen issues, including relating to the care of dependents)</i>	Immediate 24 hours. Up to 48 hours (max) for a crisis situation	Paid for 1 day per rolling 12-month period. Headteachers can permit up to 3 paid non-consecutive occasions per rolling 12-month period at their discretion
b. Compassionate Leave: <i>(Usually confined to cases of bereavement or extreme dependent care situations/hospitalisation)</i>	Up to 5 days (Or an additional 3 days where this follows 2 days emergency leave).	Up to 5 days paid. Or time off may be unpaid.
c. Additional compassionate	Up to an additional 5 days	Paid

leave: <i>(Granted in exceptional/life threatening circumstances)</i>	(a max. of 10 days leave in total).	
d. Funeral	1 day for immediate family	Paid
<b>2. Medical and Welfare Appointments</b>		
a. Medical screening i.e., cancer screening, breast examination at hospital	Time off to be agreed where this cannot be arranged outside of work. Proof of appointment to be provided if requested.	Paid
b. Day surgery or inpatient treatment	Proof of appointment to be provided if requested	To be recorded as sick leave.
c. Fertility/IVF Treatment	Proof of treatment / appointment required if requested.	1 paid day to attend initial appointment. <i>(Absence to be recorded as sick leave if accompanied by GP fit note).</i>
d. Gender Reassignment	Proof of treatment / appointment required if requested.	Unpaid for non-medical treatment. Absence to be recorded as sick leave if accompanied by GP fit note.
<b>3. Domestic Reasons for Absence</b>		
a. Moving house	1 day	Paid
b. Attending relatives wedding / civil ceremony	1 day	Unpaid
c. Graduation ceremony	1 day	Unpaid
d. Interview	Up to 5 days	1 day paid / 4 days unpaid
<b>4. Other Leave</b>		
Participation in Sporting Activities	Up to 2 days <i>(Supporting information to be provided where applicable)</i>	Unpaid
<b>5. Statutory Leave</b>		
a. Jury Service or formal attendance at court /tribunal or as a witness on behalf of The Crown, Police or Defence, or for	On average up to 10 days but can be longer	Unpaid Employees can claim loss of earnings from the court.

either side in a civil case		
b. Magisterial Duties (Justice of the Peace)	Up to a maximum of 18 days, or equivalent half days	Unpaid Employees can claim loss of earnings from the court.
c. Other Public Services Duties, including:	An <u>aggregate total</u> of 15 days (or 18 in the case of JPs or 20 in the case of LA Councillors)	Unpaid
• Local Councillor	1 days leave on day of poll	Paid
• A School Governor / Trustee	Up to 3 days	Paid
• Member of any statutory tribunal, for example employment tribunal	Up to 3 days	Paid
• Member of health authority	Up to 3 days	Paid
d. Trade Union Duties:	Reasonable time off may be granted (as per section 168 of TULRCA)	Unpaid
e. Reserve Forces Time off for Training	To be agreed between Headteacher and employee	Unpaid 2 weeks paid leave may be granted for the annual training camp
Mobilisation	Maximum duration of full-time service when call out is usually no more than 12 months, although the exact duration will depend on the nature of the deployment	Unpaid. The employee will receive a salary from the MoD
f. Retained Firefighters, Special Constables and Cadet Corps	Up to 5 days	Unpaid

g. Religious Observances and Beliefs	To be agreed between Headteacher and employee. Leave for the purpose of religious observance will be granted, unless there are exceptional circumstances which make it impossible for the employee to be released.	2 paid days
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